



# EXECUTIVE SUMMARY

## DOWNTOWN PROJECT AUTHORIZATION/ CONDITIONAL USE AUTHORIZATION / CEQA FINDINGS

**HEARING DATE: JUNE 10, 2021**

Record No.: 2017-014833PRJ  
Project Address: 469 STEVNESON STREET  
Zoning: C-3-G (Downtown-General) Zoning District  
160-F Height and Bulk District  
Downtown Plan Area  
Block/Lot: 3704/045  
Project Sponsor: 469 Stevenson Investment, LLC  
c/o: Tyler Kepler, Build, Inc.  
315 Linden Street  
San Francisco, CA 94102  
Property Owner: Nordstrom, Inc.  
1700 7th Avenue, Suite 1000  
Seattle, WA 98101  
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

**Recommendation: Approval with Conditions**

### Project Description

The proposed project ("Project") includes demolition of the existing surface parking lot and construction of a new 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment), with a total Gross Floor Area of approximately 426,000 square feet of residential uses and approximately 4,000 square feet of ground-floor retail. The Project includes a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units totaling 495 dwelling units, with 73 dwelling units allocated as affordable. The Project includes 166 off-street vehicle parking spaces (0.34 spaces/unit), 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and 3 freight loading spaces within a below-grade garage. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a density bonus of 42.5%, thereby maximizing residential density on the Site.

## Required Commission Action

The following is a summary of actions that the Commission must consider and are required to implement the Project:

- 1) Adopt findings under CEQA, including findings rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (“MMRP”);
- 2) Adopt findings to approve a Downtown Project Authorization pursuant to Planning Code Section 309 to permit a project greater than 50,000 square feet of floor area within the C-3 Zoning District;
- 3) Request for review of waivers and incentives/concessions under the Individually Requested State Density Bonus Program (Section 206.6), pursuant to California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345);
- 4) Adopt findings to approve Conditional Use Authorization pursuant to Planning Code Sections 124(f) and 303 to permit additional square footage above that permitted by the base floor area ratio limits for the construction of on-site, affordable dwelling units.

## Issues and Other Considerations

- **Public Comment & Outreach.** The Project Sponsor has conducted community outreach to stakeholders that includes local community groups, nearby residents, and owners of nearby businesses. The Project Sponsor has held dozens of meetings and discussions, collectively representing outreach to more than 100 individuals or groups. Key neighborhood stakeholder groups include Filipino Community Development Corporation, SOMA Neighborhood Resident Council, Tenderloin People’s Congress, SOMA Pilipinas and South of Market Community Action Network. To date, the Department has received five (5) letters in support and one (1) letter in opposition to the proposed Project. Letters of support laud the Project’s goal of delivering 495 dwelling units to an underutilized site. The letter of opposition raises concerns over traffic impacts associated with the Project.
- **Downtown Project Authorization.** The Project would result in a net addition of more than 50,000 square feet of gross floor area of space. Therefore, the Project is required to obtain Downtown Project Authorization, pursuant to Planning Code Sections 309. The Project is not seeking any exceptions under Planning Code Section 309.
- **State Density Bonus.** The Project is utilizing State Density Bonus Law, as provided under California Government Code Sections 65915-65918 (“the State Law”), as amended under Assembly Bill No. 2345 (AB-2345). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects invoking the State Law (Planning Code Section 206.6 for projects utilizing the Individually Requested State Density Bonus Program), the Project Sponsor has provided the Department with “Base Project” that includes 259,110 square feet of residential Gross Floor Area with a total of 347 dwelling units. Invoking the State Law,



the Project requests an incentive/concession from Height (Section 250), and waivers of the following development standards: 1) Maximum Floor Area Ratio (Section 123); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Bulk (Section 270).

In order to receive the 42.5% bonus of residential Gross Floor Area, the Project is required to provide 13% (45 units) of the Base Project as affordable to very low-income households, defined as those earning 50% of area median income (AMI). The balance of affordable units would include 4% (14 units) provided at the 80% AMI tier and 4% (14 units) provided at the 110% AMI tier, as required by Planning Code Section 415. In total, 73 units (33 studio, 19 one-bedroom, 13 two-bedroom, 7 three-bedroom, and 1 five-bedroom) will be allocated as BMR units.

The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus Program. As the provision of 73 on-site BMR units only satisfies approximately 70% of the total required affordable housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable Housing Fee, at the applicable rate of 30%. The Department estimates the affordable housing fee for the remainder of the inclusionary obligation to be approximately \$6.9M

- **Conditional Use Authorization.** The Project is requesting Conditional Use Authorization pursuant to Planning Code Sections 124(f) and 303 to permit additional square footage above what is permitted under the floor area ratio (FAR) limits for the construction of on-site, affordable dwelling units. Section 124(f) permits buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of the Code, to exempt additional floor area devoted to affordable housing from the FAR limits of the Code so long as the affordable units are provided for the Life of the Project, as defined in Section 401, to households whose incomes are up to 120% of AMI for rental units.

As the Project would provide on-site affordable rental units below the 120% AMI tier, the Project is therefore eligible to request Conditional Use Authorization pursuant to Section 124(f). Pursuant to the strict regulations of Section 124(f)(B), 56,702 square feet of residential Gross Floor Area devoted to affordable units is eligible for exemption under Section 124(f). Without the exemption of the residential Gross Floor Area devoted to affordable housing from the FAR limit, the building would need to be reduced by 56,702 square feet, resulting in a loss of approximately 66 dwelling units.

While Section 124(f) is unique to the C-3 District—it is only applicable to the C-3-G and C-3-S Districts—floor area ratio limits do not otherwise apply to dwellings or to other residential uses in R, RC, NC, and Mixed-Use Districts, pursuant to Section 124(b). As such, despite the Downtown Area Plan generally supporting high-density residential developments, unlike the C-3-O and C-3-O(SD) Districts, which have significantly higher FAR limits (18:1 and unrestricted, respectively), sites within the C-3-G, C-3-S, and C-3-R Districts are otherwise limited to a maximum FAR of 9:1.

Therefore, despite the otherwise (relatively) permissive land use controls of the C-3 Districts, subjecting residential Gross Floor Area within the C-3-G and C-3-S to strict FAR limits, unnecessarily restricts projects from otherwise maximizing residential density, including the production of on-site affordable housing. Policy 7.1 of the Downtown Area Plan specifically states that housing in excess of base FAR should be permitted in the C-3-G and C-3-S Districts. The Department concurs with this policy statement and therefore recommends

support of the Conditional Use Authorization request.

- **Residential Use Near Places of Entertainment.** The Project Site is located within 300 feet of entertainment uses. In accordance with the Entertainment Commission's approved recommended noise attenuation conditions Entertainment Commission staff determined on May 26, 2021 that a hearing on this project was not required under Section 116.7(b) of the Administrative Code. The Entertainment Commission recommends that the Planning Department and/or Department of Building Inspection impose standard conditions on the development permit(s) for either the Commercial Variant or Residential Variant, reflected in Exhibit A of the Downtown Project Authorization Motion (Case No. 2017-014833DNX).

## Environmental Review

The Department determined that an environmental impact report ("EIR") was required for the Project. On October 2, 2019, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting ("NOP") for the Project. Publication of the NOP initiated a 30-day public review and comment period that ended on November 1, 2019.

On March 11, 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 ("Commission") public hearing on the DEIR. On March 11, 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, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on March 11, 2020. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on March 11, 2020.

The Department then prepared the Comments and Responses to Comments ("RTC") on environmental issues received during the 61-day public review period for the DEIR document. The Final Environmental Impact Report (FEIR) document was published on May 26, 2021 and includes copies of all of the comments received on the DEIR and written responses to each comment. 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.

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and the Downtown Area Plan. The Project includes 495 dwelling units, adding a significant amount of housing to a site that is currently underutilized, well-served by existing transit, and is within walking distance of substantial goods and services. Future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site. The Project includes 73 on-site affordable housing units for rent, which would assist in meeting the City's affordable housing goals. The Project also improves the public rights of way with new streetscape improvements, street trees and landscaping.

## Attachments

Draft Motion – Downtown Project Authorization; Exhibit A: Conditions of Approval  
Draft Motion – Conditional Use Authorization; Exhibit A: Conditions of Approval  
Draft Motion – CEQA Findings; Attachment A: Findings  
Exhibit B – Plans & Renderings  
Exhibit C – MMRP  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos  
Exhibit F – Public Correspondence  
Exhibit G - Project Sponsor Brief  
Exhibit H – Inclusionary Affordable Housing Affidavit  
Exhibit I – Anti-Discriminatory Housing Affidavit  
Exhibit J – First Source Hiring Affidavit

**DRAFT MOTION:**  
**DOWNTOWN PROJECT AUTHORIZATION AND EXHIBIT A:**  
**CONDITIONS OF APPROVAL**



## PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: JUNE 10, 2021**

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Zoning: C-3-G (Downtown-General) Zoning District  
160-F Height and Bulk District  
Downtown Plan Area  
Block/Lot: 3704/045  
Project Sponsor: 469 Stevenson Investment, LLC  
c/o: Tyler Kepler, Build, Inc.  
315 Linden Street  
San Francisco, CA 94102  
Property Owner: Nordstrom, Inc.  
1700 7th Avenue, Suite 1000  
Seattle, WA 98101  
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
Recommendation: Approval with Conditions

**ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 AND AN INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6 AND GRANT A REQUEST FOR INCENTIVES AND WAIVERS. THE PROJECT WOULD UTILIZE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) AND REQUEST ONE INCENTIVE/CONCESSION FROM HEIGHT (SECTION 250) AND REQUEST WAIVERS FROM THE FOLLOWING DEVELOPMENT STANDARDS: 1) MAXIMUM FLOOR AREA RATIO (SECTION 123); 2) REQUIRED REAR YARD (SECTION 134); 3) MINIMUM USEABLE OPEN SPACE (SECTION 135); 4) DWELLING UNIT EXPOSURE (SECTION 140); 5) GROUND-LEVEL WIND CURRENTS (SECTION 148); AND 6) BULK (SECTION 260). THE PROJECT WOULD DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A 27-STORY, APPROXIMATELY 274-FOOT TALL RESIDENTIAL BUILDING FEATURING 495 DWELLING UNITS ABOVE APPROXIMATELY 4,000 SQUARE FEET OF GROUND-FLOOR RETAIL, 178 OFF-STREET VEHICLE PARKING SPACES, 4 CAR SHARE SPACES, 3 FREIGHT LOADING SPACES, 200 CLASS 1 AND 27 CLASS 2 BICYCLE PARKING SPACES. ; LOCATED AT 469 STEVENSON STREET, LOT 045 OF ASSESSOR'S BLOCK 3704, WITHIN THE C-3-G (DOWNTOWN-GENERAL) ZONING DISTRICT AND A 160-F HEIGHT AND BULK DISTRICT, MAKE FINDINGS RELATED TO STATE DENSITY BONUS LAW, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## PREAMBLE

On November 17, 2017, Katie O'Brien, on behalf of Build, Inc. ("Project Sponsor"), submitted an application with the Planning Department ("Department") for a Preliminary Project Assessment ("PPA") related to the proposed project ("Project") located at 469 Stevenson Street, Lot 45 of Assessor's Block 3704. The PPA Letter, assigned to Case No. 2017-014833PPA, was issued on May 17, 2018.

On November 17, 2017, the Project Sponsor filed an Environmental Evaluation Application and thereafter submitted a revised Application on May 31, 2018, with the Department. The application packet was deemed accepted on May 31, 2018 and assigned Case Number 2017-014833ENV.

On or after October 3, 2018, the Project Sponsor submitted the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on or after October 3, 2018 and assigned to Case Numbers: 2017-014833DNX; 2017-014833CUA; 2017-014833SHD; and 2017-014833TDM, respectively.

The Project involves the construction of a new 27-story, 274-foot-tall residential building containing 495 dwelling units. The Project Sponsor seeks to utilize the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"), as amended under Assembly Bill No. 2345 (AB-2345). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with "Base Project" including approximately 259,110 square feet of Residential gross floor area that would include housing affordable to very-low income households. Because the Project Sponsor is providing 13% of base project units of housing affordable to very-low income households, the Project seeks a density bonus of 42.5%, an incentive/concession from Height (Section 250), and waivers of the following development standards: 1) Maximum Floor Area Ratio (Section 123); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Bulk (Section 270).

The Department determined that an environmental impact report ("EIR") was required for the Project. On October 2, 2019, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting ("NOP") for the Project. Publication of the NOP initiated a 30-day public review and comment period that ended on November 1, 2019.

On March 11, 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 ("Commission") public hearing on the DEIR. On March 11, 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, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on March 11, 2020. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on March 11, 2020.

The Commission held a duly advertised public hearing on the DEIR on April 16, 2020 at which opportunity for public comment was given, and public comment was received on the DEIR. After a 61-day public review and comment period, starting on March 12, 2020, the period for acceptance of written comments ended on May 11, 2020.

The Department then prepared the Comments and Responses to Comments (“RTC”) on environmental issues received during the 61-day public review period for the DEIR document. The Final Environmental Impact Report (FEIR) document was published on May 26, 2021 and includes copies of all of the comments received on the DEIR and written responses to each comment.

The Commission reviewed and considered the FEIR for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

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.

On June 10, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application Nos. 2017-014833DNX, 2017-014833CUA, and 2017-014833ENV to consider the various approvals for the Project, including Downtown Project Authorization, Conditional Use Authorization and CEQA Findings.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2017-014833DNX 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 approves the Downtown Project Authorization as requested in Application No. 2017-014833DNX, 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 proposed project (“Project”) includes demolition of the existing surface parking lot and construction of a new 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment), with a total Gross Floor Area of approximately 426,000 square feet of residential uses (535,000 gross square feet), including approximately 4,000 square feet of ground-floor retail. The Project includes a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units totaling 495 dwelling units, with 73 dwelling units provided as on-site affordable dwelling units. The Project includes 166 off-street vehicle parking spaces, 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and 3 freight loading spaces within a below-grade garage. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a density bonus of 42.5%, thereby maximizing residential density on the Site.
3. **Site Description and Present Use.** The project site (“Site”) is a 28,790 square foot (0.66-acre) regular-shaped through lot located at 469 Stevenson Street, between 5th and 6th streets. The subject property (Lot 45 of Assessor’s Block 3704) contains 197 feet of frontage along Stevenson Street to north and 200 feet of frontage along Jessie Street to the south and is developed as a surface public parking lot accommodating 176 parking spaces.
4. **Surrounding Properties and Neighborhood.** The Site is located the South of Market (SoMa) neighborhood of San Francisco. Land uses in the surrounding area consist of a mix of retail, commercial office, industrial, hotel, and residential uses. The eastern boundary of the Site is adjacent to Clearway Energy’s thermal power station, Station T, which produces space heating, domestic hot water, air conditioning, and industrial process uses. The thermal power station is fully operational and includes six boilers and two gas stacks approximately 160 feet tall. Four buildings are adjacent to the west boundary of the Site, consisting of two 3-story hotels, a 3-story mixed-use building with commercial and hotel uses, and a 7-story mixed-use building with commercial and residential uses. Three buildings are located directly across from the Site on Stevenson Street. These buildings front Market Street and include two 7-story mixed-use buildings with commercial and office uses, and a 2-story commercial building. Four buildings are located directly across from the Site on Jessie Street consisting of automotive and office uses ranging from one to five-stories. The average height of buildings in the immediate area ranges from one to seven stories, approximately 40 to 100 feet in height. The height of buildings in the area generally increases east of the project site along Market Street with the maximum building height allowed up to 400 feet. The Site is located within the boundaries of the C-3-G (Downtown General Commercial) Zoning District, and the Downtown Plan Area. Other zoning districts in the vicinity of the Site include: C-3-R (Downtown Retail); C-3-S (Downtown Support); MUG (Mixed Use-General); P (Public); and the SoMa NCT (SoMa Neighborhood Commercial Transit District).
5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local community groups, nearby residents, and owners of nearby businesses. The Project Sponsor has held dozens of meetings and discussions, collectively representing outreach to



more than 100 individuals or groups. Key neighborhood stakeholder groups include Filipino Community Development Corporation, SOMA Neighborhood Resident Council, Tenderloin People's Congress, SOMA Pilipinas and South of Market Community Action Network. To date, the Department has received five (5) letters in support and one (1) letter in opposition to the proposed Project. Letters of support laud the Project's goal of delivering 495 dwelling units to an underutilized site. The letter of opposition raises concerns over traffic impacts associated with the Project.

**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 (Section 210.2).** The Planning Code lists the use controls for residential and non-residential uses within the C-3-G Zoning District

*The Project involves construction of a new 27-story residential building with a total Gross Floor Area of 425,644 square feet approximately (534,617 gross square feet) of residential uses, including 3,985 square gross feet of ground-floor retail. As both residential and retail sales and service uses are principally permitted uses within the C-3-G Zoning District, the Project complies with Section 210.2.*

**B. Floor Area Ratio (Sections 123, 124, and 128).** The Planning Code establishes a basic floor area ratio (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set in Section 210.2. The basic FAR limit for the C-3-G District is 6.0 to 1. Under Section 123, FAR can be increased to a maximum of 9.0 to 1 with the purchase of transferable development rights (TDR). Section 124(f) provides that in C-3-G and C-3-S Districts, additional square footage above that permitted by the base floor area ratio limits may be approved for construction of dwellings on the site of the building affordable for the Life of the Project to households whose incomes are within 150 percent of AMI for ownership units and up to 120% of AMI for rental units, subject to conditional use authorization.

*The Project Site is 28,790 square feet in size. Therefore, a Gross Floor Area of 172,740 square feet is permitted under the basic FAR limit of 6 to 1, and up to a maximum of 259,110 square feet is permitted with the purchase of TDR (up to 9 to 1 FAR). Conditions of Approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR (86,370 square feet). The Project proposes a total Gross Floor Area of 425,644 square feet, exceeding the maximum FAR limit of 9 to 1. As such, the Project requires Code relief from the maximum FAR limits established under Section 123.*

*The Project is seeking a 42.5% Density Bonus for an additional 110,120 square feet of residential Gross Floor Area. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and is seeking a waiver from the maximum FAR limits of Planning Code 123. See required State Density Bonus findings under Section 7.*

*The Project requests Conditional Use Authorization to permit 56,702 square feet of additional residential Gross Floor Area to accommodate dwelling units that are affordable for the Life of the Project, pursuant to Code Sections 124(f) and 303. Pursuant to the strict regulations of Section 124(f)(B), 56,702 square*

*feet of residential Gross Floor Area devoted to affordable units is eligible for exemption under Section 124(f). Without the exemption of the residential Gross Floor Area devoted to affordable housing from the FAR limit, the building would need to be reduced by 56,702 square feet, resulting in a loss of approximately 66 dwelling units. With benefit of Condition Use Authorization pursuant to Section 124(f), 56,702 square feet of Gross Floor Area devoted to affordable housing would be exempt from the FAR limits. The Project Sponsor has filed a Conditional Use Authorization application (Case No. 2017-014833CUA. See required findings for the Conditional Use Authorization under Motion No. XXXXX for Case No. 2017-014833CUA.*

- C. Rear Yard (Section 134(a)(1)).** The Planning Code requires that the Project provide a rear yard equal to 25 percent of the lot depth at the first level containing a dwelling unit, and at every subsequent level. Exceptions to the rear yard requirements may be granted if the building location and configuration assure adequate light and air to the residential units and the open space provided.

*The Site is a through lot, with a total lot depth of 145 feet (as measured from Jessie Street). Therefore, the required rear yard for the subject lot is 36'-4". The building's massing is positioned closest to the Jessie Street frontage, with no setbacks proposed from Jessie Street. The Project includes a 39'-8" setback along the center portion of the Stevenson Street frontage, commencing on Level 2. With the center portion of the podium set back from Stevenson Street, the building form resembles two "wings" along the rear and side lot lines. While the residential tower (floors 6 – 27) fully conforms with the rear yard requirement, the two wings of the podium (floors 2-5), which also contains dwelling units, partially or fully encroaches into the rear yard setback. As the wing's massing would encroach into the required rear yard, thereby breaking up the continuous rear yard from property line to property line, the Project therefore requires Code relief from Section 134(a)(1). See required State Density Bonus findings under Section 7.*

- D. Useable Open Space (Section 135).** The Planning Code requires that a minimum of 36 square feet of private usable open space, or 48 square feet (1.33 times 36 square feet) of common usable open space be provided for dwelling units in C-3 zoning districts. The area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

*The Project provides private balconies for 22 of the 495 dwelling units that meet the strict dimensional and locational requirements for private useable open space (Code Section 135(f)). For the balance of the 473 dwelling units, 22,647 square feet of common useable open space would be required. The Project includes two solariums plus a small open area open to sky above located at the ground floor that meet the strict dimensional requirements for common useable open space (Code Section 135(g)(3)). In total, the solariums and open area provide 11,184 square feet of common useable open space. The Project requires an additional 11,463 square feet of common open space to meet the requirements of Section 135(g). See required State Density Bonus findings under Section 7.*

- E. Publicly Accessible Open Space (Section 138).** The Planning Code requires new buildings, or additions of Gross Floor Area equal to 20 percent or more to an existing building, in the C-3-G zoning district to provide public open space at a ratio of one square-foot per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

*The Project is predominately residential and features a Gross Floor Area of less than 5,000 square feet of non-residential uses (retail uses) on the ground floor occupying less than 75% of the total ground floor. Pursuant to Section 102, the retail sales and service floor area is exempt from the calculation of gross floor area. Therefore, the Project is not subject to Planning Code Section 138.*

- F. Streetscape and Pedestrian Improvements (Section 138.1).** The Planning Code requires that additions of Gross Floor Area equal to 20 percent or more to an existing building provide streetscape improvements consistent with the Better Streets Plan. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

*The Project Sponsor shall comply with this requirement. The Project would provide sidewalk improvements along Stevenson Street and Jessie Street in accordance with the city's Better Streets Plan. These sidewalk improvements would include enhanced sidewalk paving, tree planting areas along Jessie Street, landscaped strips along Stevenson Street, bicycle racks, and relocation of one existing streetlight along Jessie Street to Stevenson Street near the driveway entrance. The Project would widen the existing sidewalk along the project frontage along Stevenson Street from 7 to 9 feet by stepping back the ground floor of the building from the property with the sidewalk width along Jessie Street unchanged. The Project would also not result in any new bus stops or changes to existing bus stops in the vicinity of the project site.*

- G. Standards for Bird-Safe Buildings (Section 139).** The Planning Code outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The Project Site is not located near an Urban Bird Refuge as defined in Section 139. As such, the Project will include feature-related standards. Therefore, the Project complies with Section 139.*

- H. Dwelling Unit Exposure (Section 140).** The Planning Code requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Site is a through lot with Stevenson and Jessie Streets both meeting the minimum requirements established by Code to qualify as open areas. As such, all dwelling units that face onto either Stevenson or Jessie Streets meet exposure requirements. Along the interior lot lines, the Project includes a 26'-2" setback along the eastern property line, and 18'-6" setback along the western property line. The setback along the eastern property line meets the minimum requirements established by Code to qualify as open areas. As such, all dwelling units that face the eastern property line meet exposure requirements. The setback along the western property line does not meet the minimum requirements established by Code to qualify as open areas. Therefore, 80 dwelling units spread across 26 floors (or 16% of the total unit count) do not meet exposure requirements. Overall, the Project's massing is arranged on the Site to maximize access to light and air for all 495 dwelling units. In total, 415 of the 495 dwelling units (or 84%) meet the exposure requirements of the Code. See required State Density Bonus findings under Section 7.*

- I. Street Frontage in Commercial Districts (145.1(c)).** The Planning Code requires that within Downtown Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building’s frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project includes a variety of active uses on the ground floor that meet the strict requirements of the Planning Code. Along the Jessie Street frontage are two, separate retail spaces, totaling approximately 4,000 square feet, a building lobby that is less than 25 percent of the length of the frontage, and common useable open space that is accessible directly from the street. The retail spaces are variable in depth, and are at least 25 feet deep at all locations, meeting the strict active use requirements of Section 145.1(c)(3). Along the Stevenson Street frontage are two, separate solariums functioning as accessory residential uses (one as lounge, the other as a fitness center), a secondary building lobby that is less than 25 percent of the length of the frontage, building-serving mechanical equipment, and the entrance to the off-street loading dock and below-grade parking garage. The ground floor height is 14 feet tall, meeting the strict requirements of Section 145.1(c)(4). Therefore, the Project complies with Section 145.1.*

- J. Shadows on Public Sidewalks (Section 146).** The Planning Code establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings should be shaped so as to reduce substantial shadow impacts on public sidewalks, if doing so would not create an unattractive design and without unduly restricting the development potential of the site in question.

*Section 146(a) does not apply to Stevenson or Jessie Streets, and therefore does not apply to the Project. Regarding Section 146(c), the Project could create new shadow on nearby streets and sidewalks at times of day and throughout the year when these areas would not already be shaded by existing buildings in the area. At certain times of day and year, the Project would cast net new shadow on nearby sidewalks, including those along Stevenson Street, Jessie Street, Fifth Street, and Sixth Street. Most of the sidewalks in this area are already shaded by existing buildings and, given that sidewalks are typically used by pedestrians traveling between destinations and not as a recreational resource, the additional project-*

*related shadow would not substantially affect the use of the sidewalks. Shadow from the Project on nearby sidewalks would be transitory in nature. The amount of shadow cast on sidewalks would vary based on time of day, day of year, and weather conditions. Additionally, in certain locations, existing and future development would mask or subsume new shadows from the Project that would otherwise be cast on sidewalks in the Project vicinity. Overall, the Project would not increase the amount of shadow on the sidewalks above levels that are common and generally expected in developed urban environments. Therefore, the Project complies with Section 146.*

- K. Shadows on Public Open Spaces (Section 147).** The Planning Code requires new buildings in the C-3 districts exceeding 50 feet in height to be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site, to reduce substantial shadow impacts on public plazas and other publicly-accessible spaces other than those under the jurisdiction of the Recreation and Parks Department under Section 295. The following factors shall be taken into account: (1) the amount of area shadowed; (2) the duration of the shadow; (3) the importance of sunlight to the type of open space being shadowed.

#### Background

*A shadow study was performed by a qualified consultant (Prevision Design) that analyzed potential shadow impacts on publicly-accessible spaces caused by net new project shadow. Prevision Design created a 3D computer model of the Project to evaluate the shadow impacts. The context model was used to generate a full-year shadow fan diagram, which depicts all areas that would receive net new shadow (factoring in the presence of current and intervening shadow from existing buildings) between one hour after sunrise through one hour before sunset ("the daily analysis period") throughout the year.*

*As there are no broadly established or accepted methodologies for technical evaluation of shadow effects under the San Francisco General Plan or CEQA, for review of shadow impacts on open spaces not subject to Section 295, the Planning Department typically adapts many of the Section 295 technical standards. This analysis uses many of the standards for review of shadow under Section 295. Although the Project would not shade any Section 295 open space, the shadow fan analysis prepared by Prevision Design follows the criteria adopted by the Recreation and Parks Commission and the Planning Commission in 1987 and 1989.*

#### Analysis

*There are no existing public or private open space facilities located on the Site. Further, the Project does not have the potential to affect any public open spaces that are under the jurisdiction of the Recreation and Park Commission, or any other public parks or privately-owned open spaces, including several in the vicinity of the project, such as Boedekker Park, Hallidie Plaza, the Westfield public roof terrace, the public Intercontinental roof terrace, or Yerba Buena Gardens. Net new project shadow would not affect these properties due to the distance and location of these spaces relative to the Site, the design of the proposed project, and/or due to shadow cast by existing intervening buildings.*

*The Project would increase shadow cast near the Site. Existing, publicly-accessible open space within potential reach of net new project shadow include UN Plaza (about 0.4-mile to the northwest of the Site) and Mint Plaza (about 0.1-mile to the northeast of the Site).*

#### UN Plaza

*UN Plaza experiences 140,940,789 annual square foot-hours (sfh) of shadow under current conditions. Based on a Theoretical Annual Available Sunlight (TAAS) of 380,427,255 sfh, the UN Plaza's annual shadow*

load is 37.048 percent. The highest amount of shadow cast under current conditions occurs in the early morning and late afternoon hours, with the midday hours being the least shaded. This pattern occurs year-round; however, overall shading is greater over the winter months as compared to the summer months. The Project would result in net new shadow falling on UN Plaza, adding approximately 9,693 net new annual sfh of shadow and increasing sfh of shadow by 0.003 percent above current levels from 37.048 percent to 37.051 percent. Net new shadow on UN Plaza that would be cast by the Project would occur between approximately May 4th through August 8th and would be present for up to 22 minutes in the early morning (no net new shadow would be present later than 7:30 a.m. on any date). Specifically, the day of maximum net new shadow on UN Plaza would occur on June 21st starting at 6:46 a.m. and lasting for approximately 10 minutes. During this time, the area of net new shadow cast would be 1,649 square feet in size, representing 1.6 percent of the total plaza area. The size and duration of proposed project-generated net new shadow would vary on other dates within the affected period, with net new shadow lasting between 0 and 22 minutes. Net new shadow on UN Plaza generated by the Project would have an average duration of approximately 10 minutes.

The areas affected by net new shadow include areas that were not observed to be the most used by visitors, such as small portions of the plaza hardscape area, the McAllister point of public entry, and portions of the water feature. Furthermore, the date which has the maximum amount of net new shadow throughout the day would occur at a time early in the day when shadows are shortening and all net new shadow would leave the plaza prior to 7:30 a.m., and prior to the start of the types of events that were observed to increase user activity in UN Plaza, such as the farmer's market and arts and crafts fair.

Therefore, net new project shadow would not be expected to substantially and adversely affect the use and enjoyment of UN Plaza and shadow impacts on UN Plaza would be less than significant.

#### Mint Plaza

Mint Plaza experiences 39,688,461 annual sfh of shadow under current conditions. Based on a TAAS of 57,665,807 sfh, Mint Plaza's annual shadow load is 68.82 percent. Mint Plaza is surrounded on most sides by multi-story development which generates substantial shading on the plaza during the morning and mid- to late afternoon hours, and throughout the day over the winter months. Midday and early afternoon hours are the least shaded under current conditions, with the greatest sunlight availability occurring over the summer months.

The Project would result in net new shadow falling on Mint Plaza, adding approximately 325,407 net new annual sfh of shadow and increasing sfh of shadow by 0.56 percent above current levels from 68.82 percent to 69.38 percent. Net new shadow on Mint Plaza that would be cast by the Project would occur between approximately September 21st through March 21st and would be present for up to 90 minutes in the mid- to late afternoon (no net new shadow would be present just before 2 p.m. or later than 4:30 p.m. on any date). The largest area of net new shadow cast would be 5,811 square feet and occur on November 1st and February 8th at 2:30 p.m. Figure 23 depicts the size and location of the largest shadow cast on Mint Plaza by the Project.

The longest duration of net new shadow on Mint Plaza due to the proposed project would occur on February 15th and October 25th when the Project would generate new shadow over the northwestern half of the plaza starting just prior to 2 p.m. and be present for approximately 90 minutes. The size and duration of project-



*generated net new shadow would vary on other dates within the affected period, with net new shadow lasting between zero and 90 minutes. Net new shadow generated by the Project would have an average duration of approximately 60 minutes.*

*While the observed uses of Mint Plaza were largely transitory in nature, portions of Mint Plaza that would likely be more sensitive to the addition of net new project shadow would be features that are fixed in location, conducive to more stationary activities (where users remain rather than pass through) or are observed to be currently well used by the public. The seating wall areas in Mint Plaza would likely qualify as the most sensitive areas as would the areas where movable seating is typically placed. The sensitivity of these areas would likely be increased if net new shadow were to occur at times of the day when the plaza is typically more unshaded and when such features would typically receive higher levels of use, such as around the midday hours.*

*Throughout the year, net new shadow due to the Project would occur in the mid- to late afternoon. The largest net new shadow profile would cover about one-third of the plaza area and would occur on the northeastern side fronting Fifth Street. Plaza users occupying the seating wall areas in the late afternoon would experience shadow falling on that area approximately one hour earlier in the afternoon than under current conditions. This may affect use of this feature which was observed to be occupied by 10 to 15 people over the course of both afternoon site observation visits. The net new project shadow would additionally shade an area adjacent to the Mint building an hour earlier than under current conditions. This is an area where users were observed using movable chairs. Other areas of the plaza would either be unaffected due to the presence of existing shadow or observed to be areas of predominantly transitory uses. Due to the size, duration and location of shadow cast on Mint Plaza from the Project, the time of day the net new shadow would occur, and the number of users observed in the open space areas identified as most sensitive areas, the new shadow cast by the Project could substantially affect the use and enjoyment of Mint Plaza and result in a significant shadow impact.*

*Other than a reduction in building height or a change in building mass, no further modification of the Project would eliminate the net new shadow on Mint Plaza. Reducing the building height or changing the building mass would reduce the development program of the Project. Therefore, there is no feasible mitigation to reduce this impact to a less-than-significant level and this impact is significant and unavoidable.*

### **Conclusion**

*The Project would increase shadow on UN Plaza by approximately 0.003 percent (as a percent of TAAS), however, the net new project shadow would not adversely affect the use and enjoyment of this public open space area. The Project would also increase shadow on Mint Plaza by approximately 0.56 percent (as a percent of TAAS). Due to the extent, duration, and location of the increased shadow coverage from the Project on Mint Plaza and the number of users that were observed in this open space area, the Project could adversely affect the use and enjoyment of this public open space area, resulting in a significant impact. Therefore, the Project could result in a significant and unavoidable shadow impact on Mint Plaza. Specifically, two (2) CEQA impacts were identified in the FEIR:*

***Impact SD 11.2** The proposed project could create new shadow that could substantially and adversely affect the use and enjoyment of publicly accessible open spaces. (Significant and Unavoidable); and*

*Impact CīSDīy*: The proposed project, in combination with reasonably foreseeable projects, could create new shadow in a manner that could substantially and adversely affect the use and enjoyment of publicly accessible open spaces. (Significant and Unavoidable)

No feasible mitigation measures to reduce shadow impacts on Mint Plaza have been identified. Therefore, the Project requires the Planning Commission adopt findings under CEQA, including findings rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

- L. Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).** Within the C-3 zoning districts, new buildings are required to be shaped, or other wind-baffling measures adopted, so that the building will not cause ground-level wind currents to exceed the comfort level of 11 m.p.h equivalent wind speed in areas of substantial pedestrian use or 7 m.p.h. equivalent wind speed in public seating areas, for more than 10 percent of the time year-round, between 7 am and 6 pm. If pre-existing wind speeds exceed the comfort level, or if the building would cause speeds to exceed the comfort level, the building should be designed to reduce wind speeds to the comfort level.

#### *Background*

A wind study was performed by a qualified consultant (ARUP) that analyzed ground-level wind currents in the vicinity of the Site. The study included a wind tunnel test that analyzed wind speeds under four scenarios: existing, existing-plus-project, cumulative, and cumulative-plus-project. Pedestrian-level wind speeds were measured at 63 locations for each of the four scenarios. Locations for wind speed sensors, or study test points, were selected to indicate how the general flow of winds would be directed around the project buildings. Consistent with Section 148, the locations of test points are placed adjacent to the Site, in frequently used areas (e.g., public seating areas, entrances, retail frontages, walking zones), and in areas expected to experience higher wind speeds. The wind testing included multiple iterations of design scenarios to develop a design that would comply with the wind hazard criterion of Section 148.

#### *Analysis*

Under the existing-plus-project scenario, while the average wind speed would increase from approximately 22 mph to 24 mph, none of the 63 locations tested would exceed the wind hazard criterion of 36 mph. Therefore, the Project would not create wind hazards that affect publicly accessible areas of substantial pedestrian use and this impact would be less than significant.

Under existing conditions, wind speeds in the vicinity of the project site average 11.6 mph for all measurement locations. Winds at 34 of the 63 locations currently exceed the 11-mph pedestrian comfort criterion established by Section 148. Winds at 61 of the 63 locations currently exceed the 7-mph seating comfort criterion established by Section 148. Under the existing-plus-project conditions, average wind speeds for all measurement locations would increase by 0.8 mph, to 12.4 mph, and the seating comfort criteria would be exceeded at all 63 locations. The pedestrian comfort criteria would be exceeded at 39 of the 63 locations. For the cumulative conditions with the proposed project, the average wind speed for all test locations would increase by 1.3 mph, to 12.3 mph.

#### *Conclusion*



*Overall, the Project would result in additional seating comfort criterion exceedances across 61 of the 63 test locations by about 1 mph on average, with two (2) new locations exceeding the seating comfort criterion and pedestrian comfort criterion exceedances across 39 of 63 locations by about 1 mph, with five (5) new locations exceeding the pedestrian comfort criterion. Although the Project was designed to reduce the ambient wind speeds, the proposed building cannot be shaped and other wind-baffling measures cannot be adopted to further reduce wind speeds without physically precluding the Project at the density permitted under the Density Bonus Law. See required State Density Bonus findings under Section 7.*

- M. Off-Street Parking (Section 151.1).** The Planning Code does not require any off-street parking spaces be provided, but instead provides maximum parking amounts of parking permitted as accessory based on land use type. Off-street accessory parking for all non-residential uses in the C-3-G zoning district is limited to 7% of the gross floor area for such uses. For residential uses, one off-street parking space is principally permitted for every two dwelling units.

*The Project includes 166 off-street accessory parking spaces for the 495 dwelling units, which, equates to a parking ratio of approximately 0.34 spaces/dwelling unit. The independently-accessible parking spaces would be located within three levels of a below-grade garage. The Project does not include any accessory parking for the retail sales and service uses. As the parking ratio for residential uses (0.34 spaces/dwelling unit) is less than the maximum permitted by Code (0.5 spaces/dwelling unit), the Project therefore complies with Section 151.1.*

- N. Off-Street Freight Loading (Sections 152.1, 153, 154).** The Planning Code requires certain amounts of off-street freight loading space based on the type and size of uses in a project. For office, 0.1 spaces are required for every 10,000 gross square feet, rounded to the nearest whole number. For hotels and residential units, 2 off-street spaces are required between 200,001 and 500,000 gross square feet of each use, and hotel and residential uses exceeding 500,000 gross square feet are required 3 spaces, plus one space for each additional 400,000 gross square feet. Pursuant to Section 153(a)(6), two service vehicle spaces can be substituted for one required freight loading space if at least 50% of the required number of freight loading spaces are provided. Planning Code Section 154 sets forth standards as to location and arrangement of off-street freight loading and service vehicle spaces. Off-street loading spaces are required to have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except that the first freight loading space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

*The Project includes a total of 3 off-street freight loading spaces meeting the dimensional requirements of the Code, with two service vehicle spaces substituted for one required freight loading, pursuant to Section 154(b)(2). The approximately 24-foot-wide garage entrance along the Stevenson Street frontage provides a shared opening for both off-street accessory parking and freight loading, which, is encouraged per Code Section 155(s)(4)(a)). As the minimum number of required off-street freight loading is provided, the Project therefore complies with Sections 152.1, 153, and 154.*

- O. Off-Street Parking and Loading in C-3 Districts – Parking and Loading Access (Section 155(s)(4)).** The Planning Code restricts any single development to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one

façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. Within the C-3 Zoning District, the maximum permitted width of a shared parking and loading garage opening is 27 feet.

*The Project includes a single, approximately 24-foot-wide garage entrance along the Stevenson Street frontage provides a shared opening for both off-street accessory parking and freight loading, which, is encouraged per Code Section 155(s)(4)(a)). Therefore, the Project complies with Section 155(s)(4).*

*Related to on-street passenger and freight loading, the Project would relocate the existing commercial loading zone (yellow curb) west of the Site and convert the existing street parking to passenger loading (white curb). In addition, some of the existing street parking on Stevenson Street would be converted to passenger loading. The passenger loading zone on Stevenson Street is proposed near a pedestrian entrance for the Project.*

- P. Bicycle Parking (Sections 155.1, 155.2).** The Planning Code establishes bicycle parking requirements for new developments, depending on use. For projects with over 100 residential dwelling units, 100 Class 1 spaces are required, plus 1 additional space for every four units over 100. One Class 2 space is required for every 20 dwelling units. One Class 1 space is required for every 7,500 square feet of occupied floor area devoted to Restaurants, Limited Restaurants, and Bars. One Class 2 space is required for every 750 square feet of occupied retail area devoted to Restaurants, Limited Restaurants, and Bars, and in no case less than two Class 2 spaces. Class 1 spaces must be located within a secure, weather-protected facility and intended for long-term use by residents and employees. Class 2 spaces must be located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

*The Project includes 200 Class 1 and 27 Class 2 bicycle parking spaces (where 200 Class 1 and 27 Class 2 spaces are required by Code). The Class 1 bicycle parking spaces will be located on first floor ("Level B1") of the below-grade, off-street automobile parking garage, within a secure, weather-projected facility, with independent access via an elevator meeting the dimensional requirements of the Code. The Class 2 bicycle parking spaces will be located along the both the Stevenson Street and Jessie Street frontages. Therefore, the Project complies with Sections 155.1 and 155.2.*

- Q. Transportation Management Programs (Section 163).** The Planning Code requires, for all applicable projects, that property owner provide on-site transportation brokerage services for the actual lifetime of the project.

*The Project contains over 100,000 square feet of residential use (or 100 dwelling units) and is therefore subject to the requirements of Section 163. The Project will provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of a temporary permit of occupancy, the property owner shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services. Therefore, the Project complies will Section 163.*

- R. Car Sharing (Section 166).** The Planning Code establishes requirements for new developments to provide off-street parking spaces for car-sharing services. The number of spaces depends on the amount and type of residential or office use. One car share space is required for any project with between 50-200 residential units. Projects with over 200 residential units but less than 400 units require two spaces. For

non-residential uses, one space is required if the project provides 25-49 off-street spaces for those uses. One car share space is required for every 50 additional parking spaces devoted to non-residential use. The car-share spaces must be made available to a certified car-share organization at the building site or within 800 feet of it.

*The Project includes 12 car-share spaces for the residential use (495 dwelling units) where 4 are required by Code. Pursuant to Section 166(g)(1), additional car-share parking spaces are permitted beyond the maximum amount permitted, to the extent needed, when such additional car-share parking spaces are part of a Project's compliance with the Transportation Demand Management (TDM) Program. The eight (8) additional car-share spaces are proposed as part of the Project's compliance with the TDM program. Therefore, the Project complies with Section 166.*

- S. Unbundled Parking (Section 167).** The Planning Code requires all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.

*The Project will lease or sell all accessory off-street parking spaces separately from the rental or purchase fees for dwelling units for the life of the dwelling units. Therefore, the Project complies with Section 167.*

- T. Transportation Demand Management (TDM) Plan (Section 169).** The Planning Code requires applicable projects to finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit.

*The Project submitted a completed Environmental Evaluation Application on May 31, 2018. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 28 points. As currently proposed, the Project will achieve a total of 28 points through the following TDM measures:*

- *Bicycle Parking (Option A)*
- *Bicycle Repair Station*
- *Bicycle Share Membership (Location B)*
- *Car-share Parking (Option A)*
- *Deliver Supportive Amenities*
- *Family TDM Package*
- *Improve Walking Conditions (Option D)*
- *Multimodal Wayfinding Signage*
- *On-Site Affordable Housing*
- *Parking Supply (Option D)*
- *Real Time Transportation Displays*
- *Tailored Transportation Marketing Services*
- *Unbundled Parking (Location E)*

*Therefore, the Project complies with Section 169.*

- U. Dwelling Unit Mix (Section 207.7).** The Planning Code requires that no less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms and that no less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three-bedroom requirement may also count towards the requirement for units with two or more bedrooms.

*The Project will provide the following dwelling unit mix: 192 studios (39%); 149 one-bedroom units (30%), 96 two-bedroom units (19%), 50 three-bedroom units (10%), and 8 five-bedroom units (2%). With 31% of the dwelling units containing at least two bedrooms, the Project meets the dwelling unit mix requirement. Therefore, the Project complies with Section 207.7.*

- V. Height (Section 250).** The Planning Code requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height.

*The Project is located within a 160-F Height and Bulk District. As such, the total height of the building is otherwise limited to 160 feet above grade. The Project proposes a structure reaching a height of 274 feet to the top of the last occupiable story, with mechanical equipment and penthouses above, reaching a height of 284. Up to 20 feet for rooftop mechanical equipment and screening for such feature are exempt from the height measurements of the Code, under Section 260(b)(1)(F)(ii). The building has been designed with setbacks along three of the four sides so that the massing will not overwhelm the Site, helping to reinforce a pedestrian scale along Stevenson Street.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes to seek an incentive/concession that would allow an exception from the development standards for height, which are defined in Sections 250 through 252. The incentive/concession results in identifiable and actual cost reductions for the project as it reduces the costs necessary to build an additional elevator shaft and core, while increasing the potential rents for the units at upper floors (see findings within Section No. 7). See required State Density Bonus findings under Section 7.*

- W. Bulk (Section 270).** The Planning Code establishes bulk controls by district. For buildings located within the “F” Bulk District, the following bulk controls apply above 80 feet: a maximum length of 110 feet and a maximum diagonal dimension of 140 feet.

*The Project was designed to maximize residential density and therefore occupies most of the large, rectilinear-shaped parcel measuring 200' x 145'. The building's plan length of 155'-4" and diagonal length of 190'-6" exceed the maximum permitted length dimension by 25'-4" and maximum diagonal dimension by 50'-6" at the height at which bulk controls apply (80 feet). See required State Density Bonus findings under Section 7.*

- X. Shadows on Parks (Section 295).** The Planning Code requires a shadow analysis for projects over

40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

*The Department prepared an initial shadow fan that indicated the Project could potentially cast new shadow on Boedekker Park, a property under the jurisdiction of the San Francisco Recreation and Park Department. The initial Department analysis did not account for the precise articulation of the envelope of the Project, nor did it account for the shading from existing buildings.*

*During the iterative review process, the Project was subsequently modified to eliminate all net new shadows on properties subject to review under Section 295. After reviewing and analyzing a supplemental analysis prepared by the Project Sponsor, the Department issued a "No Impact Letter" on March 12, 2020. Department staff concurs with the supplemental analysis in that no net new shadow will be cast upon Boedekker Park because the shadow cast by the Project would not be long enough to reach the Park during the hours regulated by Section 295. Therefore, the Project complies with Section 295.*

- Y. Review of Residential, Hotel, and Motel Projects (Section 314).** In addition to any other factors appropriate for consideration under the Planning Code, the Planning Department and Planning Commission shall consider the compatibility of uses when approving Residential Uses, Hotel Uses, or Motel Uses, as those terms are defined in Chapter 116 of the Administrative Code, adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential, hotel, or motel project takes into account the needs and interests of both the Places of Entertainment and the future residents or guests of the new development. Such considerations may include, among others: (a) the proposed project's consistency with applicable design guidelines; (b) any proceedings held by the Entertainment Commission relating to the proposed project, including but not limited to any acoustical data provided to the Entertainment Commission, pursuant to Administrative Code Section 116.6; and (c) any comments and recommendations provided to the Planning Department by the Entertainment Commission regarding noise issues related to the project pursuant to Administrative Code Section 116.7.

*The Project is located within 300 radial feet of a Place of Entertainment ("POE") and is subject to Chapter 116 of the Administrative Code. On April 29, 2021, the Entertainment Commission received notification of the Project. In accordance with the Entertainment Commission's approved recommended noise attenuation conditions Entertainment Commission staff determined on May 26, 2021 that a hearing on the Project was not required under Section 116.7(b) of the Administrative Code. The Commission recommends that the Planning Department and/or Department of Building Inspection impose standard conditions on the development permit(s) for the Project. Therefore, the Project complies with Section 314.*

- Z. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

*The Project includes a Gross Floor Area of approximately 426,000 square feet of new residential use associated with the new construction of 495 dwelling units. This square footage shall be subject to the*

*Transportation Sustainability Fee, as outlined in Planning Code Section 411A.*

**AA. Residential Child-Care Impact fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

*The Project includes a Gross Floor Area of approximately 426,000 square feet of new residential use associated with the new construction of 495 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.*

**BB. Inclusionary Affordable Housing Program (Section 415).** The Planning Code 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. Projects seeking a density bonus under the State Density Bonus Law shall use the Combination alternative set forth in Section 415.5(g)(1)(D). A Project Application was accepted on July 14, 2016; therefore, pursuant to Planning Code Section 415.3 and 415.5(g), the Inclusionary Affordable Housing Program requirement for the On-site Housing Alternative is to provide 19% of the proposed dwelling units in the base density project as affordable. Through the Combination alternative, the Project may provide up to 19% of the proposed units in the base project as affordable.

*The Project is utilizing the Individually Requested State Density Bonus Program pursuant to Planning Code Section 206.6 and California Government Code Sections 65915-65918, as revised under Assembly Bill No. 2345 (AB 2345), to achieve a 42.5% density bonus, thereby maximizing the Site's residential density. The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus Program. The Affordable Housing Fee will apply to the square footage of the Project that is attributable to the bonus.*

*In accordance with the Planning Department's policies regarding projects invoking the State Law (Planning Code Section 206.6 for projects utilizing the Individually Requested State Density Bonus Program), the Project Sponsor has provided the Department with "base density project" (portion of the development permissible under existing zoning) that includes 259,110 square feet of residential Gross Floor Area with a total of 347 dwelling units.*

*The Project Sponsor has demonstrated that it is eligible for the Combination Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing 19% of the units in the base density project and pay the Affordable Housing Fee for square footage of the Project that is attributable to the bonus floor area conferred. In order for the Project Sponsor to be eligible to provide On-Site Affordable units, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on May 26, 2021. The applicable percentage is dependent on the total 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 May 31, 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 19% of the total proposed dwelling units in the base density project as affordable, with a minimum of 11% of the units affordable to low-income households, 4% of the units affordable to moderate-income households, and the remaining 4% of the units affordable to middle-income households, as defined by the Planning Code and Procedures Manual.*

*In order to receive the 42.5% bonus of residential Gross Floor Area, the Project is required to provide 13% (45 units) of the Base Project as affordable to very low-income households, defined as those earning 50% of area median income (AMI). The balance of affordable units would include 4% (14 units) provided at the 80% AMI tier and 4% (14 units) provided at the 110% AMI tier, as required by Planning Code Section 415. In total, 73 units (33 studio, 19 one-bedroom, 13 two-bedroom, 7 three-bedroom, and 1 five-bedroom) will be allocated as BMR units.*

*The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus Program. In total, 73 units (33 studio, 19 one-bedroom, 13 two-bedroom, 7 three-bedroom, and 1 five-bedroom) will be allocated as BMR units. As the provision of 73 on-site BMR units only satisfies approximately 70% of the total required affordable housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable Housing Fee, at the applicable rate of 30%. The Department estimates the affordable housing fee for the remainder of the inclusionary obligation to be approximately \$6.9M*

**CC. Public Art (Section 429).** The Planning Code Section requires a project to include works of art costing an amount equal to one percent of the construction cost of the building for construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District.

*The Project includes a Gross Floor Area of approximately 426,000 square feet of new residential use associated with the new construction of 495 dwelling units. The Project will comply with this Code requirement by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.*

**7. State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

**A.** The Housing Project is eligible for the Individually Requested Density Bonus Program.

*The Project consists of five or more dwelling units on a site in the C-3-G Zoning District that is currently developed as a surface parking lot and is, therefore, eligible for the Individually Requested Density Bonus Program.*

*The Project provides at least 13% of the proposed dwelling units (45 units) as affordable, rental units to very low-income households, defined as those earning 50% of area median income, and is therefore*

*entitled to a 42.5% density bonus under California Government Code Sections 65915-65918, as revised under Assembly Bill No. 2345 (AB 2345).*

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

*The Project is requesting one (1) concession or incentive under the Individually Requested Density Bonus Program. The Project proposes construction of a single 27-story tower, 274 feet in height which exceeds the allowable height by 114 feet. Expanding the Project's buildable envelope is necessary to accommodate the affordable housing provided under the State Density Bonus Law. The Project Sponsor explored several options related to building shape and height. However, increasing the Project height to 274 feet was deemed necessary because of hazardous wind conditions created by a shorter, squatter structure as well as identifiable and actual cost reductions from the construction of a single-core tower. In 2018, ARUP, a qualified wind consultant tested over thirty configurations of the Project including a tower that occupied the entire Site at a lower height. The preliminary wind studies found that a wider tower in this location increases windiness because its larger frontage area which faces prevailing winds creates a greater downward deflection of wind energy. This downward wind energy results in a hazardous wind condition along the east side of Jessie Street towards Mint Plaza. It also creates a large suction zone on the leeward side of the building further increasing windiness on Jessie Street to a hazardous level. To accommodate a larger building envelope for the affordable units while not creating a wind hazard, a taller, slender tower was deemed necessary.*

*The taller, slender tower form also results in identifiable cost savings. The floorplate has been optimized to provide great daylight into the residential units and be as structurally efficient as possible. At 15,955 square feet, the Project's tower floorplate can be achieved in a single concrete pour per floor, allowing a weekly pour cycle per floor. The size and symmetrical layout of the floorplate also allows the central core to be the singular shear resisting element. A larger floorplate in a shorter building would have several qualitative and financial drawbacks. First, the units would be much deeper impacting daylighting within the units. The larger floorplate would require two concrete pours, significantly increasing the construction schedule. The larger floorplate would also require additional shear walls or multiple cores to support the structure, which again would increase the schedule due to additional work needed to form necessary support and pour the concrete. The increase to the schedule and the additional work and concrete would increase construction costs by approximately two percent (2%). The cost to construct a floorplate that fills the entire site would be about a 20% increase in the structural frame cost. Assuming a construction cost of \$360 million, the increase in cost would be \$7.2 million, which means construction of a single core building reduces construction costs by \$7.2 million. Granting of an incentive will result in identifiable and actual cost reductions that will allow construction of the affordable housing units proposed.*

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.



*The Project includes the demolition of the existing surface parking lot and construction of a new 27-story residential building. The Project would contain a mix of 192 studios, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units totaling 495 dwelling units, with 73 dwelling units provided as affordable.*

*In order to achieve the proposed residential density, the Project is requesting one incentive or concession from Height (Section 250), in addition to six waivers from development standards, including: Maximum Floor Area Ratio (Section 123); Rear Yard (Section 134); Common Useable Open Space (Section 135); Dwelling Unit Exposure (Section 140); Ground-Level Wind Current (Section 148); and Bulk (Section 270). Without the waivers, the Project will be physically precluded from constructing the additional 148 units as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 42.5% density bonus.*

***Maximum Floor Area Ratio ~~Section 123~~** In order to create a Code-compliant structure with regard to FAR limits, the building would need to be reduced by 110,120 square feet. Without the waiver, this will result in a loss of 82 units, including 7 affordable units. As such, the Project requires Code relief from the maximum FAR limits established under Section 123. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver from the maximum FAR limits of Planning Code 123.*

***Rear Yard ~~Section 134~~** In order to create a Code-compliant structure with regard to rear yard requirements, the Project would need to eliminate the portions of the building's podium that extends to the property line along Stevenson (within the required rear yard). This would result in the loss all eight (8) of the Project's large, family-sized, five-bedroom units. In addition, the building's podium form was incorporated into the overall Project design to address wind hazard conditions. The elimination of the building's podium that extends to the property line along Stevenson (within the required rear yard) will create a wind hazard thereby eliminating the ability to construct the Project since no exceptions may be granted to buildings that cause net new wind hazards. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for rear yard, which are defined in Planning Code 134.*

***Common Useable Open Space ~~Section 135~~** In order to provide additional useable open space, units on the building's top floor could be removed and replaced with a common roof terrace and solarium. However, such a change in programming would result in a loss of 12 dwelling units. Alternatively, private balconies could be added to 318 units. These private balconies would need to be added to the Stevenson Street elevation as well as the interior, lot line elevations. However, the majority of private balconies placed along the interior lot lines would not meet the strict locational requirements of the Code, thereby necessitating additional Code relief. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has*

elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for common useable open space, which are defined in Section 135(g).

**~~Dwelling Unit Exposure Section 140~~**. In order to create a Code-compliant structure with regard to dwelling unit exposure, the building would need to be set back an additional 6 feet 6 inches along the western property line. This would result in a loss of 17,888 square feet of buildable area, with 20 dwelling units, including (3) affordable units. Strict compliance with the Code's exposure requirement would necessitate an increased building setback along the western property line, resulting in a reduction in the Project's overall residential floor area, ultimately physically precluding the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for dwelling unit exposure, which are defined in Section 140.

**~~Ground-Level Wind Current Section 148~~**. As part of the environmental analysis prepared under CEQA, a wind tunnel analysis of a Code-compliant, Reduced Density Alternative was undertaken. The Reduced Density Alternative is a 160-foot structure that steps back at 80-feet in compliance with the bulk requirements. The alternative design project had a mean wind speed for all locations of 11.3 m.p.h. with an exceedance of pedestrian wind comfort criteria at 32 of 63 locations and exceedance of public seating comfort criteria at 62 of 63 locations. The alternative design project decreased the mean wind speeds by -0.3 m.p.h. and eliminated pedestrian wind comfort exceedances at 2 locations and eliminates public seating comfort exceedances at 1 location over current conditions. The Reduced Density Alternative had 346 units. To create a Code-compliant structure, such as the Reduced Density Alternative, would result in a loss of 149 dwelling units, including 7 affordable units. Strict compliance with the Code's ground-level wind current requirements would result in a reduction in the Project's overall residential floor area, ultimately physically precluding the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for ground-level wind current requirements, which are defined in Section 148.

**~~Bulk Section 270~~**. The Project proposes a tower with a maximum length of 155 feet 4 inches and a maximum diagonal of 190 feet and 6 inches at a height above 80 feet. This exceeds the maximum length by 25 feet 4 inches and the maximum diagonal by 50 feet 6 inches. In order to create a Code-compliant structure, the Project would lose 4,209 square feet per floor for a maximum floorplate of 11,746 square feet. Over 17 tower floors, it would be a loss of 71,533 square feet. Assuming a unit size of 900 gross square feet, it would be a loss of 79 dwelling units and 12 inclusionary units. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for bulk, which are defined in Section 270.

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

*The Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.*

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

*The requested Density Bonus for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

*The Project is residential only (the minor amount of ground-floor retail is exempt from the calculation of Gross Floor Area).*

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

**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.

**OBJECTIVE 4**

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

Policy 4.1

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

Policy 4.4

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

Policy 4.5

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

**OBJECTIVE 11**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**Policy 12.2**

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

**Policy 12.3**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1**

Support “smart” regional growth that located new housing close to jobs and transit.

Policy 13.3

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

**GENERAL PLAN: 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.

Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.1

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

**GENERAL PLAN: TRANSPORTATION**

**Objectives and Policies**

**OBJECTIVE 2**

**USE THE EXISTING TRANSPORTATION INFRASTRUCTURE AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

Policy 2.1

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

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 7**

**EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.**

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

**OBJECTIVE 10**

**ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.**

Policy 10.2

Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

*The Project includes 495 dwelling units, adding a significant amount of housing to a site that is currently underutilized, well-served by existing transit, and is within walking distance of substantial goods and services. Future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site. The Project includes 73 on-site affordable housing units for rent, which assist in meeting the City's affordable housing goals. The Project also improves the public rights of way with new streetscape improvements, street trees and landscaping. On balance, the Project is consistent with the Objectives and Policies of the City's General Plan and the Downtown Area Plan.*

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

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

*The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses.*

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

*The Project would not negatively affect existing housing and neighborhood character. The Project would not displace any housing given the Site is developed as a surface parking lot (non-residential use) and does not contain any housing. The Project would improve the existing character of the neighborhood by developing a high-density residential structure with 495 dwelling units, including on-site affordable units. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, 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 provide 495 dwelling units, adding to the City's housing supply. The Project will comply with the City's Inclusionary Affordable Housing Ordinance, providing 73 Below Market Rate units on-site, as well as payment of the Affordable Housing Fee for the bonus density floor area conferred through the State Density Bonus Program.*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Site is well-served by transit as it is located within one block of a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services. The Project also provides accessory off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests such that neighborhood parking will not be overburdened by the addition of new residents.*

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

*The Project is predominately residential and would not negatively affect the industrial and service sectors, nor would it displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by neighborhood serving retail and residential medium- and high-rise buildings.*

- 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 constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

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

*The Project would cast a new shadow on UN Plaza and Mint Plaza as well as on Mary Plaza and the Civic Center Public Realm. Mary Plaza and the Civic Center Public Realm are not constructed, and*

*the Civic Center Public Realm has not been approved. Given their locations relative to the Project, the amount of shadow cast on these two future open space areas would be minimal and would not impact their access to sunlight and vistas.*

*The Project would increase shadow on UN Plaza by approximately 0.003 percent (as a percent of TAAS), however, the net new project shadow would not adversely affect the use and enjoyment of this public open space area. The Project would also increase shadow on Mint Plaza by approximately 0.56 percent (as a percent of TAAS). Due to the extent, duration, and location of the increased shadow coverage from the Project on Mint Plaza and the number of users that were observed in this open space area, the Project could adversely affect the use and enjoyment of this public open space area, resulting in a significant impact. No feasible mitigation measures to reduce shadow impacts on Mint Plaza have been identified. Therefore, the Project requires the Planning Commission adopt findings under CEQA, including findings rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.*

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

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

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



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2017-014833DNX** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated May 25, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the FEIR and contained in the MMRP are included as Conditions of Approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 309 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 10, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 10, 2021

## EXHIBIT A

### Authorization

This authorization is for a **Downton Project Authorization** relating to a Project that would allow for the construction a new 27-story residential building containing 495 dwelling units with a total Gross Floor Area of approximately 426,000 square feet of residential use (approximately 535,000 gross square feet), including approximately 4,000 square feet of ground-floor retail located at 469 Stevenson Street, within Assessor's Block 3704, Lot 045 pursuant to Planning Code Sections 210.2 and 309 within the C-3-G (Downtown General Commercial) Zoning District and 160-F Height and Bulk District; in general conformance with plans, dated **May 25, 2021**, and stamped "EXHIBIT B" included in the docket for Record No. **2017-014833DNX** and subject to conditions of approval reviewed and approved by the Commission on **June 10, 2021** under Motion No. **XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 10, 2021** under Motion No. **XXXXX**.

### Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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 also obtain Conditional Use Authorization, pursuant to Sections 124(f) and 303, to permit additional square footage above that permitted by the base floor area ratio limits for the construction of on-site, affordable dwelling units, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

- 7. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

## Entertainment Commission – Noise Attenuation Conditions

- 9. Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on May 26, 2021. 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 (email).
- 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.
- iii. During the design phase, project sponsor shall consider an outdoor lighting plan at the development site to protect residents as well as patrons of surrounding Places of Entertainment.

**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**

**10. 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 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

**11. 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 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

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

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

- 13. Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

- 14. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: private site area accessible from either Stevenson or Jessie Streets. 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.sfpbpublicworks.org](http://www.sfpbpublicworks.org)*

- 15. 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)*

- 16. 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)*

- 17. Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

## Parking and Traffic

- 19. 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)*

- 20. Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

- 21. Car Share.** Pursuant to Planning Code Section 166, no fewer than 4 car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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



- 22. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than **227** bicycle parking spaces (**200 Class 1** and **27 Class 2** spaces for the residential portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

- 23. Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **166** off-street parking spaces.

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

- 24. Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide **3** off-street loading spaces.

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

- 25. 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

- 26. 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 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

- 27. 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)*

**28. 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 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

**29. 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 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

**30. State Density Bonus Regulatory Agreement.** Recipients of development bonuses under this Section 206.6 shall enter into a Regulatory Agreement with the City, as follows.

- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
- B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.
- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
  - i. The total number of dwelling units approved for the Housing Project, including the number of restricted affordable units;
  - ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing restricted affordable units;
  - iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the affordable units;
  - iv. Term of use restrictions for the life of the project;
  - v. A schedule for completion and occupancy of restricted affordable units;

- vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
- vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement); and
- viii. Other provisions to ensure implementation and compliance with Section 206.6.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

### 31. Inclusionary Affordable Housing Program.

- A. Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 19% of the proposed dwelling units in the base density project as affordable to qualifying households. The Base Project contains 347 units; therefore, 66 affordable units are required. The Project is seeking a 42.5% density bonus under California Government Code Sections 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345). In order to qualify for a 42.5% bonus, at least 13% of units in the base project must be provided to very low-income households. The project is providing seven (7) additional affordable units to qualify for a 42.5% density bonus; therefore, the total number of affordable dwelling units to is 73 units (up from 66 units). 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").
- B.** The addition of seven (7) affordable units at the 50% AMI tier would therefore bring the total number of affordable dwelling units to 73 units (up from 66 units), increasing the effective inclusionary affordable housing rate to 21% of the Project's Base Density (up from 19%). 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 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- C. Unit Mix.** The Project contains 192 studios, 149 one-bedroom, 96 two-bedroom, 50 three-bedroom, and 8 five-bedroom units; therefore, the required affordable unit mix is 33 studios, 19 one-bedroom, 13 two-bedroom, 7 three-bedroom, and 1 five-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- D. Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 19% of the proposed dwelling units in the base density project as affordable to qualifying households. At least 11% must be affordable to low-income households, at least 4% must be affordable to moderate income households, and at least 4% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. In order to qualify for a 42.5% bonus, at least 13% of units in the base project must be provided to very low-income households; therefore, the project is providing seven (7) additional affordable units at 50% AMI, as defined in CA Govt. Code Section 65915. 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 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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 or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with

the requirements in effect at the time of conversion.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- H. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than nineteen percent (19%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- L. 20% below market rents.** Pursuant to PC Section 415.6, the maximum affordable rents shall be no higher than 20% below market rents for the neighborhood within which the project is located, which shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood rents and sales prices on an annual basis.
- M. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415.701.5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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; 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 11% of the units affordable to low-income households, 4% to moderate-income households, and the remaining 4% of the units affordable to middle-income households such as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual. In order to qualify for a 42.5% density bonus, the project is providing seven (7) additional units as affordable to very low-income households, as defined in the CA Government Code Section 65915.

- iii. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households earning 50% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% of AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus Law units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to (55) percent of Area Median Income under the Inclusionary Affordable Housing Program, using income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco," and shall remain affordable for the remainder of the life of the Project. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. The remaining units being offered for rent shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; and (iii) subleasing are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iv. 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.
- v. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- vi. 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.

- vii. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

- 36. Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

## Monitoring - After Entitlement

- 37. 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)*

- 38. 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)*

- 39. 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

- 40. 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.sfpublishworks.org](http://www.sfpublishworks.org)*

- 41. 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)*

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

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

**DRAFT MOTION:**  
**CONDITIONAL USE AUTHORIZATION AND EXHIBIT A:**  
**CONDITIONS OF APPROVAL**



## PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: JUNE 10, 2021**

Record No.: 2017-014833CUA  
Project Address: 469 STEVNESON STREET  
Zoning: C-3-G (Downtown-General) Zoning District  
160-F Height and Bulk District  
Downtown Plan Area  
Block/Lot: 3704/045  
Project Sponsor: 469 Stevenson Investment, LLC  
c/o: Tyler Kepler, Build, Inc.  
315 Linden Street  
San Francisco, CA 94102  
Property Owner: Nordstrom, Inc.  
1700 7th Avenue, Suite 1000  
Seattle, WA 98101  
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
Recommendation: Approval with Conditions

**ADOPTING FINDINGS TO APPROVE CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 124(f) AND 303 TO PERMIT ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO LIMITS FOR CONSTRUCTION OF DWELLINGS ON THE SITE OF THE BUILDING THAT WILL BE AFFORDABLE FOR THE LIFE OF THE PROJECT, AS PART OF A PROJECT THAT WOULD DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A 27-STORY, APPROXIMATELY 274-FOOT TALL RESIDENTIAL BUILDING FEATURING 495 DWELLING UNITS, WITH A GROSS FLOOR AREA OF APPROXIMATELY 426,000 SQUARE FEET AND APPROXIMATELY 4,000 SQUARE FEET OF GROUND-FLOOR RETAIL, 166 OFF-STREET VEHICLE PARKING SPACES, 12 CAR SHARE SPACES, LOCATED AT 469 STEVENSON STREET, LOT 045 OF ASSESSOR'S BLOCK 3704, WITHIN THE C-3-G (DOWNTOWN-GENERAL) ZONING DISTRICT AND A 160-F HEIGHT AND BULK DISTRICT.**

## PREAMBLE

On November 17, 2017, Katie O'Brien, on behalf of Build, Inc. ("Project Sponsor"), submitted an application with the Planning Department ("Department") for a Preliminary Project Assessment ("PPA") related to the proposed project ("Project") located at 469 Stevenson Street, Lot 45 of Assessor's Block 3704. The PPA Letter, assigned to Case No. 2017-014833PPA, was issued on May 17, 2018.

On November 17, 2017, the Project Sponsor filed an Environmental Evaluation Application and thereafter submitted a revised Application on May 31, 2018, with the Department. The application packet was deemed accepted on May 31, 2018 and assigned Case Number 2017-014833ENV.

On or after October 3, 2018, the Project Sponsor submitted the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on or after October 3, 2018 and assigned to Case Numbers: 2017-014833DNX; 2017-014833CUA; 2017-014833SHD; and 2017-014833TDM, respectively.

The Project involves the construction of a new 27-story, 274-foot-tall residential building containing 495 dwelling units. The Project Sponsor seeks to utilize the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"), as amended under Assembly Bill No. 2345 (AB-2345). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with "Base Project" including approximately 259,110 square feet of Residential gross floor area that would include housing affordable to very-low income households. Because the Project Sponsor is providing 13% of base project units of housing affordable to very-low income households, the Project seeks a density bonus of 42.5% and invokes an incentive/concession from Height (Section 250), and waivers of the following development standards: 1) Maximum Floor Area Ratio (Section 123); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Bulk (Section 270).

The Department determined that an environmental impact report ("EIR") was required for the Project. On October 2, 2019, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting ("NOP") for the Project. Publication of the NOP initiated a 30-day public review and comment period that ended on November 1, 2019.

On March 11, 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 ("Commission") public hearing on the DEIR. On March 11, 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, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on March 11, 2020. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on March 11, 2020.

The Commission held a duly advertised public hearing on the DEIR on April 16, 2020 at which opportunity for public comment was given, and public comment was received on the DEIR. After a 61-day public review and comment period, starting on March 12, 2020, the period for acceptance of written comments ended on May 11, 2020.

The Department then prepared the Comments and Responses to Comments (“RTC”) on environmental issues received during the 61-day public review period for the DEIR document. The Final Environmental Impact Report (FEIR) document was published on May 26, 2021 and includes copies of all of the comments received on the DEIR and written responses to each comment.

The Commission reviewed and considered the FEIR for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

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.

On June 10, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application Nos. 2017-014833DNX, 2017-014833CUA, and 2017-014833ENV to consider the various approvals for the Project, including Downtown Project Authorization, Conditional Use Authorization and CEQA Findings.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2017-014833CUA 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 approves the Conditional Use Authorization as requested in Application No. 2017-014833CUA, 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 proposed project (“Project”) includes demolition of the existing surface parking lot and construction of a new 27-story residential building reaching a height of 274-feet tall (284-feet including rooftop mechanical equipment), with a total Gross Floor Area of approximately 426,000 square feet of residential uses (535,000 gross square feet), including approximately 4,000 square feet of ground-floor retail. The Project includes a mix of 192 studio units, 149 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units totaling 495 dwelling units, with 73 dwelling units provided as on-site affordable dwelling units. The Project includes 166 off-street vehicle parking spaces, 12 car-share spaces, 200 Class 1 and 27 Class 2 bicycle parking spaces, and 3 freight loading spaces within a below-grade garage. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a density bonus of 42.5%, thereby maximizing residential density on the Site.
3. **Site Description and Present Use.** The project site (“Site”) is a 28,790 square foot (0.66-acre) regular-shaped through lot located at 469 Stevenson Street, between 5th and 6th streets. The subject property (Lot 45 of Assessor’s Block 3704) contains 197 feet of frontage along Stevenson Street to north and 200 feet of frontage along Jessie Street to the south and is developed as a surface public parking lot accommodating 176 parking spaces.
4. **Surrounding Properties and Neighborhood.** The Site is located the South of Market (SoMa) neighborhood of San Francisco. Land uses in the surrounding area consist of a mix of retail, commercial office, industrial, hotel, and residential uses. The eastern boundary of the Site is adjacent to Clearway Energy’s thermal power station, Station T, which produces space heating, domestic hot water, air conditioning, and industrial process uses. The thermal power station is fully operational and includes six boilers and two gas stacks approximately 160 feet tall. Four buildings are adjacent to the west boundary of the Site, consisting of two 3-story hotels, a 3-story mixed-use building with commercial and hotel uses, and a 7-story mixed-use building with commercial and residential uses. Three buildings are located directly across from the Site on Stevenson Street. These buildings front Market Street and include two 7-story mixed-use buildings with commercial and office uses, and a 2-story commercial building. Four buildings are located directly across from the Site on Jessie Street consisting of automotive and office uses ranging from one to five-stories. The average height of buildings in the immediate area ranges from one to seven stories, approximately 40 to 100 feet in height. The height of buildings in the area generally increases east of the project site along Market Street with the maximum building height allowed up to 400 feet. The Site is located within the boundaries of the C-3-G (Downtown General Commercial) Zoning District, and the Downtown Plan Area. Other zoning districts in the vicinity of the Site include: C-3-R (Downtown Retail); C-3-S (Downtown Support); MUG (Mixed Use-General); P (Public); and the SoMa NCT (SoMa Neighborhood Commercial Transit District).
5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local community groups, nearby residents, and owners of nearby businesses. The Project Sponsor has held dozens of meetings and discussions, collectively representing outreach to

more than 100 individuals or groups. Key neighborhood stakeholder groups include Filipino Community Development Corporation, SOMA Neighborhood Resident Council, Tenderloin People's Congress, SOMA Pilipinas and South of Market Community Action Network. To date, the Department has received five (5) letters in support and one (1) letter in opposition to the proposed Project. Letters of support laud the Project's goal of delivering 495 dwelling units to an underutilized site. The letter of opposition raises concerns over traffic impacts associated with the Project.

- 6. Planning Code Compliance.** The Planning Code Compliance as set forth in Downtown Project Authorization Motion No. XXXXX apply to this Conditional Use Authorization Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. Floor Area Ratio (Sections 123, 124, and 128).** The Planning Code establishes a basic floor area ratio (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set in Section 210.2. The basic FAR limit for the C-3-G District is 6.0 to 1. Under Section 123, FAR can be increased to a maximum of 9.0 to 1 with the purchase of transferable development rights (TDR). Section 124(f) provides that in C-3-G and C-3-S Districts, additional square footage above that permitted by the base floor area ratio limits may be approved for construction of dwellings on the site of the building affordable for the Life of the Project to households whose incomes are within 150 percent of AMI for ownership units and up to 120% of AMI for rental units, subject to conditional use authorization.

*The Project Site is 28,790 square feet in size. Therefore, a Gross Floor Area of 172,740 square feet is permitted under the basic FAR limit of 6 to 1, and up to a maximum of 259,110 square feet is permitted with the purchase of TDR (up to 9 to 1 FAR). Conditions of Approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR (86,370 square feet). The Project proposes a total Gross Floor Area of 425,644 square feet, exceeding the maximum FAR limit of 9 to 1. As such, the Project requires Code relief from the maximum FAR limits established under Section 123.*

*The Project requests Conditional Use Authorization to permit 56,702 square feet of additional residential Gross Floor Area to accommodate dwelling units that are affordable for the Life of the Project, pursuant to Code Sections 124(f) and 303. Pursuant to the strict regulations of Section 124(f)(B), 56,702 square feet of residential Gross Floor Area devoted to affordable units is eligible for exemption under Section 124(f). Without the exemption of the residential Gross Floor Area devoted to affordable housing from the FAR limit, the building would need to be reduced by 56,702 square feet, resulting in a loss of approximately 66 dwelling units. With benefit of Condition Use Authorization pursuant to Section 124(f), 56,702 square feet of Gross Floor Area devoted to affordable housing would be exempt from the FAR limits.*

*The Project is also seeking a 42.5% Density Bonus for an additional FAR of 110,122 square feet. Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver from the maximum FAR limits of Planning Code 123. See required State Density Bonus findings under Section 7 of the Downtown Project Authorization, under Motion No. XXXXX for Case No. 2017-*

014833DNX.

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

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

*Allowing the Project to exempt 56,702 square feet of Gross Floor Area devoted to affordable housing from the Floor Area Ratio (FAR) limits of the Planning Code is necessary and desirable for the neighborhood because it will allow the Project to provide significantly more dwelling units while revitalizing an underutilized parcel currently operating as a surface parking lot. The additional floor area allowed—and corresponding additional inclusionary units—will assist in alleviating the City’s housing shortage for numerous families and smaller households, including low-income families.*

*The additional affordable units that are allowed, as a result of exempting the Gross Floor Area devoted to affordable housing from the FAR limits, will result in a greater influx of residents to the neighborhood, bolstering pedestrian activity, and strengthening the customer base for retail uses in the neighborhood. The Project, with the additional Gross Floor Area devoted to affordable housing, is compatible with the neighborhood and community as the surrounding neighborhood includes a mix of ground-floor commercial uses with residential uses located above the ground-floor.*

- 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:

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

*The size and shape of the Site, including the proposed size, shape and arrangement of the proposed structure, is appropriate for accommodating a high-density residential development with the additional Gross Floor Area devoted to affordable housing. Further, the height and overall massing of the Project that results from the additional floor area is appropriate for the Site and the neighborhood. The building has been carefully designed in a single-tower scheme to hold the street wall along Jessie Street and Stevenson Street and provide adequate light and air to each of the proposed dwelling units.*

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

*The Project would not adversely affect transit in the neighborhood, even with the additional floor area for the inclusionary units. The Site is located within an dense, urban context, where convenience goods and services are available within walking distance. Given the proximity of*

*multiple public transit alternatives (BART, MUNI, and Ca/Train) and the on-site bicycle parking, the Project is not expected to generate a significant amount of vehicular traffic.*

*The Project includes 166 off-street accessory vehicle parking spaces, 12 car-share spaces, and 3 freight loading spaces within a below-grade garage. The 166 off-street accessory parking spaces for the 495 dwelling units, equates to a parking ratio of approximately 0.34 spaces/dwelling unit. The Project does not include any accessory parking for the retail sales and service uses. The parking ratio for residential uses (0.34 spaces/dwelling unit) is less than the maximum permitted amount (0.5 spaces/dwelling unit) as principally permitted by Planning Code Section 151.1.*

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

*The Project, which is predominantly residential in nature, will not emit any noxious odors or other offensive emissions, even with the additional Gross Floor Area devoted to affordable housing. While some temporary increases in noise can be expected during construction, this noise will not be greater as a result of the additional floor area. Regardless of the Project's floor area, the construction noise will be limited in duration and will be regulated by the San Francisco Noise Ordinance, which prohibits excessive noise levels from construction activity and limits the permitted hours of work. During construction, appropriate measures will be taken to minimize dust and noise as required by the Building Code. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare.*

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

*The Project, with additional Gross Floor Area devoted to affordable housing, provides both common and private useable open space that meets the strict dimensional and location requirements of Planning Code Section 135. The Project provides private balconies for 22 of the 495 dwelling units that meet the strict dimensional and locational requirements for private useable open space (Code Section 135(f)). The Project includes two solariums at the ground floor that meet the strict dimensional and requirements for common useable open space (Code Section 135(g)(3)).*

*The Project would provide sidewalk improvements along Stevenson Street and Jessie Street in accordance with the city's Better Streets Plan. These sidewalk improvements would include enhanced sidewalk paving, tree planting areas along Jessie Street, landscaped strips along Stevenson Street, bicycle racks, and relocation of one existing streetlight along Jessie Street to Stevenson Street near the driveway entrance. The Project would widen the existing sidewalk width along Stevenson Street, with the sidewalk width along Jessie Street unchanged.*

*The Project includes a single, approximately 24-foot-wide garage entrance along the Stevenson Street frontage provides a shared opening for both off-street accessory parking and freight loading, which, is encouraged per Code Section 155(s)(4)(a)). The garage is located below*

*grade and is screened from public view. All proposed lighting and signage will comply with the requirements of the Planning Code and be typical to residential projects. The detailed lighting and signage plans would be subject to approval by the Planning Department.*

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

*The Project conforms to multiple goals and policies of the Downtown Area Plan and the General Plan, as described in further detail below under General Plan Policies Findings.*

- D. Such use or feature as proposed would provide development that is in conformity with the purpose of the applicable Use District.

*The residential uses, with additional floor area for affordable units, and the ground-floor retail uses are principally permitted uses within the C-3-G Zoning District.*

8. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the Downtown Area Plan and the General Plan for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
9. **Planning Code Compliance 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2017-014833CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated May 25, 2021, and stamped “EXHIBIT B” (for Case No. 2017-014833DNX), which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” (for Case No. 2017-014833DNX), and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the FEIR and contained in the MMRP are included as Conditions of Approval.

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 10, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 10, 2021



## EXHIBIT A

### Authorization

This authorization is for a **Conditional Use Authorization** to permit additional square footage above the base floor area ratio limits for construction of dwellings on the site of the building that will be affordable for the life of the project, as part of a project that would allow for the construction a new 27-story residential building containing 495 dwelling units with a total Gross Floor Area of approximately 426,000 square feet of residential use (approximately 535,000 gross square feet), including approximately 4,000 square feet of ground-floor retail located at 469 Stevenson Street, within Assessor's Block 3704, Lot 045 pursuant to Planning Code Sections 210.2 and 309 within the C-3-G (Downtown General Commercial) Zoning District and 160-F Height and Bulk District; in general conformance with plans, dated **May 25, 2021**, and stamped "EXHIBIT B" included in the docket for Record No. **2017-014833DNX** and subject to conditions of approval reviewed and approved by the Commission on **June 10, 2021** under Motion No. **XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Compliance with Other Requirements

The Planning Code Compliance Findings set forth in Motion No. **XXXXX** for Case No. 2017-014833DNX (Downtown Project Authorization) and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit C under Motion No. **XXXXX** for Case No. 2017-014833DNX (Downtown Project Authorization) apply to this Motion, and are incorporated herein as though fully set forth.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 10, 2021** under Motion No. **XXXXX**.

### Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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 also obtain Downtown Project Authorization, pursuant to Section 309 to permit a project greater than 50,000 square feet of floor area within the C-3 Zoning District, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

- 7. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C under Motion No. XXXXX for Case No. 2017-014833DNX (Downtown Project Authorization) are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, [www.sfplanning.org](http://www.sfplanning.org)*

**DRAFT CEQA FINDINGS MOTION: AND**  
**ATTACHMENT A: FINDINGS**  
**ATTACHMENT B: MMRP**



## PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: JUNE 10, 2021**

Record No.: 2017-014833ENV  
Project Address: 469 STEVNESON STREET  
Zoning: C-3-G (Downtown-General) Zoning District  
160-F Height and Bulk District  
Downtown Plan Area  
Block/Lot: 3704/045  
Project Sponsor: 469 Stevenson Investment, LLC  
c/o: Tyler Kepler, Build, Inc.  
315 Linden Street  
San Francisco, CA 94102  
Property Owner: Nordstrom, Inc.  
1700 7th Avenue, Suite 1000  
Seattle, WA 98101  
Staff Contact: Nicholas Foster, AICP, LEED GA – (628) 652-7330  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)  
Recommendation: Adoption of Findings

**ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE PROJECT (“PROJECT”), LOCATED AT 469 STEVENSON STREET, LOT 045 OF ASSESSOR’S BLOCK 3704, WITHIN THE C-3-G (DOWNTOWN-GENERAL) ZONING DISTRICT AND A 160-F HEIGHT AND BULK DISTRICT.**

## PREAMBLE

On November 17, 2017, Katie O'Brien, on behalf of Build, Inc. ("Project Sponsor"), submitted an application with the Planning Department ("Department") for a Preliminary Project Assessment ("PPA") related to the proposed project ("Project") located at 469 Stevenson Street, Lot 45 of Assessor's Block 3704. The PPA Letter, assigned to Case No. 2017-014833PPA, was issued on May 17, 2018.

On November 17, 2017, the Project Sponsor filed an Environmental Evaluation Application and thereafter submitted a revised Application on May 31, 2018, with the Department. The application packet was deemed accepted on May 31, 2018 and assigned Case Number 2017-014833ENV. The Department is the Lead Agency responsible for the implementation of the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., ("CEQA"), the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On or after October 3, 2018, the Project Sponsor submitted the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on or after October 3, 2018 and assigned to Case Numbers: 2017-014833DNX; 2017-014833CUA; 2017-014833SHD; and 2017-014833TDM, respectively.

The Project involves the construction of a new 27-story, 274-foot-tall residential building containing 495 dwelling units. The Project Sponsor seeks to utilize the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"), as amended under Assembly Bill No. 2345 (AB-2345). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with "Base Project" including approximately 259,110 square feet of Residential gross floor area that would include housing affordable to very-low income households. Because the Project Sponsor is providing 13% of base project units of housing affordable to very-low income households, the Project seeks a density bonus of 42.5%, an incentive/concession from Height (Section 250), and waivers of the following development standards: 1) Maximum Floor Area Ratio (Section 123); 2) Rear Yard (Section 134); 3) Common Useable Open Space (Section 135); 4) Dwelling Unit Exposure (Section 140); 5) Ground-Level Wind Current (Section 148); and 6) Bulk (Section 270).

The Department determined that an environmental impact report ("EIR") was required for the Project. On October 2, 2019, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting ("NOP") for the Project. Publication of the NOP initiated a 30-day public review and comment period that ended on November 1, 2019.

On March 11, 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 ("Commission") public hearing on the DEIR. On March 11, 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, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse



on March 11, 2020. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on March 11, 2020.

The Commission held a duly advertised public hearing on the DEIR on April 16, 2020 at which opportunity for public comment was given, and public comment was received on the DEIR. After a 61-day public review and comment period, starting on March 12, 2020, the period for acceptance of written comments ended on May 11, 2020.

The Department then prepared the Comments and Responses to Comments (“RTC”) on environmental issues received during the 61-day public review period for the DEIR document. The Final Environmental Impact Report (FEIR) document was published on May 26, 2021 and includes copies of all of the comments received on the DEIR and written responses to each comment.

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 Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2017-014833ENV is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On June 10, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Application Nos. 2017-014833DNX, 2017-014833CUA, and 2017-014833ENV to consider the various approvals for the Project, including Downtown Project Authorization, Conditional Use Authorization and CEQA Findings.

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

**WHEREAS**, the Commission reviewed and considered the FEIR for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

**WHEREAS**, the Department prepared the California Environmental Quality Act Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, improvement measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as Attachment B and incorporated fully by this reference, which includes both mitigation measures and improvement measures. The Commission has reviewed the entire record, including Attachments A and B, which material was also made available to the public.

**MOVED**, that the Planning Commission hereby adopts findings under CEQA, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the mitigation measures set forth for the Project in the MMRP attached as Exhibit C, based on the findings attached to this Motion as Attachment A, as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 10, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 10, 2021

## **ATTACHMENT A: FINDINGS**

## **Attachment A**

### **469 STEVENSON STREET PROJECT**

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS: FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS**

#### **SAN FRANCISCO PLANNING COMMISSION**

June 10, 2021

In determining to approve the 469 Stevenson Street Project ("Project"), as described in Section I.A, Project Description, below, the following findings of fact and decisions regarding mitigation measures, and the statement of overriding considerations, are made and adopted based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000-21189.3 ("CEQA"), including Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, sections 15000-15387 ("CEQA Guidelines"), including sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

**Section I** provides a description of the project proposed for adoption, project objectives, the environmental review process for the project, the approval actions to be taken and the location of records;

**Section II** identifies the impacts found not to be significant 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 impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

**Section V** identifies mitigation measures considered but rejected as infeasible for economic, legal, social, technological, or other considerations;

**Section VI** evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support approval of the project and the rejection as infeasible of alternatives, or elements thereof, analyzed; and

**Section VII** presents a statement of overriding considerations setting forth specific reasons in support of the actions for the project and the rejection as infeasible of the alternatives not incorporated into the project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as **Exhibit 1** to Attachment A to Motion No. [\_\_\_\_]. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("FEIR") that is required to reduce or avoid a significant adverse impact. The MMRP 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 the MMRP.

These findings are based upon substantial evidence in the entire record before the San Francisco Planning Commission (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 document ("RTC") in the FEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. Together, the DEIR and the RTC comprise the Final Environmental Impact Report ("FEIR").

I. PROJECT DESCRIPTION, OBJECTIVES, ENVIRONMENTAL REVIEW PROCESS, APPROVAL ACTIONS, AND RECORDS

The Project would redevelop the subject property with a residential building with ground floor retail, private and common open space and parking.

Overall, the Project is proposed to include 495 dwelling units; approximately 4,000 square feet of commercial retail floor area; and approximately 25,000 square feet of private and common open space. The Project would provide three below grade parking levels with 178 parking spaces, 200 Class 1 bicycle spaces and two service delivery loading spaces. In addition, one on-site freight loading space would be located on the street level and 27 Class 2 bicycle parking spaces would be placed along the sidewalk on Jessie Street.

The Project is more particularly described below in Section I.A

A. Project Description.

1. Project Location and Site Characteristics.

The project site is a through lot located at 469 Stevenson Street in the South of Market (SoMa) neighborhood of San Francisco (Assessor's Block 3704, Lot 45). The project site is approximately 28,790 square feet (0.66-acre) and currently developed as a public surface parking lot with 176 parking spaces.

Access to the project site is currently available from the existing 24-foot-wide curb cut on Stevenson Street and the 12-foot-wide curb cut on Jessie Street. There is no existing vegetation on the project site. However, there are five trees adjacent to the east boundary of the project site on the Clearway Energy property. The topography of the site is generally level with a ground surface elevation of approximately 30 feet above mean sea level.

The project site is located within the C-3-G (Downtown-General) zoning district, which allows retail and high-density residential development, and a 160-F height and bulk district. This height and bulk designation allow for buildings up to 160 feet in height, and bulk limitations of 110 feet in length and 140 feet along the diagonal for buildings 80 feet in height or taller.

The project site is served by the city's transit network and is located less than one block south of the Powell Street Bay Area Rapid Transit (BART) station and the subsurface San Francisco Municipal Railway (Muni) lines. Additionally, there are several aboveground Muni bus lines that operate within 0.5 mile of the project site, including the 14-Mission, 27-Bryant, 45-Union/Stockton, and 8-Bayshore Express. The closest aboveground Muni stop is located about 300 feet north of the project site on Market Street and Sixth Street.

2. Project Characteristics.

The Project would replace the existing 176 space surface parking lot with a 27-story (274 foot-tall with an additional 10 feet for rooftop mechanical equipment) mixed-use residential building of approximately 535,000 square feet. The proposed building would consist of residential and commercial retail uses above a three-level below grade parking garage. The Project would provide sidewalk landscaping improvements and open space consisting of solariums, courtyards, and balconies. The Project would connect to existing utility lines including sewer, water, electricity, and gas lines.

a. Residential Component

The Project would provide approximately 495 dwelling units within approximately 475,000 square feet of residential space. Levels 2 through 5 would each contain 21 units consisting of 6 studios, 9 one-bedroom units, 2 two-bedroom units, 2 three-bedroom units, and 2 five-bedroom units. Levels 6 through 26 would each contain 19 units consisting of 8 studios, 5 one-bedroom units, 4 two-bedroom units, and 2 three-bedroom units. The 27th level would include 8 one-bedroom units, and 4 two-bedroom units.

b. Commercial Retail Component

The Project would include two commercial retail spaces on the ground floor along Jessie Street. The commercial retail spaces would total approximately 4,000 square feet.

c. Building Features

The Project would incorporate building massing features, including massing articulation, to improve the building's performance with respect to wind safety and comfort to meet the wind hazard requirements of Planning Code section 148. The Project would also include a 12-foot-tall glass wind screen along the full perimeter of the private open space areas on the second and sixth levels to further reduce wind speeds and enhance pedestrian safety and comfort.

The proposed heating, ventilation, and air conditioning (HVAC) equipment would be located on the roof and concealed behind a 10-foot tall roof screen. The HVAC system is required to be designed to include a MERV-13 filtration system in accordance with Health Code article 38. The Project would include one emergency back-up generator within the building's main electrical room on the ground floor.

The Project would comply with the San Francisco Green Building Ordinance by meeting the Leadership in Energy and Environmental Design (LEED) Silver certification requirements and incorporating building materials, fixtures, and landscaping that promote energy efficiency and water conservation. The Project would also designate at least 8 percent of the total parking spaces for low-emitting, fuel efficient, and carpool/van pool vehicles.

d. Open Space

The Project would provide approximately 11,000 square feet of common open space. Common open space areas would consist of a fitness solarium, approximately 6,000 square feet; a lounge solarium, approximately 4,000 square feet; and a courtyard area on the ground floor, approximately 1,000 square feet. In addition, the Project would include approximately 14,000 square feet of private open space. Private open space would consist of balconies for 22 dwelling units. The private balconies would be provided for units on the 2nd, 6th, and 27th floors.

e. Landscaping

Landscaping at the project site would include approximately eight street tree planting areas along Jessie Street. Due to the narrow sidewalks along Stevenson Street, street trees cannot be planted. Therefore, the Project would instead provide seven vegetated landscape strips along Stevenson Street. Trees would also be planted in the building's outdoor courtyard. Raised planters would be provided in the private balcony areas on the 2nd, 6th, and 27th floors. An 18-foot-tall "green screen" made from plants grown on a vertical trellis would be placed around the private balconies on the second floor.

f. Stormwater Retention

Landscaped areas along Jessie Street and Stevenson Street would retain and treat runoff before entering the city's stormwater system. The Project would also incorporate the following low impact design measures to



reduce the amount of stormwater entering into the city's combined sewer system: vegetated sidewalk planting areas, roof drains to direct runoff from flow-through-planters, permeable pavement, and a rainwater cistern.

g. Streetscape and Sidewalk Improvements

The Project would provide sidewalk improvements along Stevenson Street and Jessie Street in accordance with the city's Better Streets Plan. These sidewalk improvements would include enhanced sidewalk paving, tree planting areas along Jessie Street, landscaped strips along Stevenson Street, bicycle racks, and relocation of one existing streetlight along Jessie Street to Stevenson Street near the driveway entrance. The project would not alter the existing 10-foot-wide sidewalk widths Jessie Street, but would widen the existing sidewalk along the project frontage on Stevenson Street from 7 to 9 feet by stepping the ground floor of the building back from the property line. The Project would also not result in any new bus stops or changes to existing bus stops in the vicinity of the project site.

The Project would relocate the existing commercial loading zone (yellow curb) west of the project site and convert the existing street parking to (white curb) passenger loading. In addition, some of the existing street parking on Stevenson Street would be converted to passenger loading. Overall, the Project would provide a 22-foot-long passenger loading zone on Stevenson Street is near a pedestrian entrance for the project, one 36-foot-long commercial loading zone on Stevenson Street just west of the Project driveway, and two passenger loading zones (59 feet long and 39 feet long) and one commercial loading zone (16.5 feet long) on the south side of Jessie Street across from the project frontage.

h. Site Access and Circulation

The Project would remove the existing 24-foot-wide curb cut on Stevenson Street and 12-foot-wide curb cut on Jessie Street and replace them with a new, single 24-foot-wide driveway on Stevenson Street. This driveway would provide vehicle access to the parking garage and the onsite commercial loading area for both the residential and commercial retail components of the Project.

Stevenson Street and Jessie Street are each currently eastbound one-way roads and the Project would not result in a change of this designation. Vehicles would have to turn on Stevenson Street from Sixth Street and turn right to enter the garage. Vehicles exiting the garage would have to turn right onto Stevenson Street to reach Fifth Street. Each parking garage level would contain a central set of elevators and stairs to access the building's ground floor. The ground floor would contain a separate set of elevators and stairs to access the upper residential floors. Additionally, residents would be able to enter the building at the street level from the main lobby doorway on Jessie Street, or from the second lobby doorway on Stevenson Street.

i. Vehicle Parking

The Project would include approximately 56,000 square feet of off-street vehicular parking space, with a total of 178 parking spaces at a proposed parking ratio of 0.36 space per unit. Per sections 155(i), 166 and 169 of the Planning Code, the Project would provide at least 9 accessible parking spaces and 12 car-share spaces. In addition, at least 8 percent of the total proposed parking spaces would be designated for low-emitting, fuel efficient, and carpool/van pool vehicles. The parking spaces would be reserved for residents only.

The off-street loading area for freight deliveries would be within the parking garage and accessed by the driveway on Stevenson Street. One freight loading space would be located on the ground floor and two service vehicle parking spaces would also be provided on the first parking level.

j. Bicycle Parking

The Project would provide 200 class 1 and 27 class 2 bicycle parking spaces. The class 1 bicycle parking spaces would be provided in a designated 3,400-square-foot room on the first parking garage level, which would be

equipped with space efficient bicycle racks. The class 2 bicycle parking spaces would consist of bicycle racks installed along the sidewalk on Jessie Street.

k. Transportation Demand Management Plan

The Project includes a Transportation Demand Management ("TDM") Plan, in compliance with Section 169 of the Planning Code. The Project would implement TDM Measures from the following categories of measures in the TDM Program Standards: active transportation; car-share; delivery; family-oriented; high occupancy vehicle; land use; information and communications; and parking management. The TDM Ordinance requires, prior to issuance of a certificate of occupancy, that a property owner facilitate a site inspection by the Planning Department and document implementation of applicable aspects of the TDM Plan, and maintain a TDM Coordinator, allow for Department inspections, and submit periodic compliance reports throughout the life of the Project.

l. Construction Activities

The Project is anticipated to be constructed on a mat foundation and no pile driving or piers are proposed or required. To accommodate the below-grade parking and foundation, the Project would entail excavation to a maximum depth of 55 feet below ground surface (bgs). The entire 0.66-acre project site would be permanently disturbed and approximately 55,850 cubic yards of soil would be excavated and hauled offsite for disposal and recycling.

m. Construction Schedule

Construction of the Project is anticipated to begin in 2021 and be completed by 2024, requiring approximately 36 months of construction. Construction activities would include site preparation/demolition, excavation and shoring, building construction, architectural coating, and sitework/paving. Construction would generally occur between the hours of 7:00 a.m. and 8:00 p.m. up to seven days a week. However, during the total 36-month construction phase, nighttime construction work may be required on up to five (5) nights and include the following activities:

- Erection and dismantling of the tower crane;
- Miscellaneous utility work;
- Fire alarm testing; and
- Concrete pour for the mat slab foundation.

This required nighttime work would occur at different times throughout the 36-month construction period and not for five (5) sequential nights. Depending on the construction phase, the number of onsite construction workers would range from approximately 15 to 75 workers per day.

Construction equipment and materials would be staged primarily onsite, although it is expected portions of the sidewalks along Stevenson Street and Jessie Street would be used for staging of materials, requiring temporary partial sidewalk closures. Additionally, both Stevenson Street and Jessie Street would require occasional closures to allow for project construction activities, such as installation of the tower crane, mat foundation construction, or material deliveries. During this time, both streets would not be entirely closed or closed at the same time. It is not expected that construction activities would block Jessie Street for more than one week at a time. Jessie Street could be used for temporary staging of the tower crane; however, that has not been

determined. It is anticipated that construction activities would only block 100 feet of Jessie Street for the width of the sidewalk and one travel lane primarily for the tower crane erection and dismantling.

**B. Project Objectives.**

The Project Sponsor, BUILD, seeks to achieve the following objectives by undertaking the project:

1. Redevelop an underutilized site in a transit-oriented, urban infill location with a range of dwelling units, ground-floor commercial retail uses, and open space amenities.
2. Build a substantial number of residential units onsite to help alleviate the current housing shortage in San Francisco and the greater Bay Area, and to contribute to the General Plan's Housing Element goals and the Association of Bay Area Government's (ABAG's) Regional Housing Needs Allocation for the City and County of San Francisco.
3. Promote the construction of affordable housing units in San Francisco by providing onsite inclusionary housing units.
4. Produce a high-quality architectural and landscape design that encourages variety, is compatible with its surrounding context and promotes sustainability through environmentally sensitive design features that meet or exceed the requirements of the San Francisco Public Utilities Commission's Non-Potable Water Ordinance as well as the City and County of San Francisco's Stormwater Management Requirements, Green Building Ordinance, and Better Streets Design Guidelines.
5. Develop the project site to encompass ample open space amenities for building residents and encourage use of common residential open space.
6. Provide off-street vehicle parking that is adequate for the occupancy proposed pursuant to section 151.1 of the San Francisco Planning Code and to meet investment capital parking requirements.
7. Design a project that incorporates building massing features, including massing articulation, that would maximize the building's performance with respect to wind safety and comfort impacts.
8. Construct a high-quality project that includes a sufficient number of dwelling units and commercial space(s) to make redevelopment of the site economically feasible by producing a reasonable return on investment for the project sponsor and its investors, attracting investment capital and construction financing, and generating sufficient revenue to provide onsite inclusionary housing units.

**C. Environmental Review.**

The City and County of San Francisco, acting through the Planning Department (hereinafter "department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

On October 2, 2019, the department determined that an environmental impact report (hereinafter "EIR") was required for the Project and published an initial study. The department provided public notice of that determination ("notice of preparation") and the availability of the initial study for public review and comment by publication in a newspaper of general circulation on October 2, 2019. Publication of the notice of preparation

and initial study initiated a 30-day public review and comment period that began on October 3, 2019 and ended on November 1, 2019. 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 October 2, 2019.

On March 11, 2020, the department published the 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 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. Also on March 11, 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, and to government agencies, the latter both directly and through the State Clearinghouse.

A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on March 11, 2020.

The Planning Commission held a duly advertised public hearing on said DEIR on April 16, 2020, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 11, 2020.

The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented the RTC published on May 26, 2021, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request.

An FEIR was prepared by the department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document, all as required by law.

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, and are part of the record before the commission. The project files are also available on the San Francisco Property Information Map, which can be accessed at <https://sfplanninggis.org/pim/>. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number 2017-014833ENV and then clicking on the "Related Documents" link. On June 20, 2021, 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, and found that the FEIR reflected the independent judgement and analysis of the City and County of San Francisco, was adequate, accurate and objective, and that the RTC document contained no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and certified the FEIR as complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

**D. Approval Actions.**

The Project requires the following approvals:

1. **Actions by the City Planning Commission**

- Approval of an Individually Requested State Density Bonus project with up to two incentives/concessions and unlimited waivers from the following requirements: height, bulk, floor area ratio, rear yard requirements, open space, section 148 wind comfort exceedances, and dwelling unit exposure.
- Adoption of findings and a statement of overriding considerations under the California Environmental Quality Act (CEQA).
- Approval of a Downtown Project Authorization (Planning Code section 309).
- Approval of Conditional Use Authorization (Planning Code section 124[f]).
- Approval of a TDM Plan (Planning Code section 169).

2. San Francisco Public Works

- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a street space permit from the Bureau of Street Use and Mapping.
- Approval of an encroachment permit or a street improvement permit for streetscape improvements.
- Approval of the placement of bicycle racks in the public right-of-way.
- Approval of a new curb cut and removal of existing curb cuts.
- Approval of a permit for nighttime construction.

3. San Francisco Municipal Transportation Agency

- Approval of modifications to color curb designations for on-street parking and loading spaces.
- Approval of a special traffic permit from the Sustainable Streets Division if sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s).

4. San Francisco Department of Building Inspection

- Review and approval of demolition, grading, nighttime construction, and site/building permits.

5. San Francisco Public Utilities Commission

- Review and approval of stormwater design features, including a stormwater control plan, in accordance with city's 2016 Stormwater Management Requirements and Design Guidelines.
- Review and approval of the project's landscape and irrigation plans per the Water Efficient Irrigation Ordinance and the San Francisco Public Utilities Commission (SFPUC) Rules and Regulations Regarding Water Service to Customers.
- Review and approval of groundwater dewatering wells (if they are to be used during construction), per San Francisco Health Code article 12B (Soil Boring and Well Regulation Ordinance) (joint approval with the San Francisco Department of Public Health).

6. San Francisco Department of Public Health

- Review and approval of a site mitigation plan, in accordance with San Francisco Health Code article 22A (Maher Ordinance).
- Review and approval of a construction dust control plan, in accordance with San Francisco Health Code article 22B (Construction Dust Control Ordinance).
- Review and approval of groundwater dewatering wells (if they are to be used during construction) (joint approval with the SFPUC).
- Approval of an enhanced ventilation proposal in compliance with San Francisco Health Code article 38.
- Approval to operate an alternative water source system under San Francisco Health Code article 12C.

7. Actions by Other Government Agencies

- Approval of any necessary air quality permits for installation, operation, and testing (e.g., Authority to Construct/Permit to Operate) of individual air pollution sources, such as the proposed backup emergency diesel generator and any necessary boilers (Bay Area Air Quality Management District).

E. Findings About Significant Environmental Impacts and Mitigation Measures.

The following Sections II, III and IV set forth the findings about the determinations of the Final EIR regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide written analysis and conclusions regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted as part of the Project.

In making these findings, the opinions of the department and other City staff and experts, other agencies and members of the public have been considered. These findings recognize that the determination of significance thresholds is a judgment within the discretion of the City and County of San Francisco; 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 the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

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 (which includes the Initial Study, DEIR, and RTC document) and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. For ease of reference only, the page of the Initial Study (IS), DEIR or RTC is noted after the impact number where the primary discussion and analysis of that impact can be found. In making these findings, the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures are hereby ratified, adopted and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the mitigation measures set forth in the FEIR and the attached MMRP are hereby adopted and incorporated, to substantially lessen or avoid the potentially significant impacts of the Project. 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 nevertheless 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 measure in the FEIR due to a clerical error, the language of the mitigation measure as set forth in the FEIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the numbers 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 are the conclusions of the FEIR, or the mitigation measures recommended in the FEIR for the Project, being rejected.

**F. Location and Custodian of Records.**

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, Suite 1400, San Francisco. The Planning Commission Secretary, Jonas P. Ionin, is the custodian of records for the Planning Department and the Planning Commission.

**II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION**

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Res. Code § 21002; CEQA Guidelines §§ 15126.4, subd. (a)(3), 15091). As more fully described in the FEIR and the Initial Study, and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

**Land Use**

- **Impact LU-1 (IS 79)<sup>1</sup>:** The proposed project would not physically divide an established community.
- **Impact LU-2 (IS 79):** The proposed project would not cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- **Impact C-LU-1 (IS 80):** The proposed project, in combination with reasonably foreseeable future projects, would not result in significant cumulative impacts related to land use.

**Population and Housing**

- **Impact PH-1 (IS 81):** The proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly.
- **Impact PH-2 (IS 83):** The proposed project would not displace substantial numbers of existing housing units, or substantial numbers of people necessitating the construction of replacement housing.

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<sup>1</sup> As noted, a full explanation of these environmental findings and conclusions can be found in the FEIR (which includes the Initial Study, DEIR, and RTC document). For ease of reference only, the page of the Initial Study (IS), DEIR or RTC is noted after the impact number where the primary discussion and analysis of that impact can be found (i.e. "IS 79" is Initial Study, page 79).

- **Impact C-PH-1 (IS 83):** The proposed project, in combination with reasonably foreseeable projects in the vicinity, would not result in a significant cumulative impact related to population and housing.

#### Cultural Resources

- **Impact CR-1 (IS 85):** The proposed project would not cause a substantial adverse change in the significance of a historic architectural resource.
- **Impact CR-2 (IS 91):** Demolition of the existing surface parking lot and construction of the proposed project would not result in physical damage to adjacent historic resources.

#### Transportation and Circulation

- **Impact TR-1 (IS 110):** Construction of the proposed project would not require a substantially extended duration or intense activity and the secondary effects would not create potentially hazardous conditions for people walking, bicycling, or driving; or interfere with accessibility for people walking or bicycling; or substantially delay public transit.
- **Impact TR-2 (IS 112):** Operation of the proposed project would not create potentially hazardous conditions for people walking, bicycling, driving or public transit operations.
- **Impact TR-3 (IS 114):** Operation of the project would not interfere with accessibility of people walking or bicycling to and from the project site, and adjoining areas, or result in inadequate emergency access.
- **Impact TR-4 (IS 115):** Operation of the proposed project would not substantially delay public transit.
- **Impact TR-5 (IS 116):** Operation of the proposed project would not cause substantial additional VMT.
- **Impact TR-6 (IS 118):** Operation of the proposed project would not result in a loading deficit.
- **Impact C-TR-1 (IS 120):** The project, in combination with reasonably foreseeable future projects, would result in significant cumulative construction-related transportation impacts, but the project would not contribute considerably to those impacts.
- **Impact C-TR-2 (IS 121):** The project, in combination with reasonably foreseeable future projects, would not create potentially hazardous conditions for people walking, bicycling, driving or public transit operations.
- **Impact C-TR-3 (IS 121):** The project, in combination with reasonably foreseeable future projects, would not significantly interfere with accessibility.
- **Impact C-TR-4 (IS 122):** The project, in combination with reasonably foreseeable future projects, would substantially delay public transit, but the project would not contribute considerably to this impact.
- **Impact C-TR-5 (IS 124):** The project, in combination with reasonably foreseeable future projects, would not cause substantial additional VMT or substantially induce automobile travel.
- **Impact C-TR-6 (IS 125):** The project, in combination with reasonably foreseeable future projects, would result in significant cumulative impacts to loading, but the project would not contribute considerably to this impact.



## Noise

- **Impact NO-2 (IS 141):** Construction of the proposed project would not generate excessive ground-borne vibration or ground-borne noise.
- **Impact C-NO-2 (IS 150):** Construction of the proposed project, in combination with reasonably foreseeable projects, would not result in a significant cumulative impact related to vibration.
- **Impact C-NO-3 (IS 150):** Operation of the proposed project, in combination with reasonably foreseeable projects, would result in a significant cumulative impact related to noise. The proposed project's contribution to this cumulative impact would be less than cumulatively considerable.

## Air Quality

- **Impact AQ-1 (IS 153):** The proposed project would not result in odors that would affect a substantial number of people.
- **Impact C-AQ-1 (IS 153):** The proposed project in combination with other reasonably foreseeable cumulative projects would not result in significant cumulative odor impacts.
- **Impact AQ-1 (DEIR 4-41):** During construction, the proposed project would not result in a cumulatively considerable net increase in non-attainment criteria air pollutants.
- **Impact AQ-2 (DEIR 4-44):** At project buildout, operation of the proposed project would not result in a cumulatively considerable net increase in non-attainment criteria air pollutants.
- **Impact AQ-4 (DEIR 4-51):** The proposed project would not conflict with implementation of the 2017 Bay Area Clean Air Plan.

## Greenhouse Gas Emissions

- **Impact C-GG-1 (IS 156):** The proposed project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

## Wind

- **Impact WD-1 (DEIR 4-67):** The proposed project would not create wind hazards in publicly accessible areas of substantial pedestrian use.
- **Impact C-WD-1 (DEIR 4-71):** The proposed project in combination with reasonably foreseeable projects, would not create wind hazards in publicly accessible areas of substantial pedestrian use.

## Recreation

- **Impact RE-1 (IS 163):** The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration the facilities would occur or be accelerated or the construction of new facilities would required.
- **Impact C-RE-1 (IS 165):** The proposed project, in combination with other reasonably foreseeable projects would not result in a significant cumulative impact related to recreation.

## Utilities and Service Systems

- **Impact UT-1 (IS 167):** The proposed project would not require or result in the relocation or construction of new or expanded, water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, nor would it result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- **Impact UT-2 (IS 169):** Adequate water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years, unless the Bay Delta Plan Amendment is implemented; in that event, the SFPUC may develop new or expanded water supply facilities to address shortfalls in single and multiple dry years, but this would occur with or without the proposed project. Impacts related to new or expanded water supply facilities cannot be identified at this time or implemented in the near term; instead, the SFPUC would address supply shortfalls through increased rationing, which could result in significant cumulative effects, but the project would not make a considerable contribution to impacts from increased rationing.
- **Impact UT-3 (IS 173):** The proposed project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- **Impact UT-4 (IS 174):** Construction and operation of the proposed project would comply with all applicable statutes and regulations related to solid waste.
- **Impact C-UT-1 (IS 174):** The proposed project, in combination with reasonably foreseeable projects, would not result in a significant cumulative impact related to utilities and service systems.

## Public Services

- **Impact PS-1 (IS 177):** The proposed project would increase demand for police protection, fire protection, and other government services, but not to an extent that would require new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.
- **Impact C-PS-1 (IS 180):** The proposed project, combined with reasonably foreseeable future projects in the vicinity, would not result in a significant cumulative impact related to public services.

## Biological Resources

- **Impact BI-1 (IS 182):** The proposed project would not have a substantial adverse effect, either directly or indirectly through habitat modifications, on any special-status species and would not interfere with the movement of native resident or wildlife species or with established native resident or migratory wildlife corridors.
- **Impact BI-2 (IS 183):** The proposed project would not conflict with the City's local tree ordinance.
- **Impact C-BI-1 (IS 183):** The proposed project, in combination with reasonably foreseeable projects, would not result in a significant cumulative impact related to biological resources.

## Geology and Soils

- **Impact GE-1 (IS 186):** The proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground-shaking, liquefaction, lateral spreading, or landslides.
- **Impact GE-2 (IS 190):** The proposed project would not result in substantial soil erosion or loss of topsoil.
- **Impact GE-3 (IS 191):** The proposed project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- **Impact GE-4 (IS 192):** The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, but would not create substantial risks to life or property.
- **Impact GE-5 (IS 192):** The proposed project would not directly or indirectly destroy a unique paleontological resource.
- **Impact C-GE-1 (IS 193):** The proposed project combined with reasonably foreseeable projects in the vicinity, would not result in a significant cumulative impact related to geology and soils.

## Hydrology and Water Quality

- **Impact HY-1 (IS 196):** The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or conflict with or obstruct implementation of a water quality control plan.
- **Impact HY-2 (IS 197):** The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin, nor would it conflict with a sustainable groundwater management plan.
- **Impact HY-3 (IS 198):** The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation onsite or offsite; substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite; or impede or redirect flood flows.
- **Impact C-HY-1 (IS 199):** The proposed project, in combination with other reasonably foreseeable projects, would not result in a significant cumulative impact related to hydrology and water quality.

## Hazards and Hazardous Materials

- **Impact HZ-1 (IS 201):** The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- **Impact HZ-2 (IS 202):** The proposed project is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, but would not create a significant hazard to the public

or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment.

- **Impact HZ-3 (IS 204):** The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school.
- **Impact HZ-4 (IS 204):** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving fires, nor interfere with the implementation of an emergency response plan.
- **Impact C-HZ-1 (IS 205):** The proposed project, in combination with other reasonably foreseeable projects, would not result in a significant cumulative impact related to hazardous materials.

#### Mineral Resources

- **Impact MI-1 (IS 207):** The proposed project would have no impact on mineral resources.
- **Impact C-MI-1 (IS 207):** The proposed project, in combination with reasonably foreseeable projects, would not result in a significant cumulative impact related to mineral resources.

#### Energy Resources

- **Impact EN-1 (IS 209):** The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- **Impact C-EN-1 (IS 211):** The proposed project, in combination with reasonably foreseeable future projects, would not result in cumulative energy impacts.

#### Agriculture and Forest Resources

- **Impact AF-1 (IS 213):** The proposed project would not convert farmland; conflict with existing zoning for agricultural uses, forest land, timberland, or Williamson Act contract; and would not result in the loss or conversion of forest land.
- **Impact C-AF-1 (IS 214):** The proposed project, in combination with other reasonably foreseeable projects, would not result in a significant cumulative impact related to agriculture and forestry resources.

#### Wildfire

- (IS 215) The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Therefore, this topic is not applicable to the project.

### III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH THE IMPOSITION OF 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 (unless mitigation to

such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern mitigation measures set forth in the FEIR. The full text of the mitigation measures is contained in the FEIR and in **Exhibit 1**, the MMRP. The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the FEIR, included in the Project, or imposed as conditions of approval and set forth in **Exhibit 1**. Impacts identified in Section IV would remain significant and unavoidable even with implementation of the mitigation measures contained in the FEIR, included in the Project, or imposed as conditions of approval and set forth in Exhibit 1.

The Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

### Air Quality

**Impact AQ-3 (DEIR 4-46): Construction and operation of the proposed project would generate toxic air contaminants, including DPM, at levels that would expose sensitive receptors to substantial pollutant concentrations.**

Demolition, excavation, grading, foundation construction, building construction, and interior and exterior work would affect localized air quality during the construction phases of the Project. Short-term emissions from construction equipment during these site preparation activities would include directly emitted particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) and TACs such as DPM. In addition, the long-term emissions from the Project's mobile and stationary sources during operations, as described under Impact AQ-2 (DEIR 4-44), would include particulate matter (PM<sub>2.5</sub>) and TACs such as DPM and some compounds or variations of ROG. A health risk assessment was conducted for the Project to evaluate the potential health risks to nearby residents resulting from project implementation.

According to the health risk assessment, the combination of unmitigated construction-related and operational emissions at the maximum impacted offsite sensitive receptor would result in an increased cancer risk of 65 in 1 million, which is above the 7 in 1 million significance threshold for projects in the air pollutant exposure zone. Therefore, the Project would result in a significant cancer risk impact at offsite sensitive receptors. Also, the Project would contribute PM<sub>2.5</sub> concentrations of 0.3 µg/m<sup>3</sup>, which is above the 0.2 µg/m<sup>3</sup> significance threshold. Therefore, PM<sub>2.5</sub> concentrations at offsite sensitive receptors would also be significant.

*Mitigation Measure M-AQ-3a: Off-road Construction Equipment Emissions Minimization*

*Mitigation Measure M-AQ-3b: Diesel Backup Generator Specifications*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measures M-AQ-3a and M-AQ-3b would reduce impact AQ-3 to a less-than-significant level.

**Impact C-AQ-1 (DEIR 4-54): The proposed project during construction and operations, in combination with reasonably foreseeable projects, would result in significant health risk impacts to sensitive receptors.**

The Project's contribution to cumulatively significant health risks at offsite sensitive receptors would be an increased cancer risk of 65 in 1 million, which exceeds the project contribution significance threshold of 7 in 1 million, resulting in a significant contribution to cumulative health risks at offsite sensitive receptors.

PM2.5 concentrations at offsite sensitive receptors would be 0.3 µg/m<sup>3</sup>, which exceeds the project contribution significance threshold of 0.2 µg/m<sup>3</sup>. Therefore, the Project would result in a considerable contribution to cumulatively significant PM2.5 concentrations at offsite sensitive receptors and this impact would be significant.

*Mitigation Measure M-AQ-3a: Off-road Construction Equipment Emissions Minimization*

*Mitigation Measure M-AQ-3b: Diesel Backup Generator Specifications*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measures M-AQ-3a and M-AQ-3b would reduce impact C-AQ-1 to a less-than-significant level.

### Cultural Resources

**Impact CR-3 (IS 91):** The proposed project could result in a substantial adverse change in the significance of an archeological resource.

While there are no known prehistoric or historic resources at the project site, the preliminary archaeological review determined that the project site is highly sensitive for prehistoric archeological resources based on proximity of the project site to the resource-rich historic bayshore and Sullivan Marsh. There are three known prehistoric sites within 0.25 mile of the project site. Preliminary archaeological review of the project site's development history suggests that earthquake-related debris and fill is likely present in the upper few feet below the surface, but that there is a high potential for the presence of 19th century historic domestic archaeological features under this fill/debris. There also may be the potential for power-generation-related historic industrial features in project soils on the eastern half of the parcel. The project has the potential to adversely impact significant prehistoric and historical archaeological resources, if such resources are present within the project site.

*Mitigation Measure M-CR-3: Archeological Testing*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-CR-3 would reduce impact CR-3 to a less-than-significant level.

**Impact CR-4 (IS 96):** The project could disturb human remains, including those interred outside of formal cemeteries.

There are no known human remains, including those interred outside of formal cemeteries, located in the immediate vicinity of the project site. However, human remains may be present in prehistoric archaeological deposits, and also may potentially be found in isolation. In the event that human remains are encountered during construction, any inadvertent damage to human remains would be considered a significant impact.

*Mitigation Measure M-CR-3: Archeological Testing*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-CR-3 would reduce impact CR-4 to a less-than-significant level.

**Impact C-CR-1 (IS 97):** The proposed project, in combination with reasonably foreseeable projects in the vicinity, could result in a cumulatively considerable contribution to a significant cumulative impact related to cultural resources.

Impacts to archaeological resources and human remains are generally site-specific and limited to the project's construction area. However, there is one cumulative project within 100 feet of the project site (996 Mission Street) that would result in ground disturbance. Given the high sensitivity for prehistoric archeological resources in the immediate vicinity, there is a reasonable potential for the project's construction activities to encounter significant archeological resources that extend beyond the project site and into the areas proposed for excavation by cumulative projects. Therefore, the Project in combination with cumulative projects could result in a significant cumulative impact on prehistoric archeological resources. The potential disturbance of archeological resources within the project site could make a cumulatively considerable contribution to a cumulative loss of significant archeological information that would contribute to our understanding of prehistory. Therefore, the Project's contribution to this significant impact would be cumulatively considerable.

*Mitigation Measure M-CR-3: Archeological Testing*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-CR-3 would reduce impact C-CR-1 to a less-than-significant level.

**Tribal Resources**

**Impact TCR-1 (IS 99):** Project-related activities could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code section 21074.

The project site is highly sensitive for prehistoric archeological resources based on proximity of the project site to the resource-rich historic bayshore and Sullivan Marsh. Redeposited prehistoric archaeological deposits could be present in the artificial fill/ reworked native soils that form the uppermost stratum of the project site, as much as 40 feet below surface in native sand and marsh deposits. In San Francisco, based on tribal consultation undertaken by the City and County of San Francisco in 2015, all prehistoric archeological resources are considered also to be potential tribal cultural resources. Impact CR-3 determines that the Project's excavation could result in a significant impact to prehistoric archaeological resources should any be encountered. Therefore, the Project also has the potential to encounter tribal cultural resources during excavation and other construction activities. Any inadvertent damage to tribal cultural resources would be considered a significant impact.

*Mitigation Measure M-TCR-1: Tribal Cultural Resources Interpretive Program*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-TCR-1 would reduce impact TCR-1 to a less-than-significant level.

**Impact C-TCR-1 (IS 101):** The proposed project, in combination with reasonably foreseeable future projects, could result in a cumulatively considerable contribution to a cumulative tribal cultural resources impacts.

Cumulatively, development in the project vicinity has the potential to result in impacts to prehistoric archaeological resources, which are also considered tribal cultural resources. If the project were to encounter tribal cultural resources, this could result in a significant cumulative impact. The potential disturbance of tribal

cultural resources within the project site could make a cumulatively considerable contribution to a cumulative loss of tribal cultural resources. Therefore, the Project's contribution to this significant impact would be cumulatively considerable.

*Mitigation Measure M-TCR-1: Tribal Cultural Resources Interpretive Program*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-TCR-1 would reduce impact C-TCR-1 to a less-than-significant level.

**Noise and Vibration**

**Impact NO-1 (IS 134): Construction of the proposed project would result in a temporary or periodic increase in ambient noise levels.**

Construction activities associated with the Project would include site preparation and demolition, excavation and shoring, foundation and below grade work, building construction, exterior finishing, and sitework/paving. Each construction stage has its own mix of equipment and, consequently, its own noise characteristics. These various construction operations would change the character of the noise generated at the project site and, therefore, the ambient noise level as construction progresses. The loudest phases of construction include excavation and shoring and building construction, as the noisiest construction equipment is earthmoving and grading equipment and concrete/industrial saws.

Noise levels from all phases of construction are expected to be at least 10 dB(A) above the ambient noise level at the closest noise sensitive receptors. A 10 dBA increase in noise level is perceived as a doubling of loudness. Given that construction activities would increase ambient noise levels by at least 10 dBA for the entire duration of construction and would be approximately 20 dBA above ambient noise levels for 36 months, construction noise impacts would be considered significant.

*Mitigation Measure M-NO-1: Construction Noise*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-NO-1 would reduce impact NO-1 to a less-than-significant level.

**Impact NO-2 (IS 144): The proposed project would generate noise levels in excess of standards established in the local general plan or noise ordinance and could result in a substantial permanent increase in ambient noise levels in the project vicinity.**

Per San Francisco Police Code section 2909(a) residential properties may not produce a noise level more than 5 dB(A) above the ambient noise level at any point outside of the property plane. Typical residential and commercial building construction would involve new rooftop mechanical equipment, such as air handling units, condensing units, make-up air units, and exhaust fans. This equipment would generate noise that would radiate to neighboring properties. The Project's rooftop HVAC and mechanical equipment would exceed the property plane noise requirements in section 2909(a) of the Police Code and would therefore result in a substantial increase in ambient noise levels in excess of standard established in the noise ordinance. This would be a significant impact.

*Mitigation Measure M-NO-2: HVAC and Mechanical Equipment Exterior Noise*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-NO-2 would reduce impact NO-2 to a less-than-significant level.



Impact C-NO-1 (IS 148): Construction of the proposed project, in combination with reasonably foreseeable projects, would result in a significant cumulative impact related to noise and the project's contribution would be cumulatively considerable.

There are currently 17 cumulative projects in proximity to the Project. One of these projects is a transportation network project (Better Market Street Project) and the rest are development projects. Thirteen of these cumulative projects are within 0.25 mile (1,320 feet) to the 469 Stevenson project site such that their construction and operational noise would have the potential to combine with the project's construction and operational noise at the nearest sensitive receptor locations. Given the large number of cumulative projects nearby and the potential for numerous projects to be under construction simultaneously as the Project, cumulative construction noise could be substantial by both increasing the intensity of noise levels in the area and the duration that sensitive receptors experience construction noise. Therefore, the Project in combination with cumulative projects would result in a significant construction noise impact.

*Mitigation Measure M-NO-1: Construction Noise*

The Commission finds that, for the reasons set forth in the FEIR, implementing Mitigation Measure M-NO-1 would reduce impact C-NO-1 to a less-than-significant level.

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

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the FEIR. The Commission finds that the mitigation measures in the FEIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project, pursuant to Public Resources Code section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project that are described below. Although all of the mitigation measures set forth in the MMRP, attached as **Exhibit 1**, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

The 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 some of the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although mitigation measures are identified in the FEIR that would reduce some significant impacts, certain measures, as described in this Section IV below, are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the FEIR, are unavoidable. But, as more fully explained in Section VII, below, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

## Shadow

**Impact SD-1 (DEIR 4-93):** The proposed project could create new shadow that could substantially and adversely affect the use and enjoyment of publicly accessible open spaces.

The Project would increase shadow cast near the project site. Existing open space within potential reach of project shadow includes UN Plaza and Mint Plaza.

The Project would cast net new shadow on UN Plaza, but would not be expected to substantially and adversely affect the use and enjoyment of UN Plaza and shadow impacts on UN Plaza would be less than significant.

The Project would result in net new shadow falling on Mint Plaza, adding approximately 325,407 net new annual square foot hour (sfh) of shadow and increasing sfh of shadow by 0.56 percent above current levels from 68.82 percent to 69.38 percent. The longest duration of net new shadow on Mint Plaza due to the Project would occur on February 15th and October 25th when the Project would generate new shadow over the northwestern half of the plaza starting just prior to 2 p.m. and be present for approximately 90 minutes.

While the observed uses of Mint Plaza were largely transitory in nature, portions of Mint Plaza that would likely be more sensitive to the addition of net new shadow would be features that are fixed in location, conducive to more stationary activities (where users remain rather than pass through) or are observed to be currently well used by the public. The seating wall areas in Mint Plaza would likely qualify as the most sensitive areas as would the areas where movable seating is typically placed. The project's net new shadow would fall on Mint Plaza's seating wall, non-fixed seating areas and landscaped planters.

Due to the size, duration and location of shadow cast on Mint Plaza from the Project, the time of day the net new shadow would occur, and the number of users observed in the open space areas identified as most sensitive areas, the new shadow cast by the Project could substantially affect the use and enjoyment of Mint Plaza and result in a significant shadow impact.

Other than a reduction in building height or a change in building mass, no further modification of the Project would eliminate the net new shadow on Mint Plaza. Reducing the building height or changing the building mass would reduce the development program of the Project. Therefore, there is no feasible mitigation to reduce this impact to a less-than-significant level and this impact is significant and unavoidable.

**Impact C-SD-1 (DEIR 4-100):** The proposed project, in combination with reasonably foreseeable projects, could create new shadow in a manner that could substantially and adversely affect the use and enjoyment of publicly accessible open spaces.

The Project could combine with reasonably foreseeable projects to result in significant cumulative shadow impacts on UN Plaza. However, as the Project would only increase sfh of shadow by 0.003 percent above current levels in the early morning, and because the areas of net new shadow from the Project were not observed to be areas well used or particularly sensitive to shadow, the Project's incremental shadow contribution on UN Plaza would not be cumulatively considerable.

Shadow cast from the Project would have a significant and unavoidable impact on Mint Plaza. Under the cumulative scenario, the only cumulative project that would shade Mint Plaza is the 921 Howard Street project. The 921 Howard Street project would generate a small amount of early morning shadow (prior to 8:30 a.m.) lasting less than 15 minutes over the western section of the plaza between November 16th and January 24th. While short in duration (less than 15 minutes), this cumulative shadow would cast shadow in a portion of the

plaza that is currently unshaded (plaza is 75 to 85 percent shaded) and was observed to be occupied by 10 to 15 people during the morning.

Although the Project and the 921 Howard Street project would not shade the plaza on the same dates, both projects would contribute new shadow on Mint Plaza. As such, the Project in combination with cumulative development projects could result in a significant cumulative impact on Mint Plaza. As cumulative shadow on Mint Plaza would be mostly from the Project, the Project's contribution to this significant cumulative shadow impact would be cumulatively considerable. Therefore, the Project in combination with reasonably foreseeable projects would result in a significant cumulative shadow impact on Mint Plaza.

There is no feasible mitigation for the Project's contribution to the significant cumulative shadow impact. Any theoretical mitigation would fundamentally alter the basic design and programming parameters of the Project. Other than a reduction in building height or a change in building mass, no other modification of the Project would eliminate the net new shadow on Mint Plaza. Reducing the building height or changing the building mass would reduce the development program of the Project. Therefore, there is no feasible mitigation to reduce this cumulative impact to a less-than-significant level and this impact is significant and unavoidable.

#### V. MITIGATION MEASURES REJECTED AS INFEASIBLE

No mitigation measures identified in the FEIR are rejected as infeasible.

#### VI. EVALUATION OF PROJECT ALTERNATIVES

This Section describes the reasons for approving the Project and the reasons for rejecting the alternatives as infeasible. CEQA requires that an EIR evaluate a reasonable range of alternatives to the Project or the project location that substantially reduce or avoid significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide the decision maker with a basis of comparison to the proposed 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 proposed Project.

##### Alternatives Considered for Detailed Analysis

The planning department considered a range of alternatives in preparing the EIR. After an extensive alternative screening and selection process, three alternatives were selected for detailed analysis in the EIR.

#### A. No Project Alternative

##### *Description*

Under the No Project Alternative, the project site would remain substantially in its existing physical condition and the proposed new residential uses would not be developed. The existing onsite parking lot would remain unaltered. This alternative would reduce or avoid impacts associated with construction activities, and effects associated with the operation of more intense uses on the site.

The existing land use controls on the project site would continue to govern site development and would not be changed.

##### *Significant Impacts Compared to Proposed Project*

The No Project Alternative would reduce the impacts of the project because no new development would occur. None of the significant and unavoidable impacts associated with the project would occur. The No Project Alternative would have less-than-significant impacts or no impacts on topics determined in the FEIR to be either less than significant or less than significant with mitigation under the project, and would not require mitigation measures.

#### *Feasibility*

The No Project Alternative is hereby rejected as infeasible because, although it would eliminate the significant and unavoidable shadow impacts of the Project, it would fail to meet all of the basic objectives of the Project. In particular, this alternative would fail to achieve the objective regarding constructing a substantial number of residential units onsite to help alleviate the current housing shortage in San Francisco and the greater Bay Area, and to contribute to the General Plan's Housing Element goals and the Association of Bay Area Government's (ABAG's) Regional Housing Needs Allocation for the City and County of San Francisco (Objective 2).

For these reasons, it is hereby found that the No Project Alternative is rejected because it would not meet the basic objectives of the Project and, therefore, is not a feasible alternative.

#### **B. Alternative B: Reduced Density Alternative (Planning Code Compliant)**

##### *Description*

The Reduced Density Alternative (Planning Code Compliant) would redevelop the project site with a new mixed-use residential project, like the Project, but would construct a shorter and less dense building than under the Project.

The Reduced Density Alternative (Planning Code Compliant) would include a maximum floor area ratio (FAR) of 338,629 gsf and a building height of approximately 160 feet (with an additional 10 feet for rooftop mechanical equipment). The proposed density and building height are code compliant not utilizing the State Density Bonus Law and would be consistent with the Planning Code.

Under this alternative, the site would be redeveloped to provide 346 units comprised of approximately 42 studios, 204 one-bedroom units, 64 two-bedroom units, and 36 three-bedroom units, compared to the 495 units that would be provided by the Project. On floors two through eight, 34 residential units would be provided on each floor. On the ninth floor, the building footprint would be reduced allowing for the common terraces and 12 residential units. Twelve residential units would also be provided on floors 9 through 17.

Similar to the Project, primary access to the units would be via a 1,951 square foot residential lobby located along Jessie Street with secondary access along Stevenson Street and through the below-grade parking garage. Two retail spaces totaling 6,357 square feet would be provided along Jessie Street flanking the residential lobby, which is slightly more than the retail space provided by the Project (4,000 square feet). An 8,242 square foot residential amenity space would be provided along Stevenson Street.

Unlike the Project, the Reduced Density Alternative (Planning Code Compliant) would only provide two levels of below grade parking (as opposed to the three levels with the Project). As a result, the Reduced Density Alternative (Planning Code Compliant) only requires 37,600 cubic yards of excavation compared to 55,850 cubic yards for the Project.

The Reduced Density Alternative (Planning Code Compliant) would include 150 residential vehicular parking spaces (a 0.43 parking ratio) below grade, which is 28 fewer total residential vehicular parking spaces than the

Project, 2 service vehicle parking spaces, and 2 car-share spaces. One off-street freight loading space would also be provided at grade like the Project. All access to off-street parking and freight loading would be provided via a single curb-cut along Stevenson Street, similar to the Project. The Reduced Density Alternative (Planning Code Compliant) would also provide 192 class 1 bicycle parking spaces in a bicycle storage room on the ground floor accessed via the public lobby. Twenty-three class 2 bicycle parking spaces would also be provided along Stevenson and Jessie streets. A bicycle workshop area would be provided in the below grade parking garage, similar to the Project.

Open space would be provided in a series of common terraces at the podium and tower levels. A 7,141 square foot common open space would be provided on the second floor fronting Stevenson Street and two common open space terraces totaling 9,282 square feet would be provided on the ninth floor.

Construction of the Reduced Density Alternative (Planning Code Compliant) is expected to follow a 29-month construction schedule, which would be 7 months shorter than the Project construction schedule. The same discretionary project approvals identified for the Project would be required for this alternative.

#### *Significant Impacts Compared to Proposed Project*

##### Cultural Resources, Tribal Cultural Resources, and Noise

Under the Reduced Density Alternative (Planning Code Compliant), there would still be subsurface ground disturbance required for construction of the two-level below grade parking garage. With the reduced excavation and earth movement required for the Reduced Density Alternative (Planning Code Compliant), as described above, the potential for excavation activities to encounter below-ground human remains, archaeological resources, and tribal cultural resources would be lessened compared to the Project. Noise impacts under the Reduced Density Alternative (Planning Code Compliant) would be similar in character to, but less than those identified for the Project due to the shorter duration of construction activities and the reduced intensity of land uses. However, the Reduced Density Alternative (Planning Code Compliant) would still have the potential to result in significant impacts to archeological resources, human remains, tribal cultural resources and noise. As with the Project, the Reduced Density Alternative (Planning Code Compliant) would be required to implement Mitigation Measures M-CR-3, M-TCR-1, M-NO-1, and M-NO-2 to reduce impacts to archaeological resources, human remains, tribal cultural resources, and noise to a less than significant level.

##### Air Quality

The Reduced Density Alternative (Planning Code Compliant) would result in less construction and therefore would be anticipated to result in less toxic air contaminants relative to the Project. However, it would likely still exceed the cancer risk and PM<sub>2.5</sub> significance thresholds for projects within an air pollutant exposure zone and require implementation of mitigation measures M-AQ-3a, Off-road Construction Equipment Emissions Minimization and M-AQ-3b, Diesel Generator Specifications, like the Project.

Regarding cumulative air quality impacts, cumulatively, the Reduced Density Alternative (Planning Code Compliant) would result in slightly lower localized health risk impacts when compared to the Project because it would require less construction equipment and would generate less vehicle trips resulting in lower increases in cancer risk and PM<sub>2.5</sub> concentrations. However, the Reduced Density Alternative (Planning Code Compliant) would likely still make a considerable contribution to cumulative cancer risks and PM<sub>2.5</sub> concentrations, requiring implementation of mitigation measures M-AQ-3a (Off-road Construction Equipment Emissions Minimization) and M-AQ-3b (Diesel Backup Generator Specifications). Thus, like the Project, the Reduced Density Alternative (Planning Code Compliant) would result in a less-than-significant-with-mitigation localized health risk impact.

### Shadow

The shadow analysis prepared for the Reduced Density Alternative (Planning Code Compliant) determined that this alternative would cast less shadow on Mint Plaza compared to the Project and cast no shadow on UN Plaza. The net new shadow cast by this alternative occurs approximately 90 days a year between November 2nd and February 7th for approximately 15 minutes whereas the Project cast shadow for approximately 180 days a year between September 21<sup>st</sup> and March 21<sup>st</sup> for approximately 90 minutes. Both the Reduced Density Alternative (Planning Code Compliant) and the Project net new shadow is cast in the mid-to-late afternoon. In addition, the largest area of net new shadow created by this alternative would be less than the Project. The Reduced Density Alternative (Planning Code Compliant)'s largest area of net new shadow cast on Mint Plaza would be 400 square feet and would occur on January 4th and December 6th. The largest area of net new shadow created by the Project would be approximately 5,811 square feet and would occur on November 1st and February 8th. Thus, the shadow impact on Mint Plaza with the Reduced Density Alternative (Planning Code Compliant) would be less than significant and would have fewer shadow impacts than the Project.

Under the cumulative scenario, combined, the Reduced Density Alternative (Planning Code Compliant) and the 921 Howard Street Project would shade various portions of Mint Plaza for short durations and would not be expected to substantially and adversely affect the use or enjoyment of this open space. Therefore, unlike the Project, the Reduced Density Alternative (Planning Code Compliant) would result in a less than significant cumulative shadow impact.

### Other Impacts

The FEIR concluded that the Project would have no impacts or less than significant impacts for the following environmental topics: Land Use and Land Use Planning, Population and Housing, Odors, Greenhouse Gas Emissions, Recreation, Utilities and Service Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards/Hazardous Materials, Mineral Resources, Energy Resources, Agriculture and Forestry Resources, and Wildfire. Impacts of the Reduced Density Alternative (Planning Code Compliant) for these topics would be similar in character to, but less than those identified for the Project due to the shorter duration of construction activities and the reduced intensity of construction activities and land uses. The Reduced Density Alternative (Planning Code Compliant) would not result in any new potentially significant impacts for these environmental topics. As such, impacts related to these topics would be similar to those of the Project and either result in a less than significant impact or no impact.

### *Feasibility*

The Reduced Density Alternative (Planning Code Compliant) is hereby rejected as infeasible because it would provide 149 fewer residential units than the Project (346 units with the Reduced Density Alternative (Planning Code Compliant) compared to 495 units with the Project). As a result, the Reduced Density Alternative (Planning Code Compliant) would not maximize the opportunity to alleviate the current housing shortage and to contribute to the City's Regional Housing Needs Allocation to the same extent as the Project (Objective 2). In addition, by providing fewer residential units, the Reduced Density Alternative (Planning Code Compliant) would also provide fewer affordable units, thereby not promoting the construction of affordable units to the same extent as the Project (Objective 3). Finally, the reduced density would make redevelopment of the site economically infeasible (Objective 8).

The economic feasibility of the Project and the Reduced Density Alternative (Planning Code Compliant) was analyzed in an economic analysis prepared by ALH Urban & Regional Economics (ALH Economics)<sup>2</sup> and peer reviewed by the City's consultant Seifel Consulting<sup>3</sup>. Given the current economic recession resulting from the COVID-19 pandemic and resulting impact on the San Francisco apartment market, neither the Project nor the Reduced Density Alternative (Planning Code Compliant) are currently economically feasible, due to a decline in apartment revenues coupled with an increase in construction costs (ALH Analysis, p. 10; Seifel Peer Review, p.9). Real estate development, however, is cyclical. Current economic conditions are likely to persist in the near term, but it is reasonable to assume that future changes in apartment revenues and/or development costs could improve financial feasibility and enable development of the Project. Following receipt of entitlements, permitting and construction of the Project will take at least three years before occupancy begins, providing ample time for the Project to be economically feasible.

Even assuming improved economic conditions, the Reduced Density Alternative (Planning Code Compliant) makes redevelopment of the site economically infeasible because development costs under the Reduced Density Alternative (Planning Code Compliant) would be higher than the estimated net proceeds. Under the pre-COVID analysis prepared by ALH Economics and peer reviewed by the City's consultant Seifel Consulting, the Reduced Density Alternative (Planning Code Compliant)'s anticipated yield on cost would be 18% below the minimum threshold to proceed and its return on development cost would be 68% below the minimum threshold to proceed. (ALH Analysis, Table 4, p. 12; Seifel Peer Review, Table 5, p. 9). The Reduced Density Alternative (Planning Code Compliant) also has a higher negative margin as a percent of cost and a lower return on cost rendering it financially infeasible absent a significant cost reduction along with a significant increase in market rents. (ALH Analysis, p. 11).

The Project also does fall below the minimum thresholds required to proceed under current economic conditions, but the Project's economics are closest to meeting feasibility thresholds. The comparative difference in the financial performance between the Reduced Density Alternative (Planning Code Compliant) and the Project is likely to remain given the different development characteristics. (ALH Analysis, p. 10; Seifel Peer Review, p. 9) The Reduced Density Alternative (Planning Code Compliant) therefore is economically infeasible.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the June 10, 2021 hearing regarding the FEIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Reduced Density Alternative (Planning Code Compliant) does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently 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); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated

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<sup>2</sup> Amy L. Herman and Mary A. Smitheram-Sheldon, "Revised 469 Stevenson Street Alternatives Economic Analysis" (November 11, 2020; Revised March 8, 2021) ("ALH Analysis").

<sup>3</sup> Seifel Consulting, Inc., "Peer Review of Financial Feasibility Analysis of 469 Stevenson Street Project" (April 22, 2021) ("Seifel Peer Review").

neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, the Reduced Density Alternative (Planning Code Compliant) is hereby rejected because it would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

C. Alternative C: No Residential Parking, Tower Only Alternative

*Description*

The No Residential Parking, Tower Only Alternative would redevelop the project site with a new mixed-use residential project, similar to the Project, but would include only one basement level (as opposed to the three basement levels included in the Project). The No Residential Parking, Tower Only Alternative would result in a taller building, but with 28 fewer units than the Project by slightly changing the design to eliminate the podium height massing along the four corners and relocate that square footage to the top of the building creating a streamlined single tower.

The No Residential Parking, Tower Only Alternative would include a single tower with one basement level with a maximum FAR of 479,957 square feet. The tower would be approximately 284-feet-tall (with additional 10 feet for rooftop mechanical equipment).

This alternative would include 467 units comprised of approximately 349 one-bedroom units, 60 two-bedroom units, and 58 three-bedroom units. Residential uses would begin at the second floor, which includes 17 units and a 11,078-square-foot common open space podium balcony. The 3rd through 28th floors would include 18 residential units per floor with the units on the 28th floor having 576 square feet (total) of private balconies.

Primary access to the residential units would be from the residential lobby located along Jessie Street with secondary access along Stevenson Street. The ground floor would include two retail spaces along Jessie Street totaling approximately 3,651 square feet and on each side of the 1,453 square foot lobby. A 747 square foot common open space would be provided along Jessie Street and a 9,500 square foot solarium for residents would be provided along Stevenson Street.

The No Residential Parking, Tower Only Alternative would require 45,110 cubic yards less excavation (10,740 cubic yards total) than the Project (55,850 cubic yards) for below-grade foundation and structural work because it would only provide one basement level.

The single basement level would be for off-street loading and service vehicle parking, accessible parking, and bicycle parking. No car-share parking would be provided for this alternative pursuant section 166 of the Planning Code. This alternative would provide 193 class 1 bicycle parking spaces in a bicycle storage room located in the basement and accessed via the ground floor lobby. This alternative would also provide 25 class 2 bicycle parking spaces along Jessie and Stevenson streets.



Open space would include a ground floor solarium, a second story podium terrace, and private balconies at the rooftop level.

Construction of the No Residential Parking, Tower Only Alternative is expected to follow a 34-month construction schedule, which is two months shorter than the Project's construction schedule. The same discretionary project approvals identified for the Project would be required for this alternative.

#### *Significant Impacts Compared to Proposed Project*

#### Cultural Resources, Tribal Cultural Resources, and Noise

Under the No Residential Parking, Tower Only Alternative there would still be subsurface ground disturbance for construction of the basement level. However, with the reduced excavation and earth movement required for the No Residential Parking, Tower Only Alternative, as described above, the potential for excavation activities to encounter below-ground human remains, archaeological resources, and tribal cultural resources would be lessened compared to the Project. Construction noise impacts under the No Residential Parking, Tower Only Alternative would be similar in character to, but less than those identified for the Project due to the shorter duration of construction activities. The No Residential Parking, Tower Only Alternative would result in 28 fewer residential units on the project site; however, the number of units under this alternative would be comparable to the Project and therefore operational noise impacts would be similar. For these reasons the No Residential Parking, Tower Only Alternative would still have the potential to result in significant impacts to archeological resources, human remains, tribal cultural resources and noise. As with the Project, the No Residential Parking, Tower Only Alternative would be required to implement Mitigation Measures M-CR-3, M-TCR-1, M-NO-1, and M-NO-2 to reduce impacts to archeological resources, human remains, tribal cultural resources, and noise to a less than significant level.

#### Air Quality

The No Residential Parking, Tower Alternative would result in a reduced cancer risk and a lower localized PM<sub>2.5</sub> concentration because it would require marginally less heavy-duty diesel equipment. Because the No Residential Parking, Tower Only Alternative would result in less construction, it would be anticipated to result in less toxic air contaminants relative to the Project, but it would likely still exceed the cancer risk and PM<sub>2.5</sub> significance thresholds for projects within an air pollutant exposure zone and require implementation of Mitigation Measures M-AQ-3a, Off-road Construction Equipment Emissions Minimization, and M-AQ-3b, Diesel Generator Specifications, like the Project. As such, construction and operational health risk impacts for the No Residential Parking, Tower Only Alternative would be less than that of the Project and would be less than significant with implementation of the mitigation measures discussed above.

Cumulatively, the No Residential Parking, Tower Only Alternative would result in slightly lower localized health risk impacts when compared to the Project because it would require less construction equipment and would generate less vehicle trips, resulting in lower increases in cancer risk and PM<sub>2.5</sub> concentrations. However, the No Residential Parking, Tower Only Alternative would still make a considerable contribution to cumulative cancer risks and PM<sub>2.5</sub> concentrations, requiring implementation of Mitigation Measures M-AQ-3a (Off-road Construction Equipment Emissions Minimization) and M-AQ-3b (Diesel Backup Generator Specifications). Like the Project, the No Residential Parking, Tower Only Alternative would result in a less-than-significant-with-mitigation localized health risk impact.

#### Shadow

Given that the No Residential Parking, Tower Only Alternative would be slightly taller than the Project, this alternative would shade similar areas of UN Plaza and Mint plaza for similar durations during similar times of the year. The No Residential Parking, Tower Only Alternative would not result in significant shadow impacts on UN Plaza. The largest area of net new shadow cast by the No Residential Parking, Tower Only Alternative would be greater than that of the Project. Thus, for the same reasons as the Project, the No Residential Parking, Tower Only Alternative would result in a significant shadow impact on Mint Plaza. Similarly, there is no feasible mitigation for the No Residential Parking, Tower Only Alternative's shadow impact on Mint Plaza. This is because other than a reduction in building height or a change in building mass, no other modification to the No Residential Parking, Tower Only Alternative would eliminate the net new shadow on Mint Plaza. Therefore, the impact would be significant and unavoidable.

Under the cumulative scenario, the project at 921 Howard Street would also shade portions of Mint Plaza, similar to the Project, which combined with the No Residential Parking, Tower Only Alternative would result in a significant cumulative shadow impact. Like the Project and for the same reasons as the Project, the No Residential Parking, Tower Only Alternative's contribution to cumulative shadow would be considerable. Therefore, the No Residential Tower, Parking Only Alternative, would result in a significant and unavoidable project-level and cumulative shadow impact on Mint Plaza that is slightly greater than the Project.

#### Other Impacts

The FEIR concluded that the Project would have no impacts or less than significant impacts for the following environmental topics: Land Use and Land Use Planning, Population and Housing, Odors, Greenhouse Gas Emissions, Recreation, Utilities and Service Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards/Hazardous Materials, Mineral Resources, Energy Resources, Agriculture and Forestry Resources, and Wildfire. The No Residential Parking, Tower Only Alternative would be similar in character to, but require less construction than identified for the Project due to the shorter duration of construction activities and less amount of excavation of the site as there would only be one basement level. The No Residential Parking, Tower Only Alternative would result in 28 fewer residential units on the project site, but the intensity of development under this alternative would be comparable to the Project. As such, the No Residential Parking, Tower Only Alternative would not result in any new potential significant impacts for these environmental topics. Impacts related to these other topics would be similar to those of the Project and either result in a less than significant impact or no impact.

#### *Feasibility*

The No Residential Parking, Tower Alternative could feasibly attain most of the project sponsor objectives, including providing much-needed housing but would provide five percent (5%) fewer housing units, including five percent (5%) fewer affordable housing units. It also would not provide a high-quality architectural design that is compatible with its surrounding context because it fails to provide a pedestrian scale podium level along Stevenson Street, consistent with surrounding structures (Objective 4). Also, by not providing any residential parking, the alternative would fail to meet the objective of providing adequate off-street vehicle parking for the residential use and to meet investment capital parking requirements (Objective 6). The lack of residential parking could also create financing challenges as it could render a standard construction loan unattainable and potentially make development of the site economically infeasible (Objective 8).

The economic feasibility of the Project and the No Residential Parking, Tower Alternative was analyzed in an economic analysis prepared by ALH Economics and peer reviewed by the City's consultant Seifel Consulting.<sup>4</sup>

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<sup>4</sup> See Footnotes 2 and 3.

Given the current economic recession resulting from the COVID-19 pandemic and resulting impact on the San Francisco apartment market, neither the Project nor the No Residential Parking, Tower Alternative are currently economically feasible, due to a decline in apartment revenues coupled with an increase in construction costs (ALH Analysis, p. 10; Seifel Peer Review, p.9). Real estate development, however, is cyclical. Current economic conditions are likely to persist in the near term, but it is reasonable to assume that future changes in apartment revenues and/or development costs could improve financial feasibility and enable development of the Project. The Project will require a few more years to complete entitlements and permitting, and a few years to complete construction before occupancy begins.

Even assuming improved economic conditions, the No Residential Parking, Tower Alternative makes redevelopment of the site economically infeasible because development costs under the No Residential Parking, Tower Alternative would be higher than the estimated net proceeds. Under the pre-COVID analysis prepared by ALH Economics and peer reviewed by the City's consultant Seifel Consulting, the No Residential Parking, Tower Alternative's anticipated yield on cost would be 16% below the minimum threshold to proceed and its return on development cost would be 45% below the minimum threshold to proceed (ALH Analysis, Table 4, p. 12; Seifel Peer Review, Table 5, p. 9). The No Residential Parking, Tower Alternative also has a higher negative margin as a percent of cost and a lower return on cost rendering it financially infeasible absent a significant cost reduction along with a significant increase in market rents (ALH Analysis, p. 11).

The lack of parking in the No Residential Parking, Tower Alternative also could negatively impact the lease-up of the units and potentially lengthen the time before unit occupancy. This delay in absorption could increase the overall development costs by increasing the operating reserve and decreasing the return (yield) on development cost (ALH Analysis, p. 11). The lack of parking also could impact the ability to obtain financing or capitalize the No Residential Parking, Tower Alternative.

The Project also falls below the minimum thresholds required to proceed, but the Project's economics are closest to meeting feasibility thresholds. The comparative difference in the financial performance of the Project and the No Residential Parking, Tower Alternative is likely to remain given the different development characteristics including the lack of parking and its potential negative impact on renting of units (ALH Analysis, p. 10-11; Seifel Peer Review, p. 9). The No Residential Parking, Tower Alternative, therefore is economically infeasible.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the June 10, 2021 hearing regarding the FEIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Reduced Density Alternative (Planning Code Compliant) does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently 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); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for

desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities). From the Urban Design Element: Policy 1.3 (recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts); Policy 3.1 (promote harmony in the visual relationships and transitions between new and older buildings); Policy 3.2 (avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance). In addition, the No Residential Parking, Tower Only Alternative would be inconsistent with the following Urban Design Guidelines: S2 (harmonize relationships between buildings, streets, and open space); S5 (create a defined and active streetwall); A2 (modulate buildings vertically and horizontally).

For these reasons, it is hereby found that the No Residential Parking, Tower Only Alternative is rejected because it would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

#### Alternatives Considered and Rejected, and Reasons for Rejection

Section 15126.6(c) of the CEQA Guidelines provides that an EIR should “identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” The screening process for identifying viable EIR alternatives included consideration of the following criteria: ability to meet the project objectives; potential ability to substantially lessen or avoid environmental effects associated with the Project; and potential feasibility.

The department considered the following three additional alternatives. The first alternative considered was similar to the No Residential Parking, Tower Only Alternative, but it did not include a basement level. This alternative was eliminated from further consideration as the project sponsor determined at least one level of below-grade loading and parking was desirable for the commercial retail component. The second alternative considered was a mid-height alternative that would be slightly taller than the Reduced Density Alternative (Planning Code Compliant) and would still result in a less than significant shadow impact on Mint Plaza. However, additional shadow modeling determined that this alternative would be substantially similar (only one building floor taller) to the Reduced Density Alternative (Planning Code Compliant) and was eliminated from further consideration. The third alternative considered was an offsite alternative that was under the project sponsor’s control; however, there was already an approved project on that site and it was therefore eliminated from further consideration.

#### **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Section 21081 and CEQA Guidelines Section 15093, the 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 the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, this determination is that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the FEIR and the preceding findings, which are incorporated by reference into this Section, and in the documents found in the administrative record, as described in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable

significant impacts. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the following specific overriding economic, technical, legal, social and other considerations:

- The project would redevelop an underutilized site into a new high-quality residential development with ground-floor retail.
- The project would address the City's housing goals by building 495 new residential dwelling units on the site, including 73 onsite, permanently affordable housing units, consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City.
- The project would provide active neighborhood-friendly retail space in a manner that is compatible with the existing surrounding development.
- Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs, including large, five-bedroom, family size units providing a unique opportunity for multigenerational housing. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project also would not displace any existing housing.
- The project would provide a podium level along Stevenson Street, bringing the scale of the building down to the street level through the creation of a uniform street wall consistent with the height and scale of surrounding structures.
- The project would activate Stevenson Street, creating a vibrant pedestrian alley linking 6th Street to 5th Street via Mint Plaza improving the safety and usability of South of Market alleyways and public open space. In addition, the removal of the parking lot and replacement with active street frontages will improve pedestrian and neighborhood safety and encourage investment in the area. The Project would include significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
- The Project provides approximately 200 Class 1 secure indoor bicycle parking spaces and 27 Class 2 bicycle rack spaces, encouraging residents and visitors to access the site by bicycle.
- The project would include sufficient off-street parking for residential and commercial uses in a below-grade parking garage, allowing the at-grade space to be oriented towards residents and pedestrians.
- The project would provide transportation demand management features such as car-share program and bicycle parking.
- The project would redevelop the existing parking lot into residential uses in a sustainable and eco-friendly infill development.
- The project would be constructed at no cost to the City, and would provide substantial direct and indirect economic benefits to the City, including at least \$4 million in property tax revenue

on a previously low tax-generating parcel, and would provide 1500-2000 jobs on-site during construction, as well as 20-25 permanent and temporary jobs for the management and maintenance of the new residential units. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

- The project is consistent with the City's General Plan, in particular the Housing Element, the Urban Design Element, the Commerce and Industry Element, and the Transportation Element, as more particularly described in the materials considered by the Commission at the June 10, 2021 hearing regarding the FEIR certification and project approvals, which are incorporated by reference as though fully set forth herein.

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

**EXHIBIT C:**  
**MMRP**

# MITIGATION MONITORING AND REPORTING PROGRAM

## MONITORING AND REPORTING PROGRAM<sup>1</sup>

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
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### MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR

#### CULTURAL RESOURCES

<b>Mitigation Measure M-CR-3: Archaeological Testing:</b> Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the planning department archaeologist. After the first project approval action or as directed by the Environmental Review Officer (ERO), the project sponsor shall contact the department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines section. 15064.5 (a) and (c).	Project sponsor's qualified archaeological consultant and construction contractor.	Prior to issuance of construction permits and throughout the construction period.	Environmental Review Officer	Considered complete after final Archaeological Resources Report is approved
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MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<p><i>Consultation with Descendant Communities:</i> On discovery of an archaeological site<sup>1</sup> with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>The Archaeological consultant, Project Sponsor, and project contractor at the direction of the Environmental Review Officer.</p>	<p>During testing and if applicable monitoring of soils disturbing activities.</p>	<p>Consultation with Environmental Review Officer on identified descendant group.</p>	<p>Descendant group provides recommendations and is given a copy of the Archaeological Resources Report.</p>
<p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an <i>archaeological testing plan</i> (ATP). The <i>archaeological testing program</i> shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the <i>archaeological testing program</i> will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes a historical resource under CEQA.</p>	<p>Project sponsor's qualified archaeological consultant and construction contractor.</p>	<p>Prior to issuance of construction permits and throughout the construction period.</p>	<p>Planning Department</p>	<p>Considered complete after approval of archaeological testing plan.</p>
<p>At the completion of the <i>archaeological testing program</i>, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the <i>archaeological testing program</i> the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional <i>archaeological testing</i>, <i>archaeological monitoring</i>, and/or an <i>archaeological data recovery program</i>. No archaeological data recovery shall be undertaken without the prior approval of the ERO or the planning department archaeologist. If the ERO determines that a significant archaeological resource is present and that the</p>	<p>The archaeological consultant, Project Sponsor, and project contractor at the direction of the Environmental Review Officer.</p>	<p>Monitoring of soils during disturbing activities.</p>	<p>Archaeological consultant to monitor soils disturbing activities specified in AMP immediately notify the ERO of any encountered archaeological resource.</p>	<p>Considered complete upon completion of AMP.</p>

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

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

# MONITORING AND REPORTING PROGRAM<sup>1</sup>

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<p>resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p>				
<p>A. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>				
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p>				
<ul style="list-style-type: none"> <li>• The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. The project shall not require pile driving. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, site remediation, etc., shall require <i>archeological monitoring</i> because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> </ul>				
<ul style="list-style-type: none"> <li>• The archeological consultant shall undertake a worker training program for soil-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource;</li> </ul>				
<ul style="list-style-type: none"> <li>• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effect on significant archeological deposits;</li> </ul>				
<ul style="list-style-type: none"> <li>• The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> </ul>				

**MONITORING AND REPORTING PROGRAM<sup>1</sup>**

<b>Adopted Mitigation Measures</b>	<b>Implementation Responsibility</b>	<b>Mitigation Schedule</b>	<b>Monitoring / Reporting Responsibility</b>	<b>Monitoring Actions / Completion Criteria</b>
<ul style="list-style-type: none"> <li>If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The project shall not require pile driving. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation installation/construction activities and equipment until the deposit is evaluated. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</li> </ul> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The <i>archaeological data recovery program</i> shall be conducted in accordance with an <i>archaeological data recovery plan</i> (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed <i>data recovery program</i> will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what <i>data classes</i> the resource is expected to possess, and how the expected <i>data classes</i> would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li><i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li><i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li><i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> </ul>	Project sponsor's qualified archaeological consultant and construction contractor	In the event that an archaeological site is uncovered during the construction period.	Planning Department	Considered complete approval of Final Archeological Results Report.

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<ul style="list-style-type: none"> <li><i>Interpretive Program.</i> Consideration of an onsite/offsite public interpretive program during the course of the <i>archeological data recovery program</i>.</li> <li><i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li><i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.</p>	<p>In the event that human remains are uncovered during the construction period.</p>	<p>Planning Department</p>	<p>Considered complete after approval of Archeological Results Report and disposition of human remains has occurred as specified in Agreement.</p>
<p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the ERO and 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, who shall appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains (Public Resources Code section 5097.98).</p> <p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (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 archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of</p>				

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
any such analyses, after which the remains and the associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of an MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of 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 store 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.				
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 archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.				
<i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. 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. Copies of the Draft FARR shall be sent to the ERO for review and approval.	Project sponsor's qualified Archeological consultant.	At completion of archeological investigations.	Planning Department	Considered complete after Archeological Resources Report is approved.
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 report content, format, and distribution than that presented above.	Archeological consultant at the direction of the ERO.	At completion of archeological investigations	Planning Department	Considered complete after Archeological Resources Report is approved.

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<b>Tribal Cultural Resources</b>				
<b>Mitigation Measure M-TCR-1: Tribal Cultural Resources Interpretive Program</b>				
During ground-disturbing activities that encounter archeological resources, if the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.	Project sponsor, archeological consultant, and Environmental Review Officer, in consultation with the affiliated Native American tribal representatives.	If significant archeological resources are present, during implementation of the project.	Planning Department	Considered complete upon project redesign, completion of archeological resource preservation plan, or interpretive program of the TCR, if required.
If the ERO determines that preservation-in-place of the TCR is both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP). Implementation of the approved ARPP by the archeological consultant shall be required when feasible.	Project sponsor in consultation with the tribal representative.	After determination that preservation in place is not feasible, and subsequent to Archeological data recovery.	Sponsor or archeological consultant shall submit the archeological resource preservation plan to the Environmental Review Officer for review and approval.	Complete upon sponsor verification to Environmental Review Officer that interpretive program was implemented.
If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO, would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.				
<b>NOISE</b>				
<b>Mitigation Measure M-NO-1: Construction Noise</b>				
The project sponsor shall develop site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. At the end of the design phase of this project and prior to commencing construction, the project sponsor shall submit a noise attenuation plan to the San Francisco Planning	Project sponsor and project contractor(s).	Prior to issuance of building permits; implementation ongoing during construction.	Project sponsor to submit the Construction Noise Control Plan to the Planning Department for review and approval.	Considered complete after construction is completed and submittal of final noise monitoring report.

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Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<p>Department and Department of Building Inspection to ensure maximum feasible noise attenuation will be achieved. The noise attenuation plan shall reduce construction noise to the degree feasible with a goal of reducing construction noise levels at adjacent noise sensitive receptors (e.g., residential, hotel, hospital, convalescent home, school, and church uses) so that noise levels do not exceed 90 A-weighted decibels (dB(A)) and 10 dBA above ambient daytime noise levels. The project sponsor shall include noise attenuation measures in specifications provided to the general contractor and any sub-contractors. Noise attenuation measures shall, at minimum, include the following:</p> <ul style="list-style-type: none"><li>• Require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds), wherever feasible.</li><li>• Require the general contractor to perform all work in a manner that minimizes noise to the extent feasible; use equipment with effective mufflers; undertake the noisiest activities during times of least disturbance to surrounding residents and occupants.</li><li>• Require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dB(A).</li><li>• Require the general contractor to erect temporary plywood noise barriers (at least 0.5-inch-thick) around stationary noise sources and/or the construction site, particularly where a noise source or the site adjoins noise-sensitive uses. The barriers shall be high enough to block the line of sight from the dominant construction noise source to the closest noise-sensitive receptors. Depending on factors such as barrier height, barrier extent, and distance between the barrier and the noise-producing equipment or activity, such barriers may reduce construction noise by 3–15 dB(A) at the locations of nearby noise-sensitive receptors.</li></ul>				

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<ul style="list-style-type: none"><li>• Require the general contractor to use noise control blankets on a building structure as the building is erected to reduce noise emission from the site.</li><li>• Require the general contractor to line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).</li><li>• Unless safety provisions require otherwise, require the general contractor to adjust audible backup alarms downward in sound level while still maintaining an adequate signal-to-noise ratio for alarm effectiveness. Consider signal persons, strobe lights, or alternative safety equipment and/or processes as allowed to reduce reliance on high-amplitude sonic alarms/beeps.</li><li>• Require the general contractor to place stationary noise sources, such as generators and air compressors, on the power station side of the project site, as far away from nearby noise-sensitive receptors as possible. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</li><li>• Require the general contractor to place non-noise-producing mobile equipment, such as trailers, in the direct sound pathways between suspected major noise-producing sources and noise-sensitive receptors.</li><li>• Under the supervision of a qualified acoustical consultant, the project sponsor shall monitor the effectiveness of noise attenuation measures by taking noise measurements as needed.</li><li>• Prior to the issuance of a building permit, along with the submission of construction documents, the project sponsor shall submit to the planning department and San Francisco Department of Building Inspection (building department) a list of measures that shall be implemented and that shall respond to and track complaints pertaining to construction noise. These measures shall include:<ol style="list-style-type: none"><li>1. Post signs onsite pertaining to permitted construction days and hours.</li><li>2. A procedure and phone numbers for notifying the building department and the San Francisco Police Department (during regular construction hours and off-hours). This</li></ol></li></ul>				



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Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<p>telephone number shall be maintained until the proposed project is ready for occupancy.</p> <p>3. A sign posted onsite describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction.</p> <p>4. Designation of an onsite construction complaint and enforcement manager for the project who shall document, investigate, evaluate, and attempt to resolve all project-related noise complaints.</p> <p>5. Notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities (defined as activities generating anticipated noise levels of 90 dB(A) or greater) about the estimated duration of the activity.</p>				
<p><b>Mitigation Measure M-NO-2: HVAC and Mechanical Equipment Exterior Noise</b></p> <p>A minimum of 20.5 dB(A) noise reduction is required from the rooftop equipment to achieve the requirements of the San Francisco Police Code. The project sponsor shall implement the following mitigation measure to reduce noise levels from the source equipment and achieve compliance with the police code:</p> <ul style="list-style-type: none"> <li>• Enclose as much of the proposed project's rooftop equipment as possible within a mechanical room with small louvered openings to the exterior. The mechanical room and louvered openings can be treated with acoustic absorption and sound attenuators to reduce noise at the property planes.</li> <li>• If the equipment remains open to the roof, select rooftop equipment with a maximum sound pressure level of 54.4 dB(A) at 50 feet from the equipment.</li> <li>• Attach sound attenuators to the outside air and exhaust air openings/fans of the rooftop equipment to minimize environmental noise.</li> </ul> <p>During the design phase, once the project sponsor has selected the specific HVAC and mechanical equipment for the proposed project, a qualified</p>	Project sponsor	Prior to approval of a building permit.	Planning Department.	Considered complete upon installation of mechanical equipment that has been demonstrated to meet the noise ordinance requirements.

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
acoustical consultant shall conduct a property plane noise analysis. The property plane analysis report shall evaluate whether the proposed HVAC and mechanical equipment complies with the noise limits in the San Francisco Police Code. The report shall be submitted to the San Francisco Planning Department for review and approval prior to issuance of a building permit or building permit addendum that would permit the HVAC and mechanical equipment.				
<b>AIR QUALITY</b>				
<b>Mitigation Measure M-AQ-3a: Off-road Construction Equipment Emissions Minimization</b>				
A. <u>Engine Requirements.</u>	Project sponsor and construction contractor(s).	Prior to issuance of construction permits project sponsor to submit:	Planning Department	Considered complete upon planning department review and acceptance of construction emissions minimization plan, implementation of the plan, and submittal of final report summarizing use of construction equipment pursuant to the plan.
1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed U.S. Environmental Protection Agency (U.S. EPA) Tier 4 Interim or Tier 4 Final off-road emission standards.		1. Construction emissions minimization plan for review and approval, and		
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.		2. Signed certification statement		
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 project sponsor 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.				
4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.				

**MONITORING AND REPORTING PROGRAM<sup>1</sup>**

<b>Adopted Mitigation Measures</b>	<b>Implementation Responsibility</b>	<b>Mitigation Schedule</b>	<b>Monitoring / Reporting Responsibility</b>	<b>Monitoring Actions / Completion Criteria</b>
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**B. Waivers.**

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the project sponsor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of Tier 4 compliant off-road equipment is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not Tier 4 compliant. If the ERO grants the waiver, the project sponsor must use the next cleanest piece of off-road equipment, according to Table AQ-1 below. Additionally, the project sponsor must demonstrate that use of the alternative equipment would not result in a cancer risk from project construction and operation that exceeds 7 per one million exposed and annual average PM<sub>2.5</sub> concentrations that exceed 0.2 µg/m<sup>3</sup>.

**Table AQ-1-- Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Verified Diesel Emissions Control Strategy (VDECS)</b>
1	Tier 2	ARB Level 3 VDECS
2	Tier 2	ARB Level 2 VDECS
3	Tier 2	ARB Level 1 VDECS

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 1, then the project sponsor must meet Compliance Alternative 2. If the ERO determines that the project sponsor cannot supply off-road equipment meeting Compliance Alternative 2, then the project sponsor must meet Compliance Alternative 3.

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
<p>C. <u>Construction Emissions Minimization Plan.</u> Before starting on-site construction activities, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the project sponsor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> <li>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 use and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, air board verification number level, and installation date and hour meter reading on installation date.</li> <li>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 project sponsor agrees to comply fully with the Plan.</li> <li>3. The project sponsor shall make the Plan available to the public for review onsite during working hours. The project sponsor 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 project sponsor 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.</li> </ol>				
<p>D. <u>Monitoring.</u> After start of construction activities, the project sponsor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to</p>				

MONITORING AND REPORTING PROGRAM <sup>1</sup>				
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Actions / Completion Criteria
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				
<b>Mitigation Measure M-AQ-3b: Diesel Backup Generator Specifications.</b>	Project sponsor	Project sponsor to submit generator specifications for approval prior to issuance of building permit.	Planning Department	Equipment specifications portion considered complete when equipment specifications approved by Environmental Review Officer.
The project sponsor shall ensure that the proposed diesel backup generator meets or exceeds California Air Resources Board Tier 4 off-road emission standards. Additionally, once operational, the diesel backup generator shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generator shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall maintain records of the testing schedule for the diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.				
Maintenance, ongoing.				
Maintenance and records are subject to planning department review upon request.				

<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.

**EXHIBIT D:**  
**LAND USE DATA**



## LAND USE INFORMATION

**PROJECT ADDRESS: 469 STEVENSON STREET**  
**RECORD NO. 2017-014833PRJ**

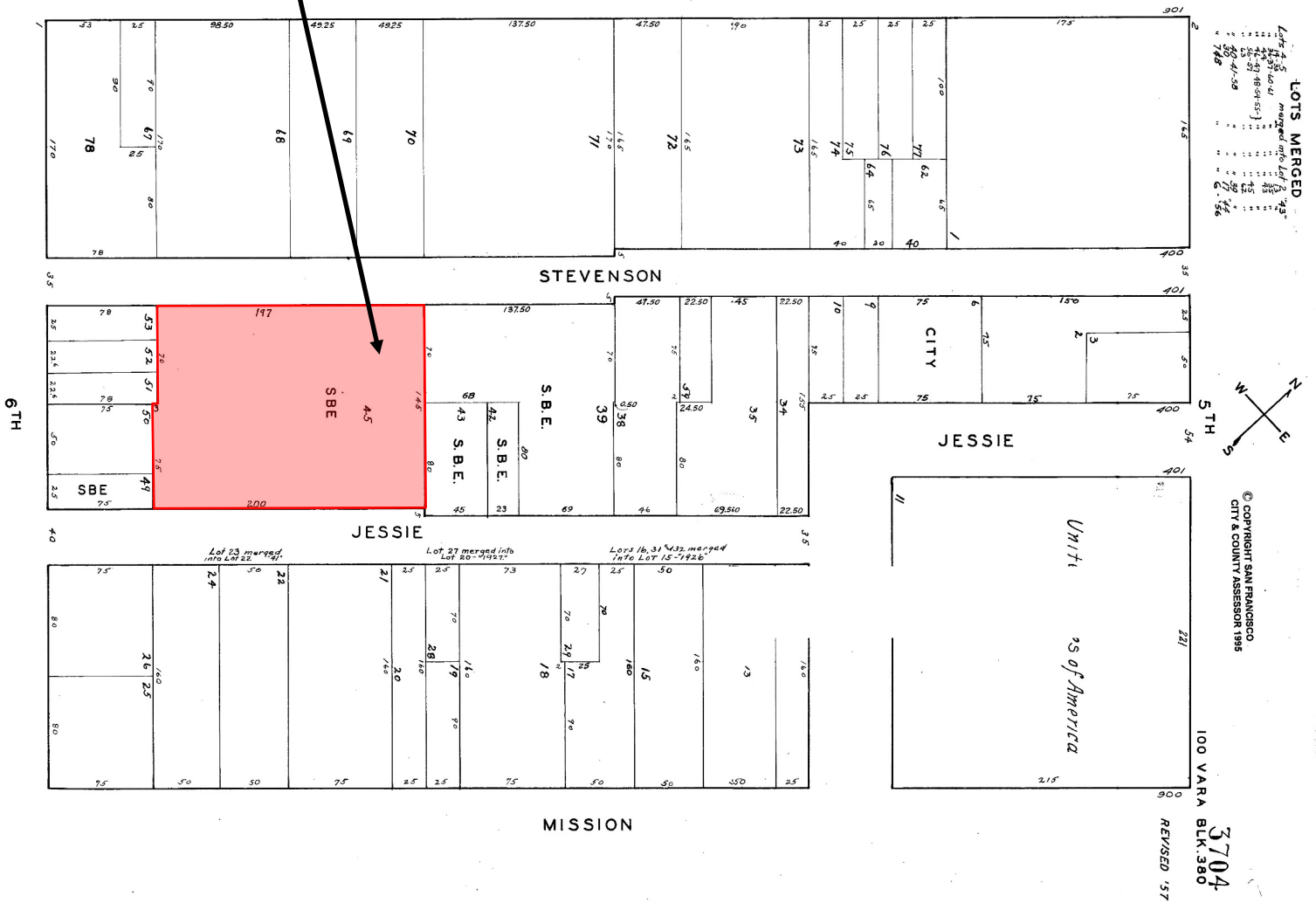
	EXISTING	PROPOSED	NET NEW
<b>GROSS FLOOR AREA (GFA) / GROSS SQUARE FEET (GSF)*</b>			
<b>Parking GSF</b>	28,790	53,918	25,128
<b>Residential GFA</b>	0	425,644	425,644
<b>Retail/Commercial GFA</b>	28,790	3,895	(24,805)
<b>Office GFA</b>	N/A	N/A	N/A
<b>Hotel GFA</b>	N/A	N/A	N/A
<b>Usable Open Space (Residential) GSF</b>	0	24,568	24,568
<b>Privately-Owned Public Open Space (POPOS) GSF</b>	N/A	N/A	N/A
<b>Other (MECH, BOH, CIRCULATION, GROUND FLOOR OPEN SPACE) GSF</b>	0	108,973	108,973
<b>TOTAL GFA (excluding All Open Space)</b>	28,790	425,644	396,654
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
<b>Dwelling Units - Affordable</b>	0	73	73
<b>Dwelling Units - Market Rate</b>	0	422	422
<b>Dwelling Units - Total</b>	0	495	495
<b>Hotel Rooms</b>	N/A	N/A	N/A
<b>Number of Buildings</b>	0	1	1
<b>Number of Stories</b>	0	27	27
<b>Parking Spaces</b>	176	166	(10)
<b>Loading Spaces</b>	0	3	3
<b>Class 1 Bicycle Spaces</b>	0	200	200
<b>Class 2 Bicycle Spaces</b>	0	27	27
<b>Car Share Spaces</b>	0	12	12
*GSF includes floor area exempt from Gross Floor Area per Section 102.			

**EXHIBIT E:**  
**MAPS AND CONTEXT PHOTOS**

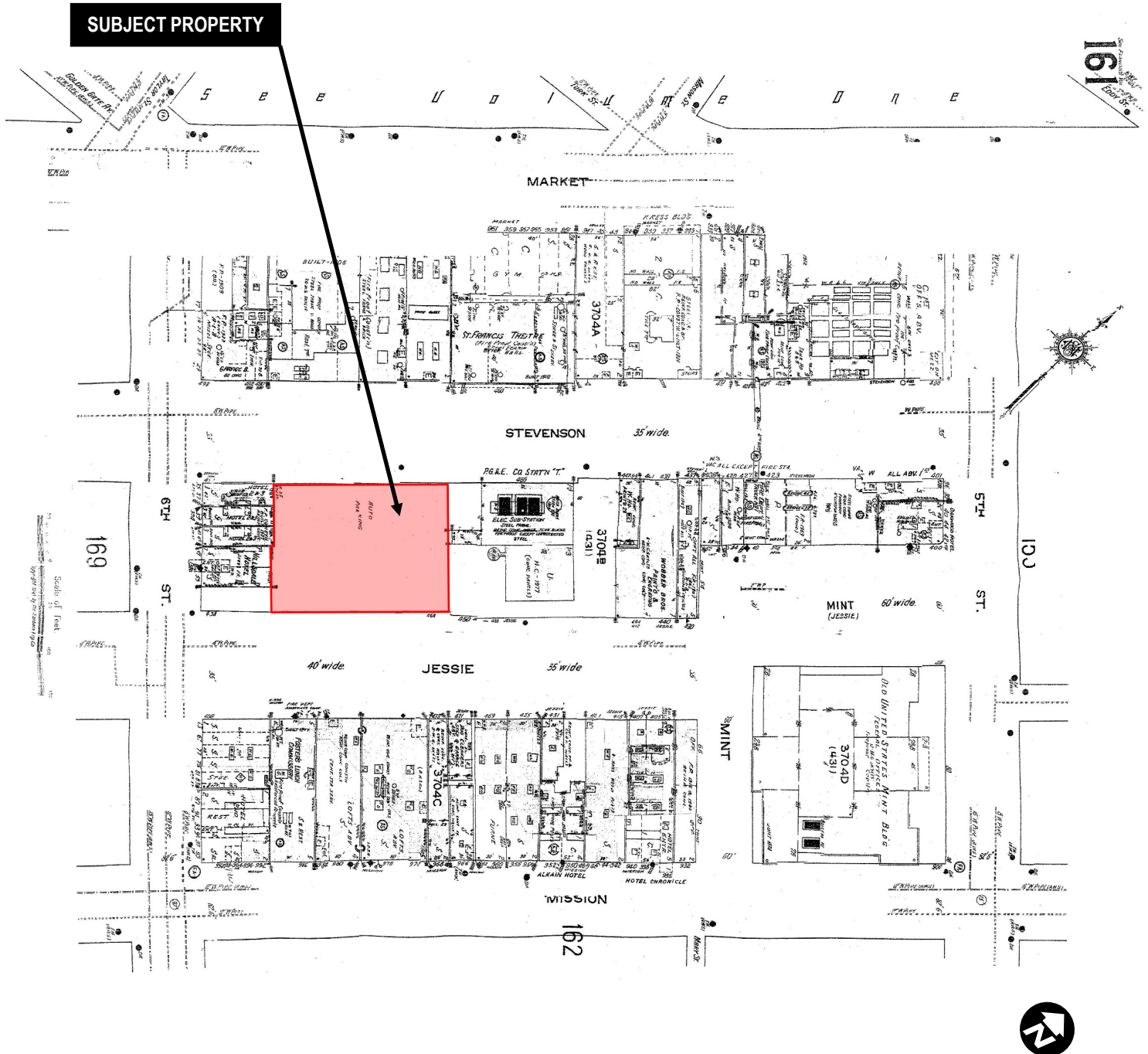


# Parcel Map

SUBJECT PROPERTY



# Sanborn Map\*

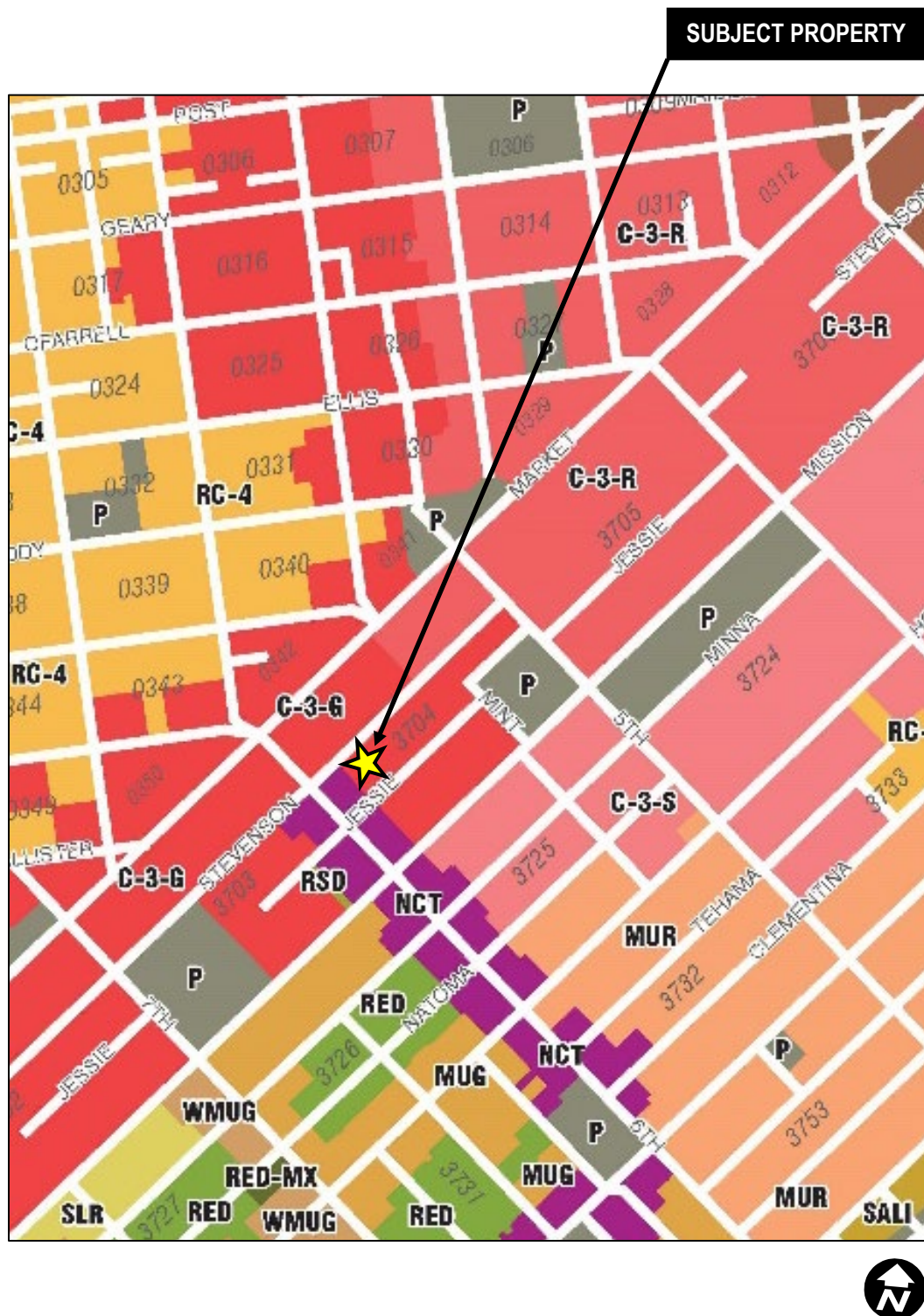


THESE SANBORN MAPS ARE DATED TO THE MID 1990'S  
USE ONLY FOR HISTORICAL CONTEXT

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

Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street

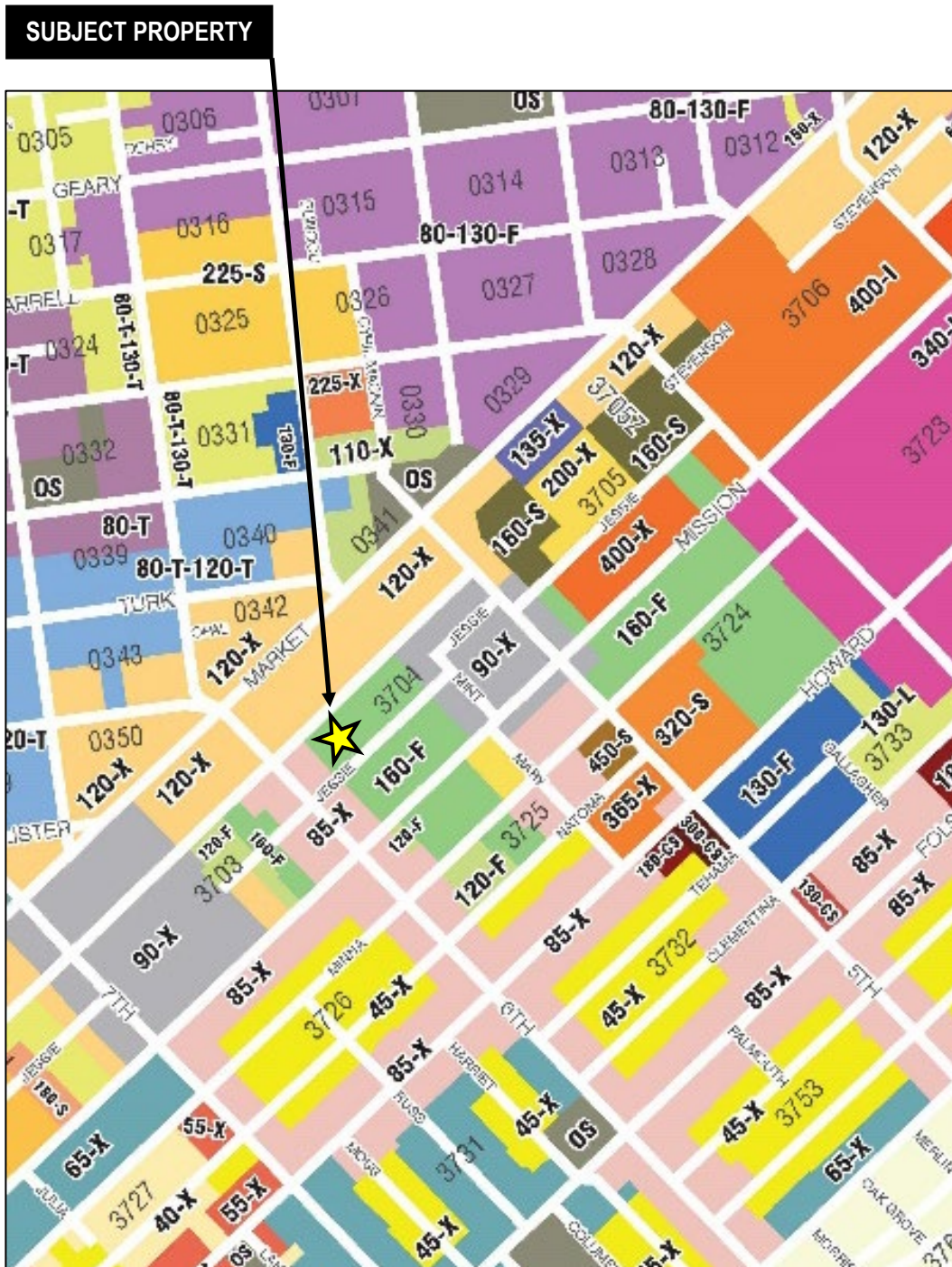
# Zoning Map



Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



# Height & Bulk Map



Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



# Aerial Photo

SUBJECT PROPERTY



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

Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



# Aerial Photo

SUBJECT PROPERTY



Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



# Site Photos



Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



# Site Photos



Downtown Project Authorization  
Case Number 2017-014833DNX  
469 Stevenson Street



**EXHIBIT F:**  
**PUBLIC CORRESPONDENCE**

**Mayor's Office of Housing and Community Development**  
City and County of San Francisco



**London N. Breed**  
Mayor

**Eric D. Shaw**  
Director

May 25, 2021

Rich Hillis  
Director  
San Francisco Department of City Planning  
1650 Mission Street  
San Francisco, CA 94103

Dear Director Hillis:

It is my understanding that the City Planning Commission is scheduled to vote on 469 Stevenson Project ("The Project") on Thursday, June 10, 2021. The Project sponsor, BUILD Inc. ("Developer"), is proposing to satisfy its affordable housing obligations through the provision of on-site affordable units as well as through a payment of inclusionary affordable housing fees.

The purpose of this letter is to confirm several of the Mayor's Office of Housing and Community Development's (MOHCD) goals as they relate to affordable housing in the South of Market neighborhood. MOHCD is committed to strengthening the social, physical and economic infrastructure of San Francisco's low-income neighborhoods and communities through the development of affordable housing everywhere in the City, including the South of Market.

MOHCD currently has several investments in the South of Market underway for the development of affordable housing for low-income households, as well as for the acquisition of rent-controlled properties and their conversion to permanent affordable housing. MOHCD intends to continue the City's investments into the area through the support of new 100% affordable housing projects.

In my capacity as the Director of MOHCD, and subject to applicable law and any required City approvals, including, for example, Board of Supervisors approval and budget allocation, I can confirm that MOHCD is committed to allocating inclusionary affordable housing fees generated by the 469 Stevenson Project to affordable housing investments in the South of Market neighborhood, including projects for families, homeless families, and homeless individuals. South of Market projects currently in our pipeline include:

- 600 7th Street
- 266 4th Street
- 160 Freelon
- 725 Harrison

- 88 Bluxome
- 967 Mission
- 71 Boardman/356 Harriet

I write this letter as a statement of MOHCD's sincere intent to prioritize the use of the Project's inclusionary affordable housing fees in the above manner, but without creating any City liability or limiting the discretion of any other City department, board, commission or agency with jurisdiction over affordable housing developments. Together, we can implement our shared mission of expanding affordable housing opportunities in the South of Market neighborhood.

Kind regards,

A handwritten signature in cursive script, appearing to read "Eric Shaw".

Eric Shaw  
Director



May 25, 2021

San Francisco Planning Commission  
1650 Mission Street, 4th Floor, Suite 400  
San Francisco, CA, 94103

*SENT VIA EMAIL*

***RE: Support - 469 Stevenson Project by BUILD, Inc.***

Dear President Koppel and Planning Commissioners,

The Bay Area Council is a public policy advocacy organization working to support civic and business leaders in solving our region's most challenging issues. On behalf of the more than 350 member organizations of the Bay Area Council, we are writing to extend our support for the 469 Stevenson as proposed by BUILD, Inc.

California is experiencing an unprecedented housing crisis that will worsen without significant intervention. The California Department of Housing and Community Development estimates that the state must build 180,000 new units of housing annually by 2025 to meet projected population growth - over 100,000 more units than we are currently creating. This shortage will disproportionately impact low-income communities and communities of color. To combat this, every county and city must do its part to produce more housing units to keep up with the growing population.

The 469 Stevenson project proposed by BUILD, Inc. would transform a surface parking lot in downtown San Francisco into 495 new housing units in a dense, walkable urban environment near transit. In consideration of equitable development, 19% of the housing units would be affordable, and the project would cause no displacement. For this and the following reasons the Bay Area Council stands in strong support of this project:

**Location to facilitate Transit Use** - The project benefits from a truly transit-oriented location. The site is easily accessible to the Powell Street BART and underground MUNI Metro station, offering easy access to the entire Bay Area. Dozens of MUNI bus lines also stop within blocks of the property. 469 Stevenson is also walkable to the San Francisco Caltrain station at 4th and King St. Access to Caltrain will be enhanced when the Central Subway Project is completed, which will extend the Muni Metro T Third Line to provide a direct transit link between Mission Bay and Bayshore areas to SoMa, Downtown, and Chinatown. The Central

Subway project is currently under construction along 4th Street – just two blocks from the property.

**Infill Development Project** - The project will utilize the Individually Requested State Density Bonus program to provide additional density and affordable units to the area that would have otherwise been limited by the density of the existing zoning. The proposed project is planned for approximately 495 residential units representing density of 750 dwelling units to the acre. The project is principally a residential development, but also provides ~4,000 sf of ground floor community serving retail space. The project is walking distance to nearly every type of urban amenity (job centers, shopping and entertainment, etc.) and will provide flexibility for car-free living. The property is currently used as a surface parking lot that is largely paved and surrounded by a chain link fence. The development will not result in any displacement and will repurpose a blighted surface parking lots with housing density near transit rather than parking density near transit.

**Promote Innovative Community Design and Input** - The project seeks to enrich the public realm surrounding it. Such enrichments include active uses at the ground floor, spaces for local business and community groups, enhanced street cleanliness and streetscaping elements, new sidewalks where safe ones didn't exist before, and drought resistant landscaping and trees. The project will provide 231 indoor bike parking spaces making it very cyclist friendly. The project sponsor has conducted more than 70 meetings or interactions with various neighbors and neighborhood groups. Outreach is expected to continue throughout the project and bridge the relationship between an existing dynamic neighborhood and new development.

**Innovation in Environmental Design** - The project seeks to be an environmentally sustainable neighbor. Features include:

- One of the most walkable locations in San Francisco, close to public transit
- Tri-generation for lower carbon footprint than with traditional boiler systems
- Integrated solar to reduce peak electric demand
- EV charging stations
- Rainwater collection systems to reduce demand on city water
- Recovered water for toilets and gardening
- Energy efficient lighting and mechanical systems
- Water efficient landscaping

**Community Outreach** – BUILD, Inc. has conducted more than 70 meetings or calls with various neighbors and neighborhood/community groups. Outreach is expected to continue

throughout the project to bridge the relationship between an existing dynamic neighborhood and new development.

**Community and Economic Benefits** - Community input has been a cornerstone of the project's evolution. The project's design creates no additional, and in some cases even reduces, the impact of wind on the streetscape. The project was also designed to cast no shadow on any critical park infrastructure. In response to the community's desire for affordable housing, the project is seeking to provide 19% of the total project as on-site BMR units at a range of AMI depths. Because this project is using the state density bonus, that yields nearly 50% more on-site units than would otherwise be required by the City of San Francisco. The design of the project focuses on blending into the surrounding neighborhood. Metal panels in warm copper tones were chosen to compliment and harmonize with some of the nearby brick buildings. The building massing includes wings that front Stevenson Street to create a streetwall that is of a similar scale to the existing neighbors. The tower is placed toward Jessie street to minimize the shadow impact and to mitigate wind impacts. The tower is midblock which reduces its visibility from 6th street. Finally, the scale of the façade is calibrated to increase from the pedestrian realm to the skyline, it moves from a single-story rhythm that relates to the adjacent structures, to a multi-level articulation at the top that accentuates verticality.

The 469 Stevenson project will dramatically improve upon the existing condition and provide 495 sorely needed housing units. On behalf of the Bay Area Council, we urge you to support this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matt Regan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt Regan  
Senior Vice President  
Bay Area Council

December 21, 2020

San Francisco Planning Commission  
1650 Mission Street  
San Francisco, CA 94103

**RE: SPUR Endorsement of 469 Stevenson**

Dear Planning Commissioners:

BUILD presented 469 Stevenson to SPUR's Project Review Advisory Board at our December 4, 2020 meeting for review and consideration. **The SPUR Project Review Advisory Board finds the proposed project at 469 Stevenson to be an appropriate set of uses for this location and endorses BUILD's concept as presented at this time.**

SPUR is generally focused on policies, plans and codes rather than on individual projects. In order to support well-designed, high-quality infill development, we prefer to help set good rules around zoning, fees, housing affordability, sustainability, etc. However, on occasion, our Project Review Advisory Board will review and endorse development proposals of citywide or regional importance, evaluating their potential to enhance the vitality of the city and region according to the policy priorities and principles of good placemaking supported by SPUR.

Located in the South of Market neighborhood, close to transit and amenities, 469 Stevenson proposes to include 495 units, approximately 4,000 square feet of commercial retail space and 25,000 square feet of private and common open space. The project site is approximately 28,790 square feet (0.66 acres) and is currently used as a 176-space surface parking lot. Rising 27 stories, 469 Stevenson would be 274 feet tall and 535,000 gross square feet.

The project plans to include 192 studios, 33 junior one-bedroom units, 116 one-bedroom units, 96 two-bedroom units, 50 three-bedroom units, and 8 five-bedroom units. The sponsor plans to utilize the Individually Requested State Density Bonus Program and provide affordable housing units onsite. The project also currently plans to include three below-grade parking levels with 178 parking spaces, 200 class 1 bicycle spaces, and two service delivery loading spaces. Additionally,

one on-site loading space would be located at the street level, and 27 class 2 bicycle parking spaces would be placed along the sidewalk on Jessie Street.

SPUR affirms that 469 Stevenson:

- ✓ **Is located at an appropriate location for development**, near transit and infrastructure and not on a greenfield site. 469 Stevenson is located in a central infill location, in the South of Market (SoMa) neighborhood and close to the BART and Muni lines running on Market Street as well as frequent buses that connect to key transit and other destinations.
- ✓ **Provides an appropriate mix of land uses** including 495 residential units, 4,000 square feet of commercial retail and both public and private open space. The project contributes to the diversity of the city's housing stock, fosters economic development and provides critical amenities and services to the surrounding community.
- ✓ **Provides sufficient density at the site** with a residential density of approximately 750 dwelling units to the acre.
- ✓ **Creates a good place for people and contributes to a walkable environment**, replacing a surface parking lot and articulating intentions to identify ground floor tenants that will provide activity at the pedestrian level, particularly on Jessie Street. We also like the sponsor's plan to work with the adjacent property owner (NRG Energy Center) to improve and landscape the space between the buildings.

**The SPUR Project Review Advisory Board finds this development proposal to be an appropriate set of uses for this location and endorses 469 Stevenson.** We would be very excited to see a new development with active uses replace a surface parking lot in this challenging location. This is an appropriate location for an infill project with significant height and density, and we appreciate the affordable housing approach.

We are also impressed with the low parking ratio (the 178 parking spaces studied in the EIR would be a 0.36 parking ratio, far below the parking maximum) and encourage the project sponsor to pursue constructing as little parking as possible. We are also very intrigued by the sponsor's hope to work with the adjacent property (an NRG steam plant) to possibly use waste steam heat for hydronic heat.

Lastly, we are pleased to see that the project is providing affordability beyond what is required by the state density bonus. The project is required to provide 19% on-site affordable units on the base project (70 units). The project sponsor proposes to provide 19% on-site affordable units on the entire project (94 units), creating 35% more affordable units than required by the state density



bonus. Furthermore, the state density bonus requires a deeper depth of affordability at the 50% AMI tier, which is below the city's lowest required AMI depth of 55%.

Please do not hesitate to contact us with any questions or clarifications.

Sincerely,

Charmaine Curtis                      Diane Filippi  
Co-Chairs, SPUR Project Review Advisory Board

Sarah Karlinsky  
Senior Advisor, SPUR

cc:     SPUR Board of Directors

**Project Address:** 469 Stevenson

**Project Sponsor:** BUILD Inc.

**Date of SFHAC Review:** 12.02.2020

## Grading Scale

★ = The project meets the high standard set by local jurisdiction and/or SFHAC

★★ = The project exceeds SFHAC standards

★★★ = The project far exceeds SFHAC's standards and exhibits creativity in its proposed solutions

## Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee
2. The Project must score a minimum of ★ on any given guideline

<b>Summary</b>	After reviewing the project proposal, the San Francisco Housing Action Coalition is proud to endorse BUILD Inc.'s 469 Stevenson Street. This well-designed, transit-oriented development will provide nearly 495 homes of varying sizes and affordability in downtown San Francisco.	★★
<b>Land Use</b>	The project site is located on an existing parking lot near an abundance of mass transit infrastructure and is adjacent to the Powell Street BART station. The site is also located within a five-minute walking distance of several job hubs including central SOMA, Civic Center, and Union Square.	★★
<b>Density</b>	The project will create 495 homes and is currently the largest state density project in the city. We applaud the project team's creative solution to accommodating more residents by including eight five-bedroom units. These units will serve more families and encourage co-living.	★★
<b>Affordability</b>	The project is set to include 94 on-site affordable units, which is 28% of the base project and 19% of the total project. We commend the project team's work to increase this number from the 64 that were originally proposed. We also admire the project team for exceeding the unit requirement laid out by the state density bonus.	★★
<b>Parking &amp; Alternative Transportation</b>	The project will include two underground floors for vehicle and bicycle parking. The project team estimates there will be fewer than 100 total parking spaces, though the final numbers have not yet been determined. Bicycle parking will include 200 Class 1 and 27 Class 2 spots. The project's close proximity to public transit will also encourage car-free living. We encourage the project team to revisit the building's bike infrastructure to consider placing bicycle parking on the ground floor.	★
<b>Preservation</b>	The project site does not have any existing infrastructure deemed historic as the site is currently a parking lot.	n/a
<b>Urban Design</b>	The project includes landscaping enhancements on both Jessee and Stevenson Streets. While the project team has presented ample and well-designed above-ground features, we encourage more refinements to the ground floor design.	★
<b>Environmental Features</b>	This project is anticipated to receive LEED Silver certification and will experiment with the use of the adjacent steam plant to conduct energy and heat for the building. We commend the project team for seeking alternatives to working with PG&E and for their innovative thinking of energy use.	★★★
<b>Community Benefits</b>	The project will include roughly 4,000 ft of community space, including the active ground floor community space for local businesses plus improved sidewalk infrastructure.	★

**Community Input**

We applaud the project team's continued work to integrate the community's input into the design and commend the project team's in-depth shadow and wind analysis.



**May 24, 2021**

**Re: 469 Stevenson**

**Dear San Francisco Planning Commission,**

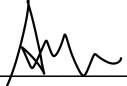
On behalf of the ownership of the office building located at 995 Market Street, we're writing to you to voice our support for the new project that would transform 469 Stevenson Street in downtown San Francisco into 495 well-designed, transit-oriented homes. We urge you to approve this project because of its numerous benefits, including:

1. Close proximity to public transportation including the Powell Street BART station, MUNI, and several bus lines.
2. Five-minute walking distance to thousands of jobs located in central SOMA, Civic Center, and Union Square.
3. Hundreds of much-needed new homes. By creating 495 new homes, 94 of which are below market rate, this is currently the largest state density project in the city. And its eight five-bedroom homes will be able to serve more families and encourage co-living.
4. Environmentally-friendly features including LEED Silver certification, renewable energy, and 227 bicycle parking spots.
5. Community-friendly amenities including approximately 4,000 feet of community space, active ground floor community space for local businesses, and improved sidewalk infrastructure.

For these and many other reasons, please approve these new homes so that more people can call downtown San Francisco home.

**Sincerely,**

**Bridgeton 995 Market Property LLC**

By: \_\_\_\_\_

Name: Akash Sharma, Authorized Signatory

**EXHIBIT G:**  
**PROJECT SPONSOR BRIEF**

May 26, 2021

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

Dear President Koppel and Planning Commissioners:

On behalf of 469 Stevenson Investment, LLC (a partnership that includes BUILD and Vanke, collectively the “Sponsor”) we are pleased to present 469 Stevenson Street (the “Proposed Project”), for your consideration and respectfully request that you approve the Proposed Project. The Proposed Project is a 27-story, 495-unit mixed use project with approximately 4,000 square feet of community-serving retail space located in a prime transit-oriented location in SOMA/Mid-Market. The site is currently used as a surface parking lot containing 176 parking spaces.

### **Strong Collaboration between Planning Staff and Sponsor**

The Sponsor and Solomon Cordwell Buenz (“SCB”), the Proposed Project’s architect, worked closely with the Planning Department’s design staff (UDAT and SDAT) through many iterations to design a project that is harmonious with its surroundings while also meeting several design challenges. Planning, SCB and Sponsor’s collective endeavors resulted in a building that addressed the desire to present a strong street wall that is of a similar scale to the existing neighbors. The tower is placed toward Jessie street to minimize the shadow impact and to mitigate wind impacts. The tower is midblock which reduces its visibility from 6th street. Furthermore, the scale of the façade is calibrated to increase from the pedestrian realm to the skyline, it moves from a single-story rhythm that relates to the adjacent structures, to a multi-level articulation at the top that accentuates verticality. The result culminates in a building that is architecturally attractive and also sensitive to the surrounding conditions and urban context.

### **Generation of Significant Economic Benefits**

The Proposed Project will generate significant benefits for the City of San Francisco in the form of affordable housing creation, job creation, fee generation, tax revenue and economic activity from new residents in the Mid-Market area.

- *Affordable Housing:* upon completion, 469 Stevenson will accommodate 73 on-permanently affordable BMR units at a range of AMI depths (45 units at 50% AMI, 14 units at 80% AMI, 14 units at 110% AMI). Additionally, affordable housing fees generated by the Proposed Project have the potential to be utilized by several nearby 100% affordable projects collectively representing nearly 800 units.
- *Job Creation:* the Proposed Project will create 2,000 construction jobs and 30 permanent administrative and maintenance jobs during lease-up and operation.
- *Fee Generation:* the Proposed project will generate ~\$25 million in fees to the City of San Francisco.
- *Tax Revenue:* the Proposed project will generate ~\$5 million in annual property tax revenue upon completion.

- *Local Economic Activity:* approximately 1000-1500 new residents will occupy the building, driving economic activity in the immediate vicinity of the Proposed Project, augmenting Mayor Breed's recently announced Mid-Market Vibrancy and Safety Plan.

#### **Collaboration with Stakeholders**

The Proposed Project has been in various stages of planning for approximately 4 years, a significant amount of time throughout which Sponsor has engaged in meaningful communication, outreach and engagement with a range of stakeholder groups. During the process, Sponsor's outreach led to dozens of meetings and calls which resulted in the support of neighbors, local community groups and business owners. Over the course of the planning process, groups with which we engaged in a dialog include the Mid-Market Coalition, SOMA Neighborhood Residents Council (SNRC), Filipino Community Development Corporation (FCDC), Tenderloin Peoples Congress, The Ark SF, SOMA Pilipinas, South of Market Community Action Network (SOMCAN), United Playaz, West Bay, Mint Mall Residents Assembly, Tenderloin Filipino Community Association, Central Market CBD, Asians United, Hospitality House, SF Power, and many others.

We look forward to the hearing on June 10<sup>th</sup>. Please do not hesitate to reach out prior to the hearing if I or any of the other members of the Project team can provide additional information or answer questions.

Very truly yours,



Lou Vasquez  
Partner

**BUILD**

**EXHIBIT H:**  
**INCLUSIONARY AFFORDABLE**  
**HOUSING AFFIDAVIT**



**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

5-14-21

*Date*

I, Lou Vasquez,  
do hereby declare as follows:

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

469 Stevenson

*Address*

3704/045

*Block / Lot*

The subject property is located within the following Zoning District:

C-3-G

*Zoning District*

160-F

*Height and Bulk District*

*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:

2017-014833

*Planning Case Number*

*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:

Nicholas Foster

*Planner Name*

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

May 31, 2018

*Date*

The project contains 495 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:

19%

*On-site, off-site or fee rate as a percentage*

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

*Residential Gross Floor Area*

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

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

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

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

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

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

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

## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
495		192	149	96	58

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>		% 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:

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:	

<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  % 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:
66		26	19	13	8

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
Very-Low	38	7.6%	50%
Low	14	2.8%	80%
Moderate	14	2.8%	110%

3. Fee  % of affordable housing requirement.

**Is this Project a State Density Bonus Project?** ☒ Yes ☐ No

If yes, please indicate the bonus percentage, up to 35% 42.5, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) 147 units

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:
0					

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**

469 Stevenson Investment, LLC

Company Name

LOU VASQUEZ

Name (Print) of Contact Person

315 LINDEN ST.

Address

415.748.1855

Phone / Fax

SAN FRANCISCO, CA 94102

City, State, Zip

lou@bldsf.com

Email

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

**Sign Here**

Signature:



LOU VASQUEZ

Name (Print), Title:

Executed on this day in:

Location:

SAN FRANCISCO, CA

Date:

5/18/2021

**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 I:**  
**ANTI-DISCRIMINATORY**  
**HOUSING AFFIDAVIT**

# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
Nordstrom, Inc.	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
1700 7th Ave, Suite 1000	( 206 ) 303-4025
Seattle, WA 98101	EMAIL:
	alice.troung@nordstrom.com

APPLICANT'S NAME:	
469 Stevenson Owner, LLC	Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:
315 Linden St.	( 415 ) 478-1855
San Francisco, CA 94109	EMAIL:
	lou@bldsf.com

CONTACT FOR PROJECT INFORMATION:	
Lou Vasquez	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
315 Linden St.	( 415 ) 478-1855
San Francisco, CA 94109	EMAIL:
	lou@bldsf.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
Tyler Kepler	Same as Above <input type="checkbox"/>
ADDRESS:	TELEPHONE:
315 Linden St.	( 415 ) 551-7616
San Francisco, CA 94109	EMAIL:
	tyler@bldsf.com

## 2. Location and Project Description

STREET ADDRESS OF PROJECT:		ZIP CODE:
469 Stevenson St		94103
CROSS STREETS:		
Stevenson and 6th St		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3704 / 045	C-3-G	160-F

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction	0	495	495
<input type="checkbox"/> Demolition			
<input type="checkbox"/> Alteration			
<input type="checkbox"/> Other: _____			



## 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? New York, Washington

- 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.*

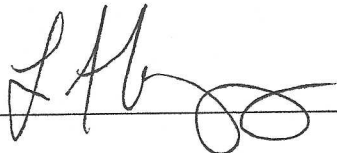
Human Rights Commission contact information  
Mullane Ahern at (415)252-2514 or [mullane.ahern@sfgov.org](mailto:mullane.ahern@sfgov.org)

## 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: \_\_\_\_\_



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

5/21/2021

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

AUTHORIZED AGENT

Owner / Authorized Agent (circle one)



## PLANNING DEPARTMENT USE ONLY

### PLANNING DEPARTMENT VERIFICATION:

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

Notification of Incomplete Information made:

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

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
Signature: _____ Date: _____	
Printed Name: _____ Phone: _____	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	

**EXHIBIT J:**  
**FIRST SOURCE**  
**HIRING AFFIDAVIT**



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

## APPLICATION

### Project Sponsor's Information

Name:

Email Address:

Address:

Telephone:

### Property Information and Related Applications

Project Address:

Block/Lot(s):

Building Permit Application No(s):

Estimated Residential Units:

Estimated SQ FT Commercial Space:

Estimated Height/Floors:

Estimated Construction Cost:

Anticipated Start Date:

### 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.

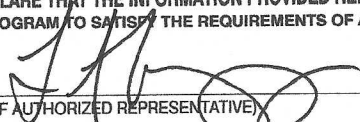
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

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	TBD	TBD	TBD	Laborer	TBD	TBD	TBD
Boilermaker	TBD	TBD	TBD	Operating Engineer	TBD	TBD	TBD
Bricklayer	TBD	TBD	TBD	Painter	TBD	TBD	TBD
Carpenter	TBD	TBD	TBD	Pile Driver	TBD	TBD	TBD
Cement Mason	TBD	TBD	TBD	Plasterer	TBD	TBD	TBD
Drywaller/Latherer	TBD	TBD	TBD	Plumber and Pipefitter	TBD	TBD	TBD
Electrician	TBD	TBD	TBD	Roofer/Water proofer	TBD	TBD	TBD
Elevator Constructor	TBD	TBD	TBD	Sheet Metal Worker	TBD	TBD	TBD
Floor Coverer	TBD	TBD	TBD	Sprinkler Fitter	TBD	TBD	TBD
Glazier	TBD	TBD	TBD	Taper	TBD	TBD	TBD
Heat & Frost Insulator	TBD	TBD	TBD	Tile Layer/ Finisher	TBD	TBD	TBD
Ironworker	TBD	TBD	TBD	Other:	TBD	TBD	TBD
		<b>TOTAL:</b>	TBD			<b>TOTAL:</b>	TBD

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

## DECLARATION OF SPONSOR OF PRINCIPAL PROJECT

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Lou Vasquez, Sponsor	lou@bldsf.com	415-748-1855
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		5/22/21 (DATE)

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT [CITYBUILD@SFGOV.ORG](mailto:CITYBUILD@SFGOV.ORG)

Cc: Office of Economic and Workforce Development, CityBuild  
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415.701.4848  
 Website: [www.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org) Email: [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org)

# **EXHIBIT B:**

# **PLANS**





469 STEVENSON STREET  
SAN FRANCISCO, CALIFORNIA  
DOWNTOWN PROJECT AUTHORIZATION

PROJECT SUMMARY		
GENERAL INFO		
BLOCK/LOT #		3704/045
ZONING DISTRICT		C-3-G
HEIGHT AND BULK DISTRICT		160-F
PROPOSED HEIGHT TO TOP OF SCREEN		284'-0"
GENERAL LAND USE		
SITE AREA		28,790 SF
RESIDENTIAL GFA		425,644 SF
RETAIL GSF		3,985 SF
USEABLE COMMON OPEN SPACE GSF		11,184 SF
USEABLE PRIVATE OPEN SPACE GSF		13,384 SF
DWELLING UNITS - TOTAL		495
NUMBER OF STORIES		27 + 3 BASEMENT
PARKING SPACES (INCLUDING ADA)		166
LOADING SPACES		1 + 2 SV
BICYCLE SPACES (CLASS 1)		200
BICYCLE SPACES (CLASS 2)		27
CAR SHARE SPACES		12
LAND USE RESI		
STUDIO UNITS		192
1 BEDROOM UNITS		149
2 BEDROOM UNITS		96
3 BEDROOM UNITS		50
5 BEDROOM UNITS		8
TOTAL BMR UNITS		73
AFFORDABLE HOUSING ON-SITE		45 UNITS AT 50% AMI
		14 UNITS AT 80% AMI
		14 UNITS AT 110% AMI

NARRATIVE

The project sponsor proposes a mixed-use project on mid-block parcel located between Stevenson Street and Jessie Street, in-between Fifth Street and Sixth Street (the “Property”). The property does not have existing structures. The baseline improvement would be a 259,110 residential GFA development over two basements.

The project sponsor proposes to utilize the State Density Bonus and will provide affordable housing units on site. The proposed improvement would be a 425,644 residential GFA development over three basements, featuring 495 residential units and approximately 3,985 square feet of retail (the 'Project').

As a transit oriented development, additional residential density at this location would encourage walkable communities, provide additional affordable housing, and improve access to jobs for working families.

SHT #	SHEET NAME	SHT #	SHEET NAME
0.000	COVER SHEET	3.701	LANDSCAPE GROUND FLOOR PLAN
0.001	NARRATIVE & TABLE OF CONTENTS	3.702	LANDSCAPE LEVEL 2 PLAN
1.001	STATE DENSITY BONUS - AXON	3.703	LANDSCAPE LEVEL 6 PLAN
1.002	BASE PROJECT AREA SUMMARY	3.704	LANDSCAPE LEVEL 27 PLAN
1.102	BONUS PROJECT AREA SUMMARY	3.705	LANDSCAPE MATERIAL & PLANTING
1.201	PROJECT SUMMARY	4.101	VIEW FROM I-80, 8TH AND BRANNAN
2.000	LOCATION PLAN	4.102	VIEW LOOKING EAST OVER MARKET ST
2.001	EXISTING PLOT PLAN	4.201	VIEW LOOKING EAST FROM JESSIE AND SIXTH ST
2.002	PLOT PLAN AND PHOTOS	4.202	VIEW LOOKING WEST FROM STEVENSON ST
2.003	PHOTOGRAPHS OF PROPERTY	5.132	STREETWALL ELEVATIONS
2.004	PHOTOGRAPHS OF PROPERTY	5.133	OPEN SPACE PLAN
2.005	PROPOSED SITE PLAN	5.141	ROOFTOP FEATURES SCREENING
3.198	BASEMENT 03 PLAN	5.142	ROOFTOP FEATURES SCREENING 2
3.199	BASEMENT 02 PLAN	5.151	OFF-STREET PARKING PLAN
3.200	BASEMENT 01 PLAN	5.153	OFF-STREET LOADING / CURB CUT PLAN
3.201	GROUND FLOOR PLAN	5.154	OFF-STREET LOADING SECTION
3.202	LEVEL 2 PLAN	5.155	BICYCLE PARKING PLAN
3.204	LEVELS 3-5 PLAN	5.156	CLASS 1 - BICYCLE PARKING
3.206	LEVEL 6 PLAN	5.157	CLASS 2 - BICYCLE PARKING
3.212	LEVELS 7-26 PLAN	6.140	DWELLING UNIT EXPOSURE
3.227	LEVEL 27 PLAN	6.260	HEIGHT/BULK/FAR
3.230	ROOF PLAN		
3.301	SOUTH & WEST ELEVATION		
3.302	NORTH & EAST ELEVATION		
3.321	EXTERIOR MATERIAL PALETTE		
3.401	BUILDING SECTION		



Base Planning Allowed			GFA	formula
A1	Site Area		28,790 sf	
A2	Max "Base" GFA	9:1 with TDRs	259,110 sf	A1 x 9

With State Density Bonus Applied				
B1	Max "Bonus" GFA		349,799 sf	A2 x 1.35

Parcel: 3704/045

BASE PROJECT

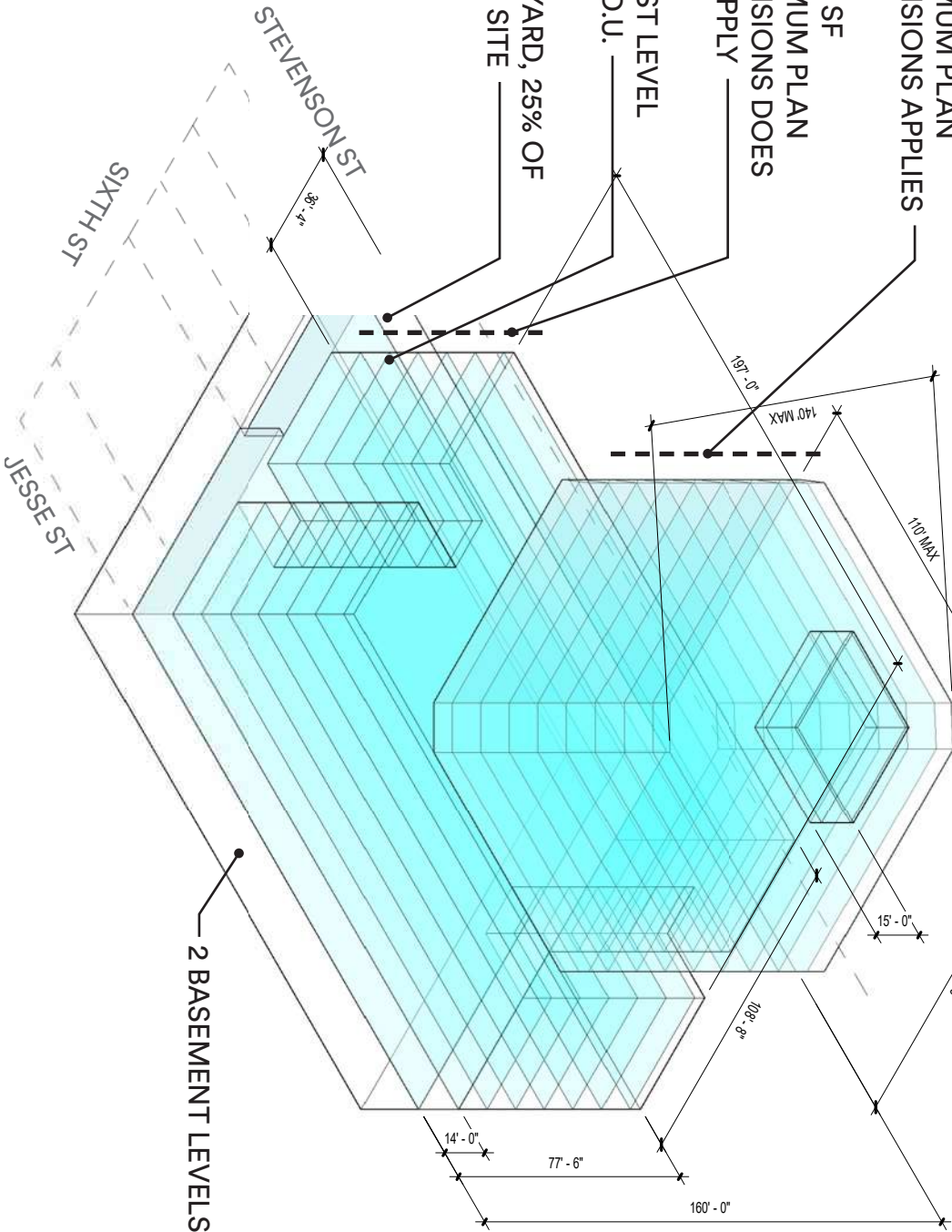
TOTAL 17 FLOORS  
+ 2 BASEMENTS

TYP. TOWER FLOOR =  
11,746 SF  
MAXIMUM PLAN  
DIMENSIONS APPLIES

20,938 SF  
MAXIMUM PLAN  
DIMENSIONS DOES  
NOT APPLY

LOWEST LEVEL  
WITH D.U.

REAR YARD, 25% OF  
DEPTH SITE



WAIVER REQUIRED:  
Height, Bulk, Open Space requirements, dwelling unit exposure for 15%

BONUS PROJECT

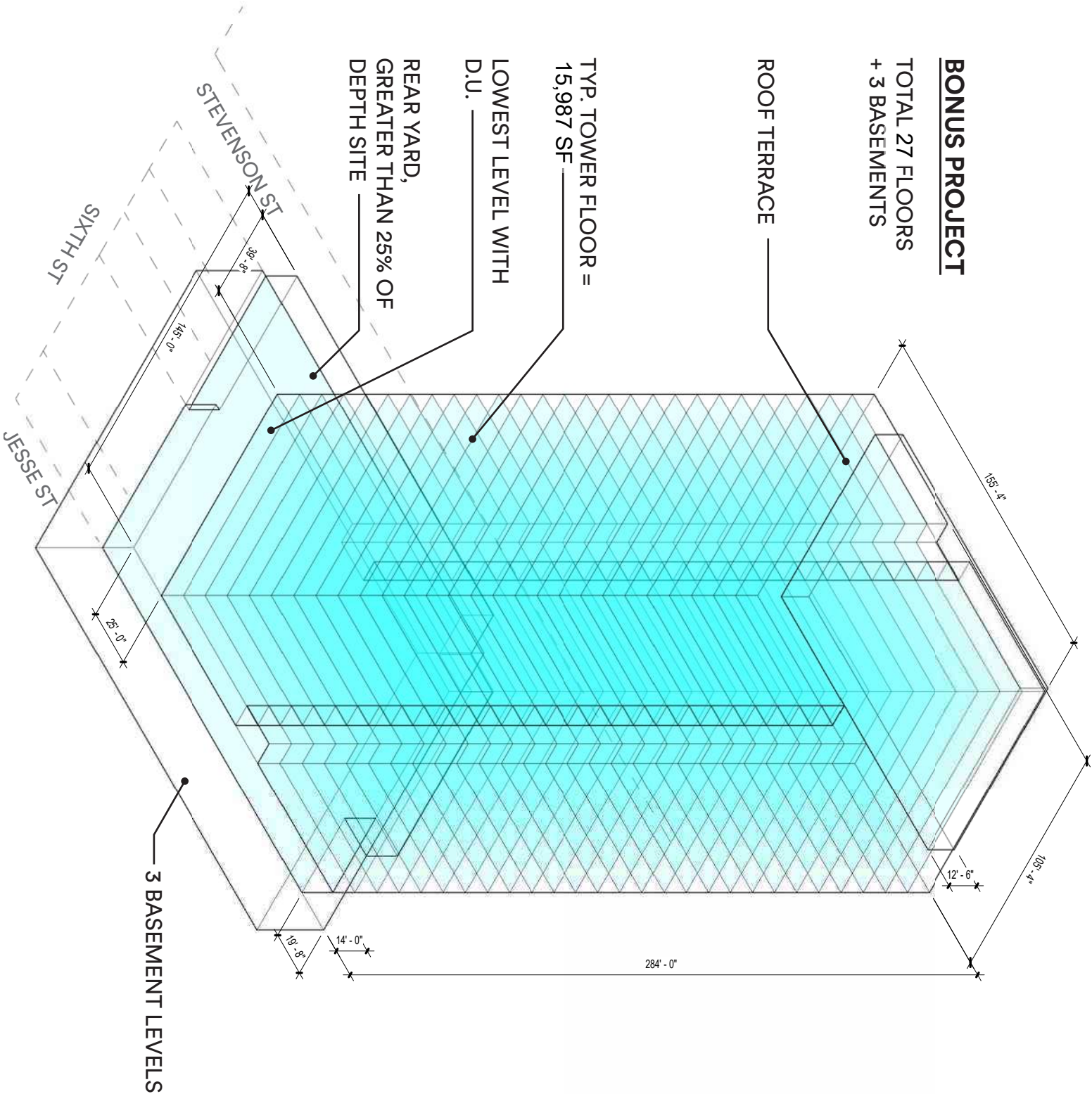
TOTAL 27 FLOORS  
+ 3 BASEMENTS

ROOF TERRACE

TYP. TOWER FLOOR =  
15,987 SF

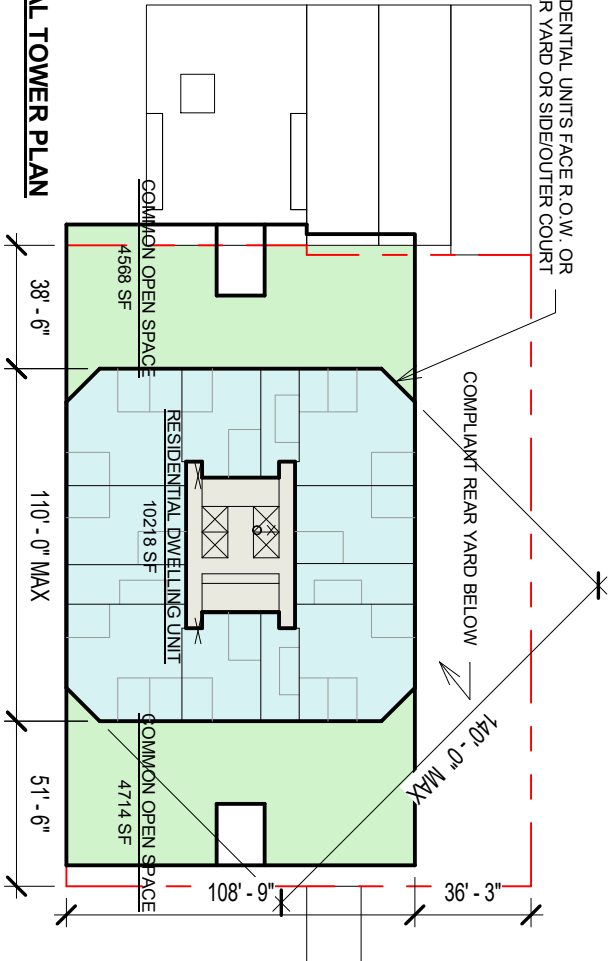
LOWEST LEVEL WITH  
D.U.

REAR YARD,  
GREATER THAN 25% OF  
DEPTH SITE



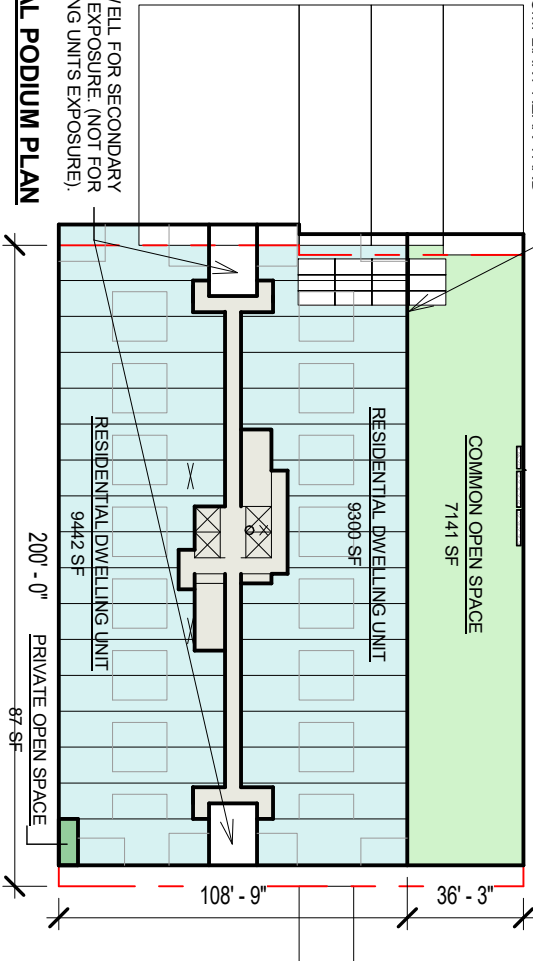


ALL RESIDENTIAL UNITS FACE R.O.W. OR COMPLIANT REAR YARD OR SIDE/OUTER COURT



TYPICAL TOWER PLAN

ALL RESIDENTIAL UNITS FACE R.O.W. OR COMPLIANT REAR YARD

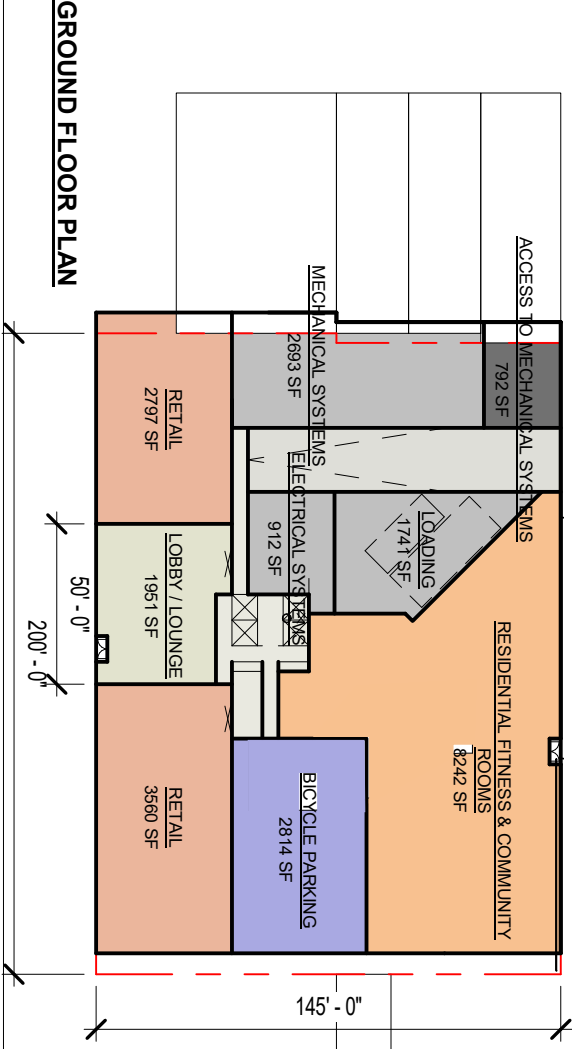


TYPICAL PODIUM PLAN

FLR. ELEV.	FTF	FLR.	TOTAL SQUARE FOOTAGE	GFA EXCLUSIONS	RESIDENTIAL GFA	RETAIL GFA	PARKING GFA	SPACES	TOTAL GFA	GFA EXCLUSIONS NOTES per sec 102 FLOOR AREA, GROSS (b)
+175.00		M.PH								
+160.00	15.00	RF								
+148.75	11.25	17	11,746	361	11,385				11,385	(4)(B)
+139.84	8.92	16	11,746	361	11,385				11,385	(4)(B)
+130.92	8.92	15	11,746	361	11,385				11,385	(4)(B)
+122.00	8.92	14	11,746	361	11,385				11,385	(4)(B)
+113.09	8.92	13	11,746	361	11,385				11,385	(4)(B)
+104.17	8.92	12	11,746	361	11,385				11,385	(4)(B)
+95.25	8.92	11	11,746	361	11,385				11,385	(4)(B)
+86.34	8.92	10	11,746	361	11,385				11,385	(4)(B)
+77.42	8.92	9	11,746	361	11,385				11,385	(4)(B)
+67.50	9.92	8	20,938	361	20,577				20,577	(4)(B)
+58.59	8.92	7	20,938	361	20,577				20,577	(4)(B)
+49.67	8.92	6	20,938	361	20,577				20,577	(4)(B)
+40.75	8.92	5	20,938	361	20,577				20,577	(4)(B)
+31.83	8.92	4	20,938	361	20,577				20,577	(4)(B)
+22.92	8.92	3	20,938	361	20,577				20,577	(4)(B)
+14.00	8.92	2	20,938	361	20,577				20,577.4	(4)(B)
+0.00	14.00	1	28,783	17,383	11,400	0	0	0	11,400	(4)(B), (8), (13), (14), (17), (21)
-10.00	10.00	B1	28,783	28,383	400	0	0	75	400	(1), (3), (6), (7)
-20.00	10.00	B2	28,783	28,383	400	0	0	75	400	(1), (3), (6), (7)
			338,629 SF	79,919 SF	259,110 SF	0 SF*	0 SF	150 SPACES	259,110 SF	

Studio + 1BR	71.2%	Provided Bike Parking	Required Open Space	Provided Private Open Space = 252	Required/Provided Off-Street Loading in C-3 District:
			sf		
2BR	18.5%	Class 1	Private	L02 Rear Yard	2 Loading Spaces
3BR	10.4%	Class 2	Common	L09 West	
				L09 East	
					16,423

- NOTES ON GROUND FLOOR PLAN:
- (1) GROUND FLOOR HEIGHT IS 14' FLOOR TO FLOOR WINDOWS & DOORWAYS FOR >60% OF FRONTAGE.
- (2) ACTIVE USES FENESTRATED WITH TRANSPARENT WINDOWS & DOORWAYS FOR >60% OF FRONTAGE.
- (3) LOBBY WIDTH IS <25% OF BUILDING FRONTAGE.
- (4) ACCESS TO MECHANICAL SYSTEMS EXEMPT FROM ACTIVE USE REQUIREMENTS PER 145.1(C)(3)



GROUND FLOOR PLAN

FLR. ELEV.	F/F	FLR.	TOTAL SQUARE FOOTAGE	GFA EXCLUSIONS	124(f) EXCLUSIONS	RESIDENTIAL GFA	RETAIL GFA	PARKING GFA SPACES	TOTAL GFA	GFA EXCLUSIONS NOTES per sec 102 FLOOR AREA, GROSS (b)
+276.50		M.PH								
+274.00	2.50	RF								
+262.00	12.00	27	11,178	622		10,556			10,556	(4)(B)
+250.67	11.33	26	15,987	622		15,365			15,365	(4)(B)
+241.00	9.67	25	15,987	622		15,365			15,365	(4)(B)
+231.33	9.67	24	15,987	622		15,365			15,365	(4)(B)
+221.67	9.67	23	15,987	622		15,365			15,365	(4)(B)
+212.00	9.67	22	15,987	622		15,365			15,365	(4)(B)
+202.33	9.67	21	15,987	622		15,365			15,365	(4)(B)
+192.67	9.67	20	15,987	622		15,365			15,365	(4)(B)
+183.00	9.67	19	15,987	622		15,365			15,365	(4)(B)
+173.33	9.67	18	15,987	622	686	15,365			15,365	(4)(B), sec 124(f)
+163.67	9.67	17	15,987	622	864	15,365			15,365	(4)(B), sec 124(f)
+154.00	9.67	16	15,987	622	2,797	15,365			15,365	(4)(B), sec 124(f)
+144.33	9.67	15	15,987	622	2,161	15,365			15,365	(4)(B), sec 124(f)
+134.67	9.67	14	15,987	622	3,421	15,365			15,365	(4)(B), sec 124(f)
+125.00	9.67	13	15,987	622	3,017	15,365			15,365	(4)(B), sec 124(f)
+115.33	9.67	12	15,987	622	3,421	15,365			15,365	(4)(B), sec 124(f)
+105.67	9.67	11	15,987	622	2,839	15,365			15,365	(4)(B), sec 124(f)
+96.00	9.67	10	15,987	622	3,259	15,365			15,365	(4)(B), sec 124(f)
+86.33	9.67	9	15,987	622	3,836	15,365			15,365	(4)(B), sec 124(f)
+76.67	9.67	8	15,987	622	2,966	15,365			15,365	(4)(B), sec 124(f)
+67.00	9.67	7	15,987	622	3,761	15,365			15,365	(4)(B), sec 124(f)
+55.00	12.00	6	15,987	622	3,933	15,365			15,365	(4)(B), sec 124(f)
+43.00	12.00	5	19,897	622	4,594	19,275			19,275	(4)(B), sec 124(f)
+33.33	9.67	4	19,897	622	4,940	19,275			19,275	(4)(B), sec 124(f)
+23.67	9.67	3	19,897	622	5,147	19,275			19,275	(4)(B), sec 124(f)
+14.00	9.67	2	19,897	622	4,961	19,275			19,275	(4)(B), sec 124(f)
+0.00	14.00	1	27,126	15,363		11,763	0	0	11,763	(4)(B), (13), (14), (17)
-14.00	14.00	B1	28,275	27,085		1,190		0	1,190	(1), (3), (6), (7), (8), (21)
-28.00	14.00	B2	28,275	27,085		1,190		0	1,190	(1), (3), (6), (7)
-42.00	14.00	B3	24,448	23,258		1,190		0	1,190	(1), (3), (6), (7)
			534,617 SF	108,973 SF	56,599	425,644 SF	0 SF*	0 SF 178 SPACES	425,644 SF	

this should be

\*3,985 sf GSF

0.36 per unit

SITE SUMMARY		
Zoning District	C-3-G	
Height District	160-F	
Site Area	28,790	sf
PROJECT SUMMARY		
Height of Buildings	274'-0"	
Number of Stories	27 + 3 Basements	
Dwelling Units	495	
Parking Spaces	178	
Loading Spaces	1 + 2 SV	
TOTAL SQUARE FOOTAGE		
Residential	474,606	sf
Retail	3,985	sf
Parking	56,026	sf
TOTAL	534,617	sf
PLANNING GFA (per sec. 102)		
Residential	425,644	GFA
Retail (General)	0	GFA
Parking	0	GFA
TOTAL	425,644	GFA
RESIDENTIAL SUMMARY		
STUDIOS	192	
1 BDRM	149	
2 BDRM	96	
3 BDRM	50	
5 BDRM	8	
Dwelling Units	495	

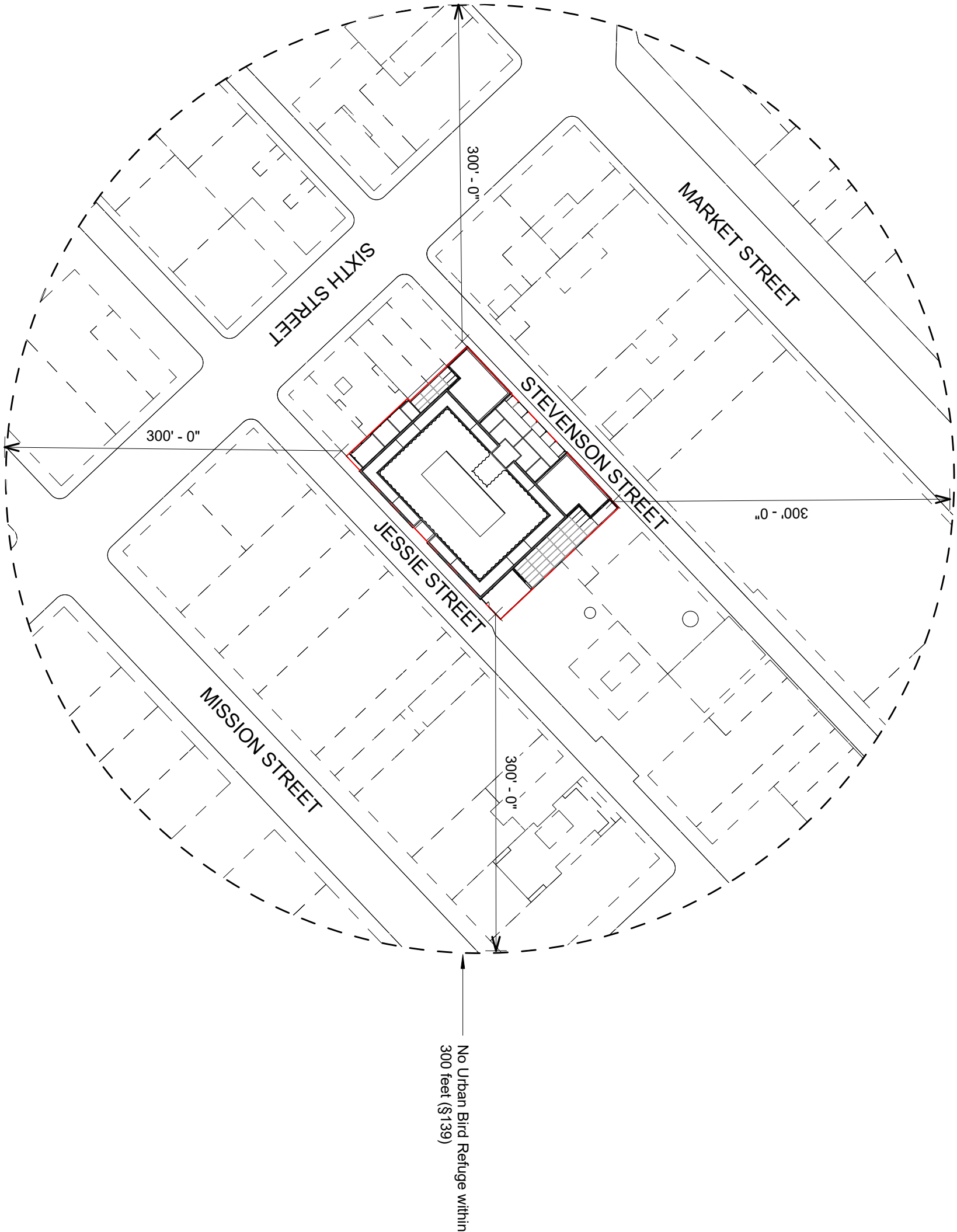
Sec 135 - RESIDENTIAL OPEN SPACE			
Dwelling units with Balconies	22		
Common Open Space Required (x Units x 36 sf/Unit X 1.33)	22,647		sf
Common Open Space Provided	11,184		sf

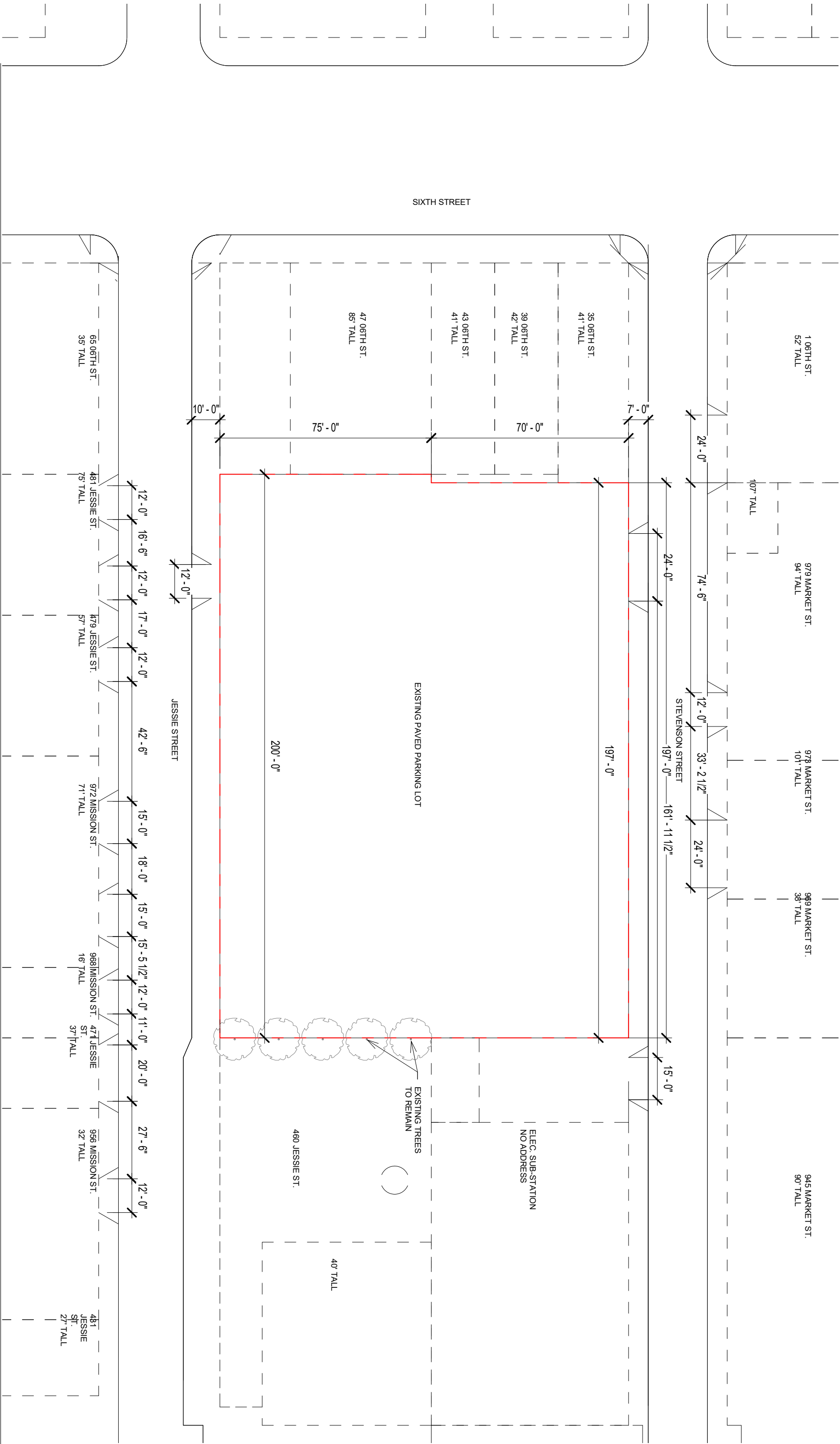
PARKING SUMMARY		Permitted as		
		Existing	Accessory	Provided
Sec 150. b Residential Off-Street Vehicle Parking	0	(# of Dwelling Units ) x .5 =	248 spaces	178 spaces
Non-Accessible Off-Street Vehicle Parking	176 spaces		Required	Provided
Sec 155. i Accessible Off-Street Vehicle Parking	0 spaces	1 accessible space per 25 spaces	7 spaces	7 spaces
Sec 166 Car-Share Parking Spaces, Residential	0 spaces	2, plus 1 for ever 200 dwelling units over 200 =	5 spaces	12 spaces

Sec 152.1 OFF-STREET LOADING	0	200,001 - 500,000 GFA =	2	1 + 2 SV
------------------------------	---	-------------------------	---	----------

Sec 155.2 BICYCLE PARKING		Class 1		Class II
(A) = Residential Dwelling Units	495	units		
Sec 155.2. 11 - Dwelling Units		100 Class I spaces plus onc Class I space for every four dwelling units over 100		One per 20 units.
Formula		=100+(((A)-100)/4)		=(A)/20'
Bicycle Parking Required - Dwelling Units		199 spaces		25 spaces
(B) = Retail Sales and Services	3,985	sf		
Table 155.2 - Retail Sales and Services		One Class I space for every 7,500 sf of occupied floor area.		Minimum 2 spaces. One Class II space for every 2500 sf of occupied floor area
Formula		=(B) / 7500		=(B) / 2500, 2 minimum
Bicycle Parking Required - Retail		1 spaces		2 spaces
Bicycle Parking Required - Total		200 spaces		27 spaces

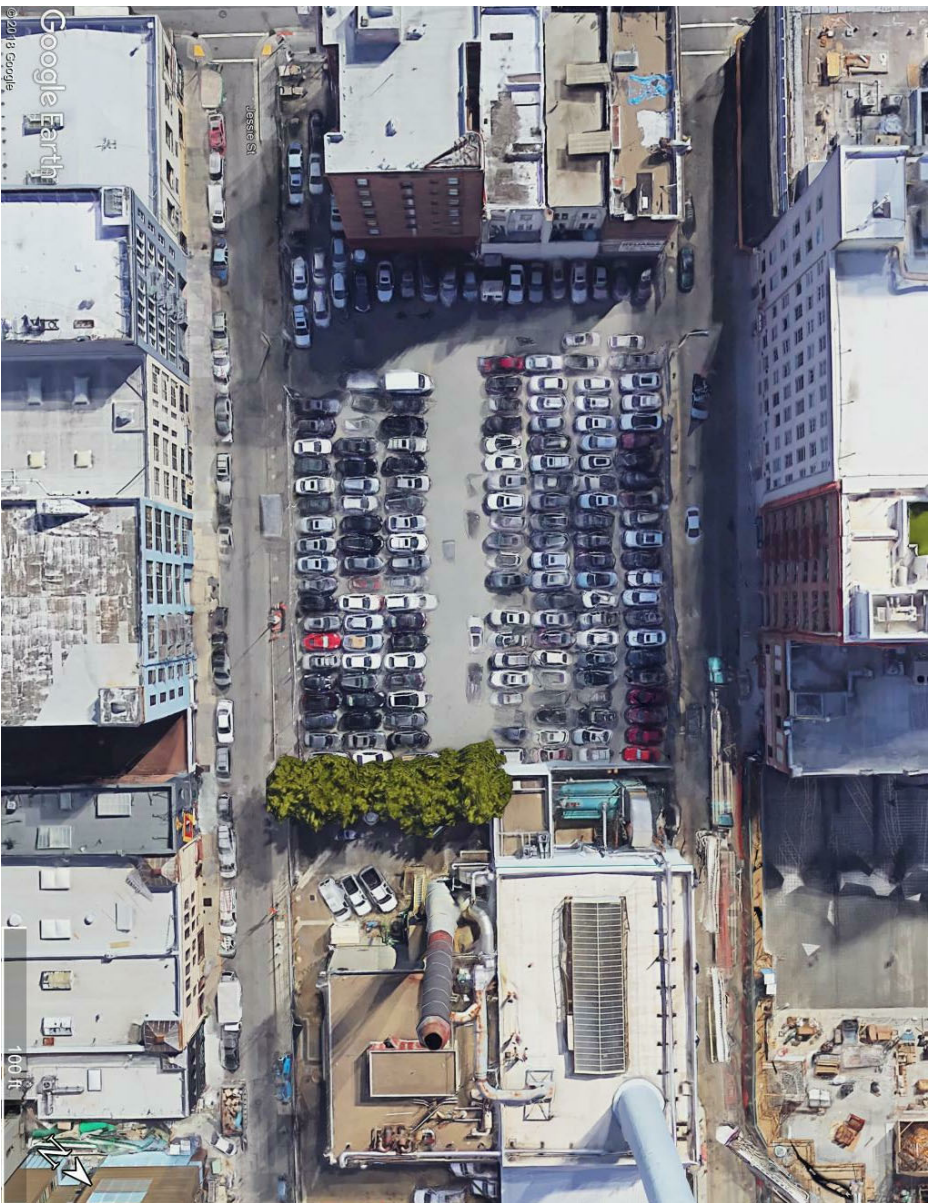




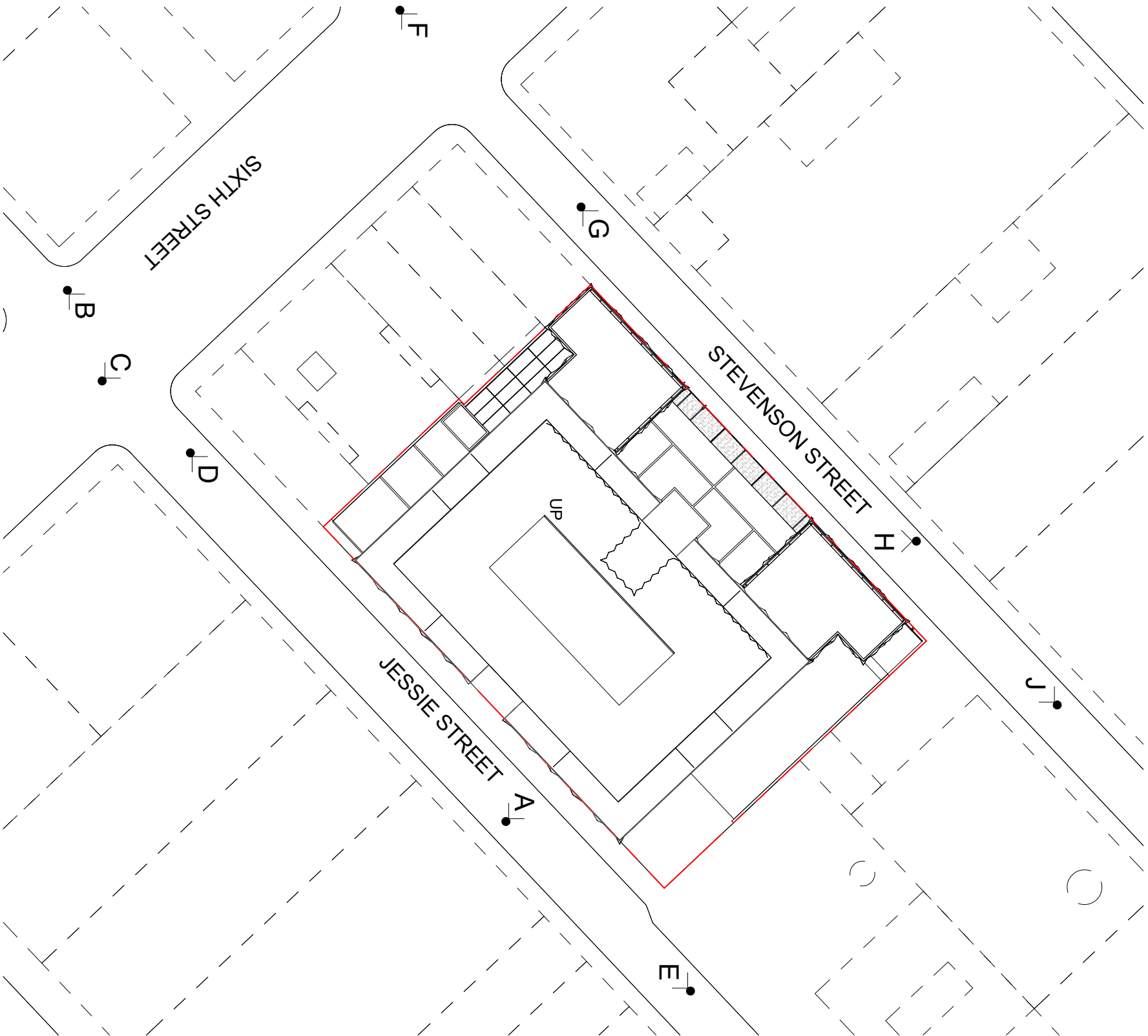


\* HEIGHTS ARE ESTIMATED AND NOT TAKEN FROM A CIVIL SURVEY





VIEW A







VIEW B: JESSIE ST



VIEW C: JESSIE AND 6TH ST



VIEW D: JESSIE ST



VIEW E: JESSIE AND 6TH ST





VIEW F: STEVENSON ST



VIEW G: STEVENSON ST

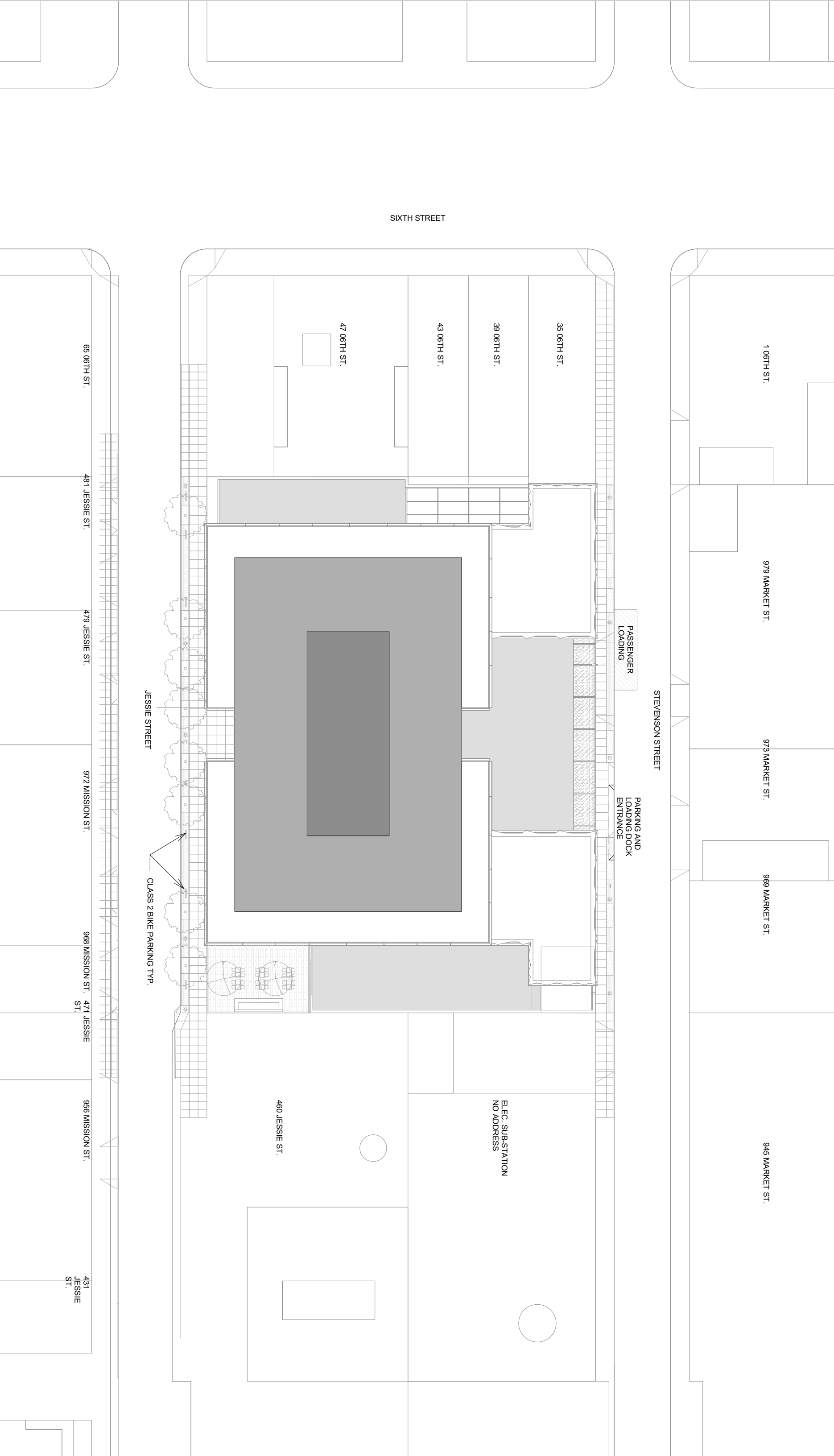


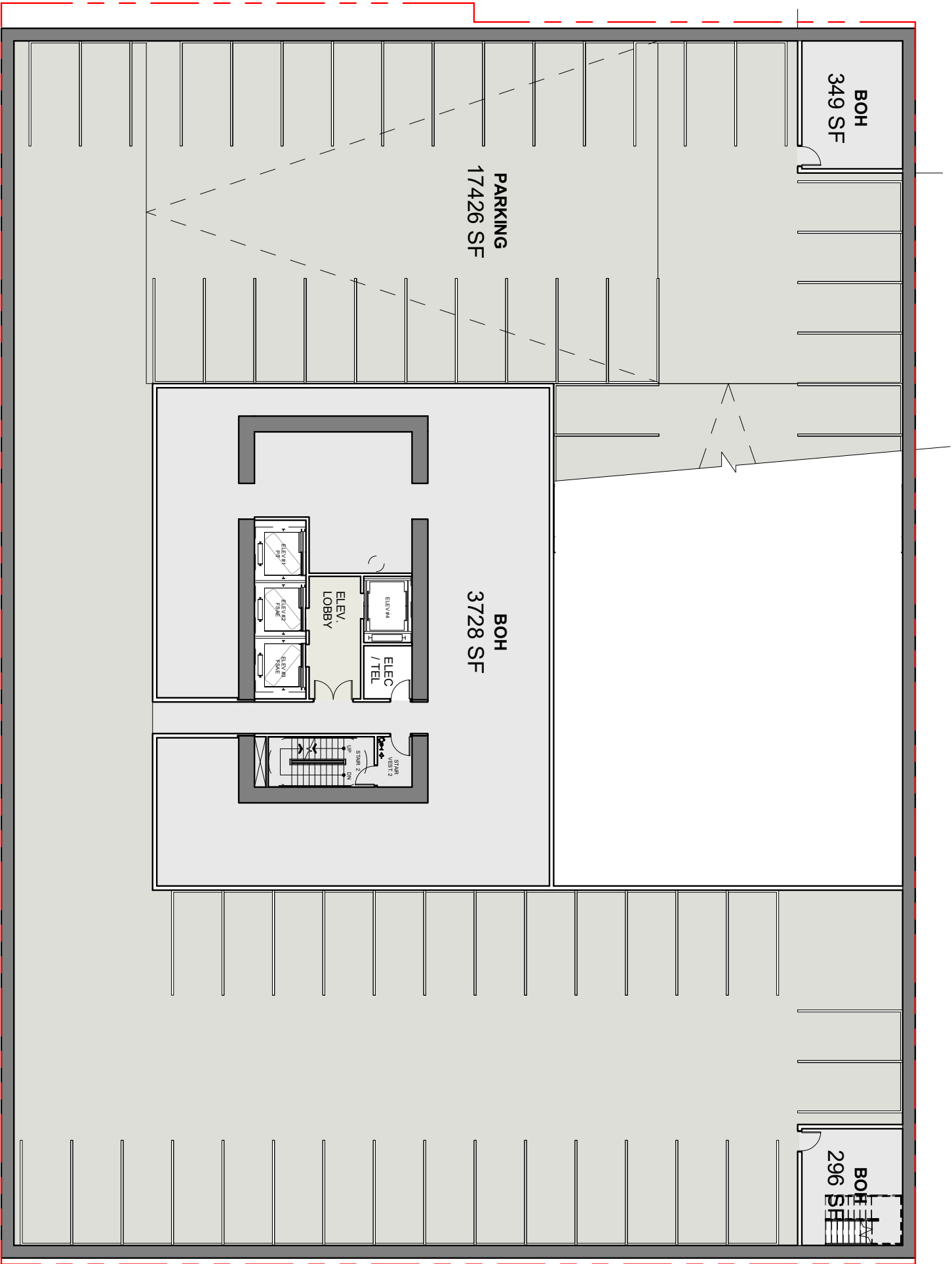
VIEW H: STEVENSON ST

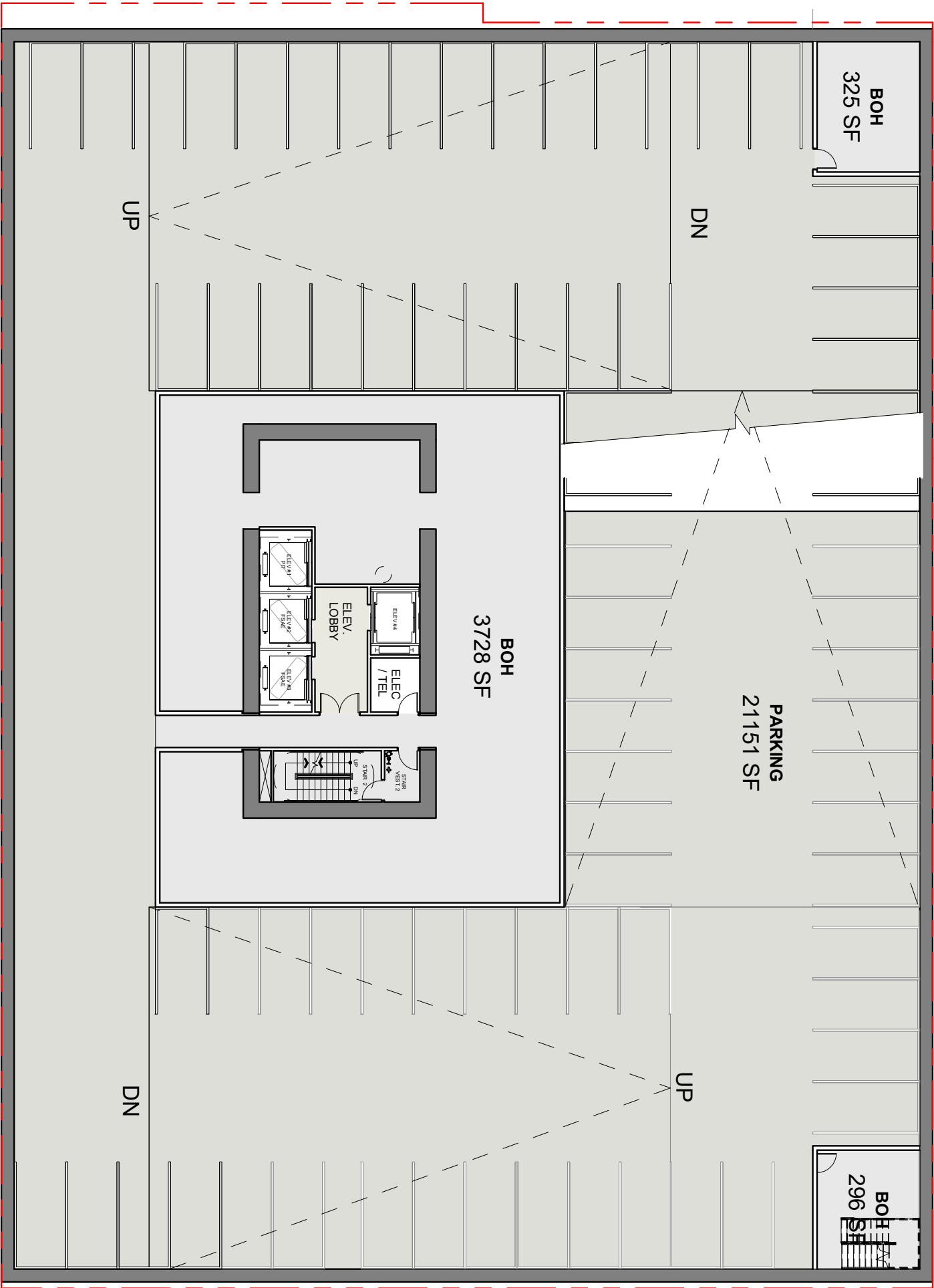


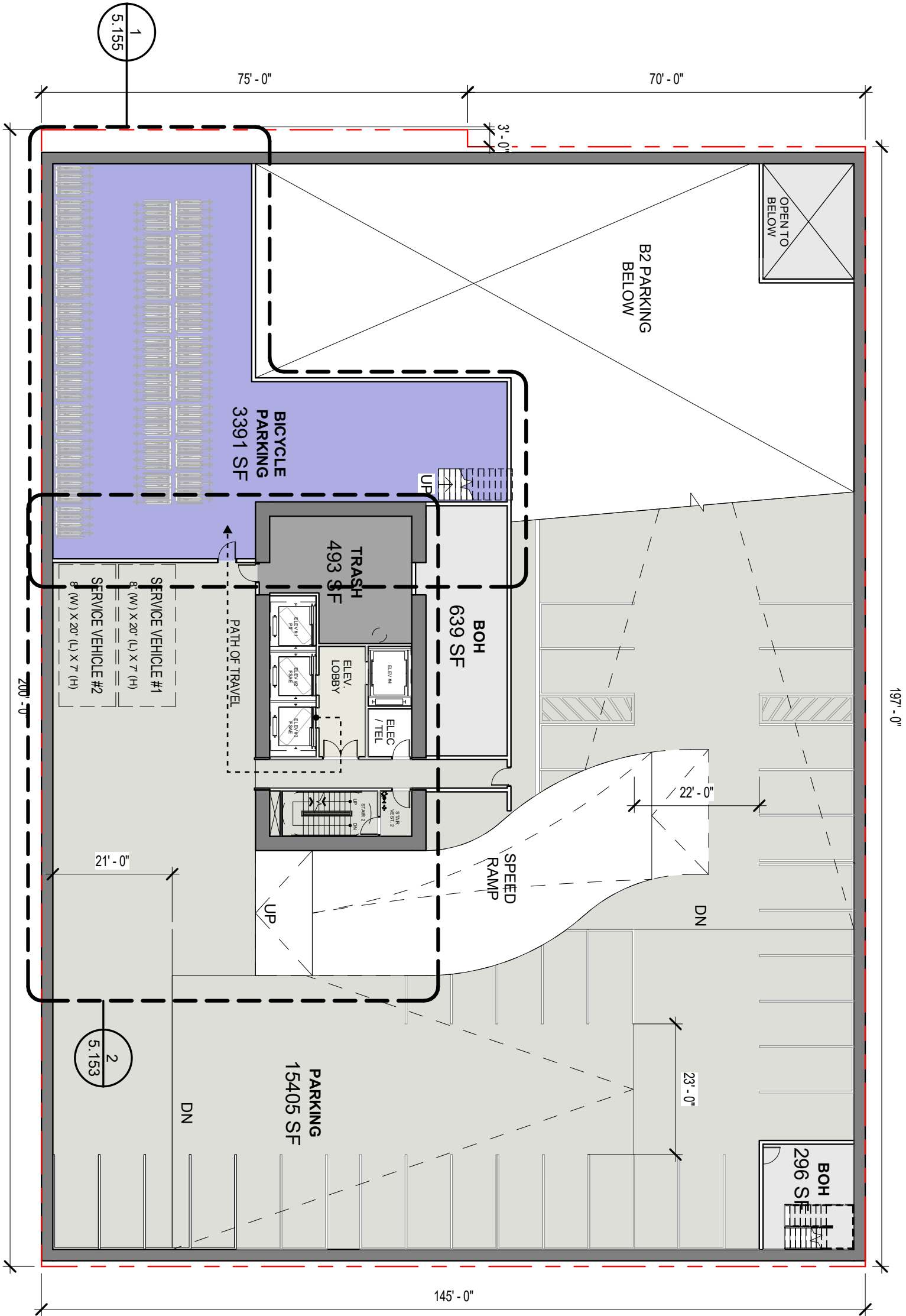
VIEW J: STEVENSON ST

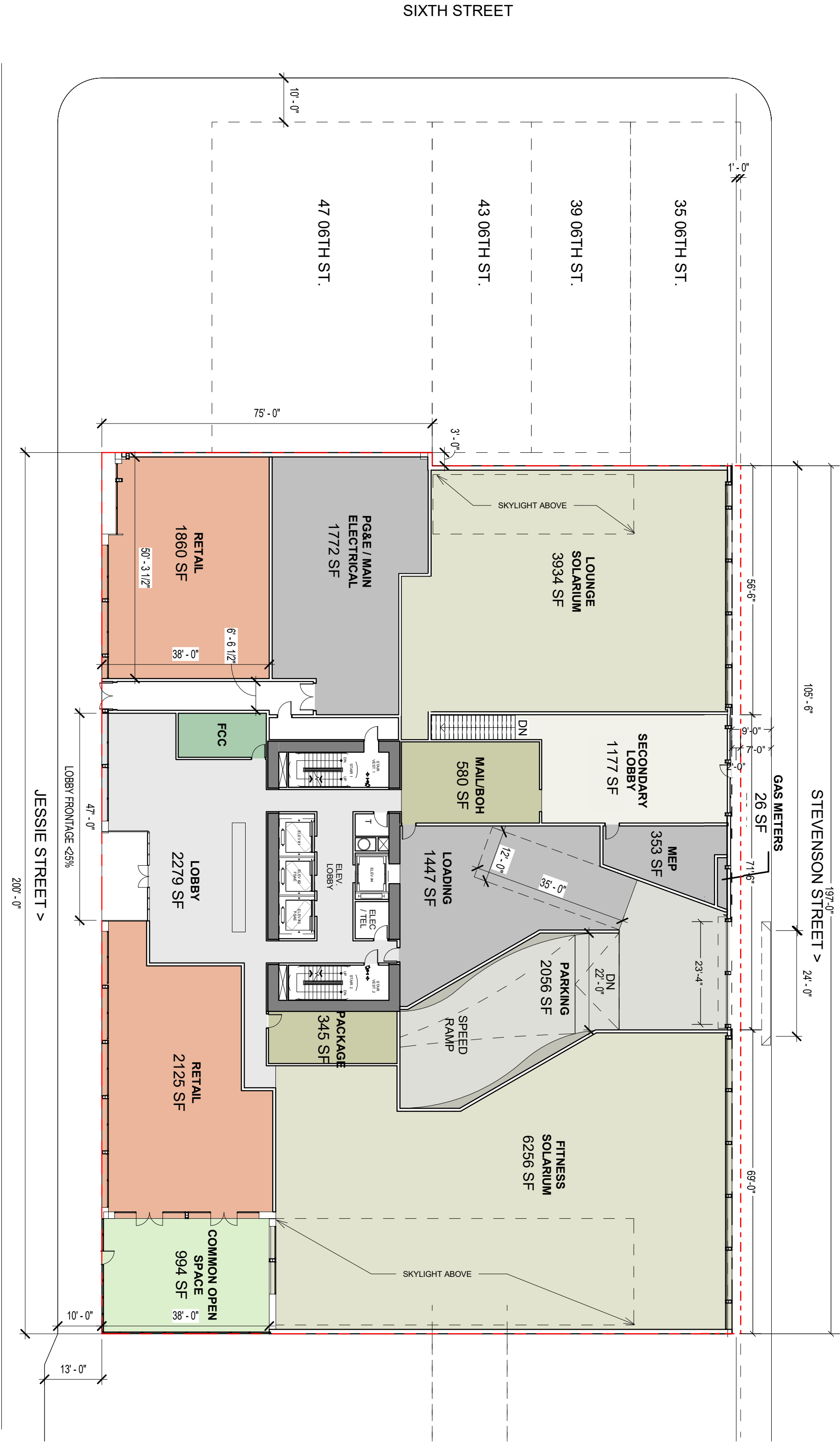


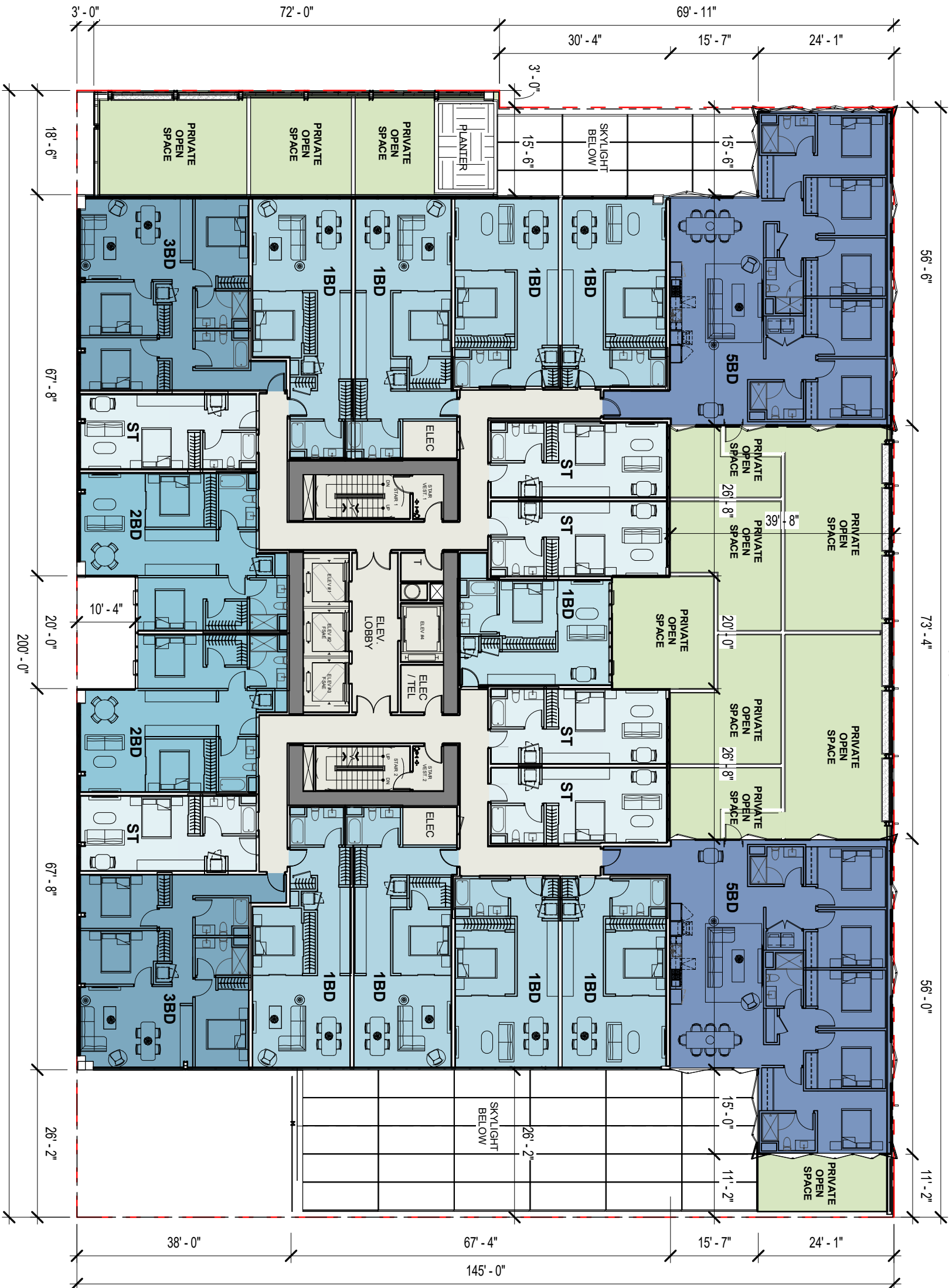






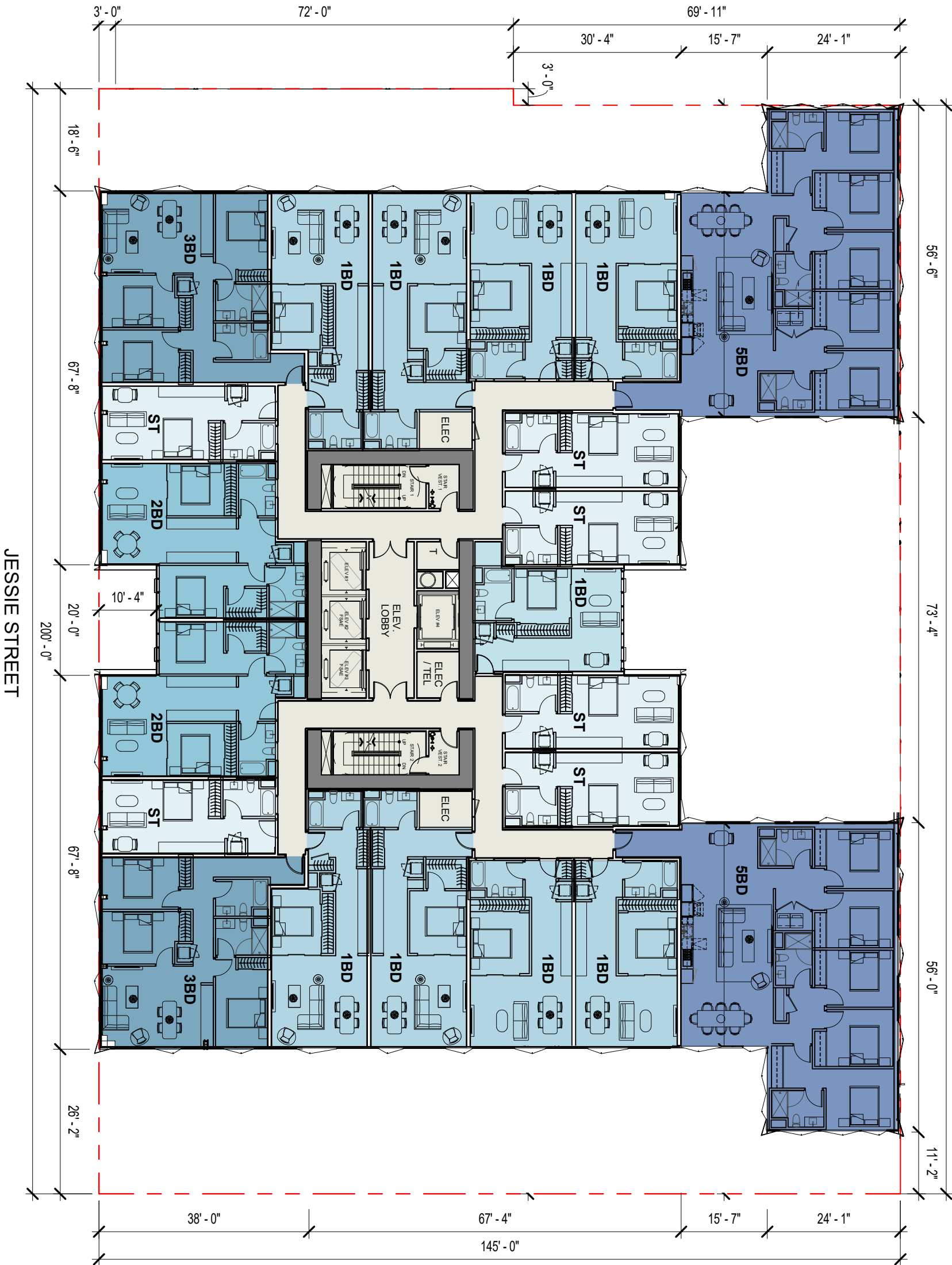


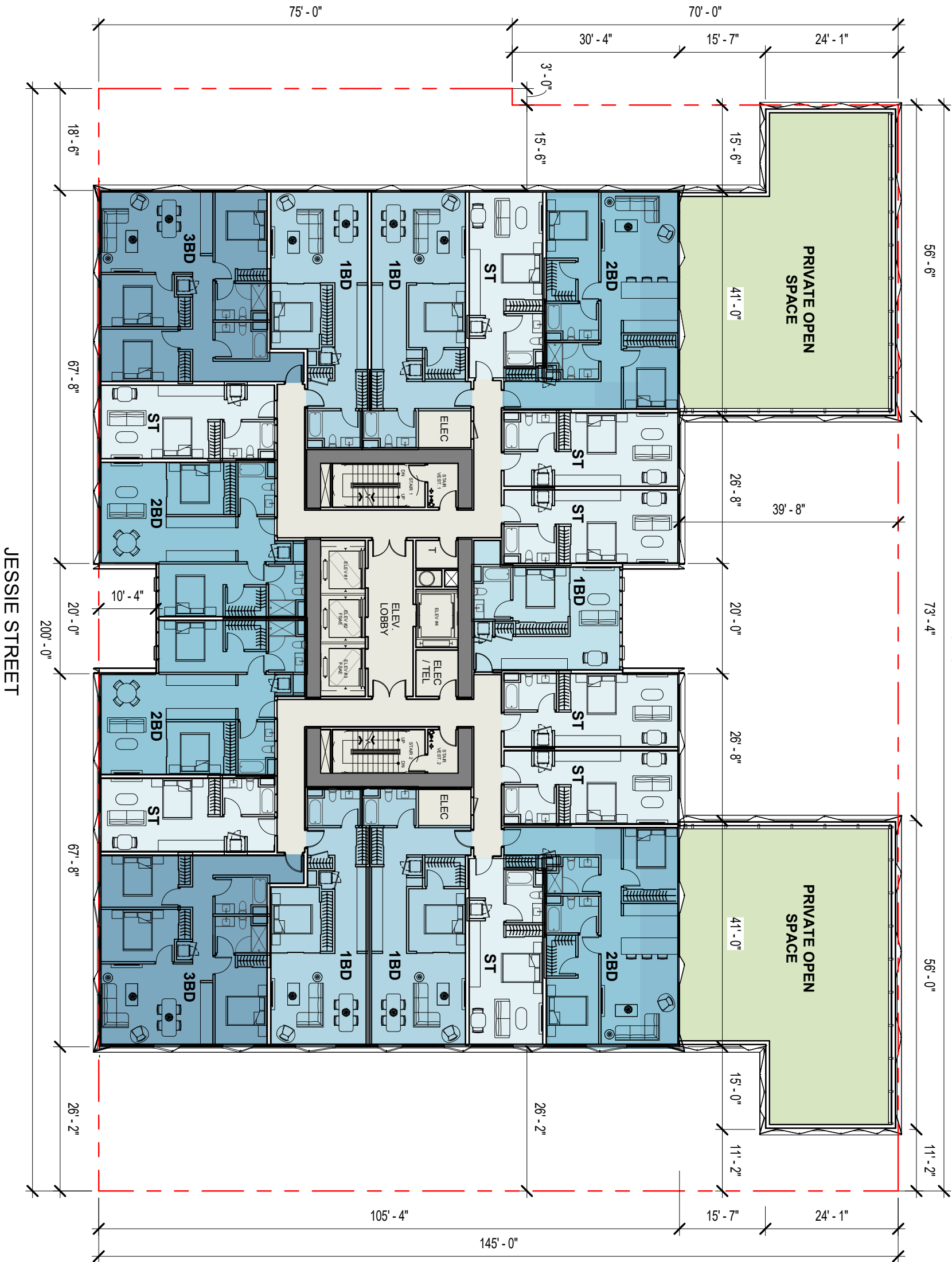




JESSIE STREET

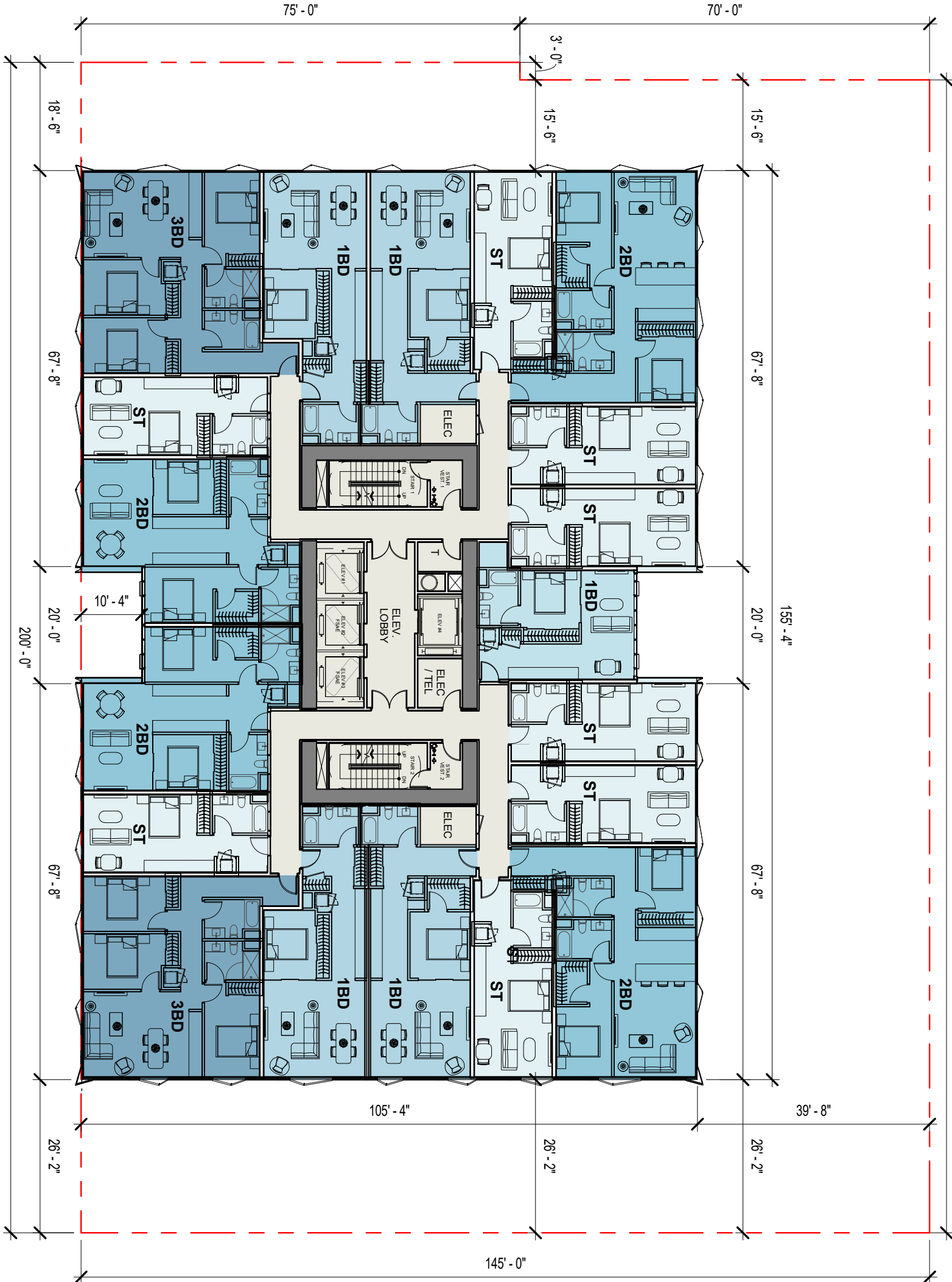






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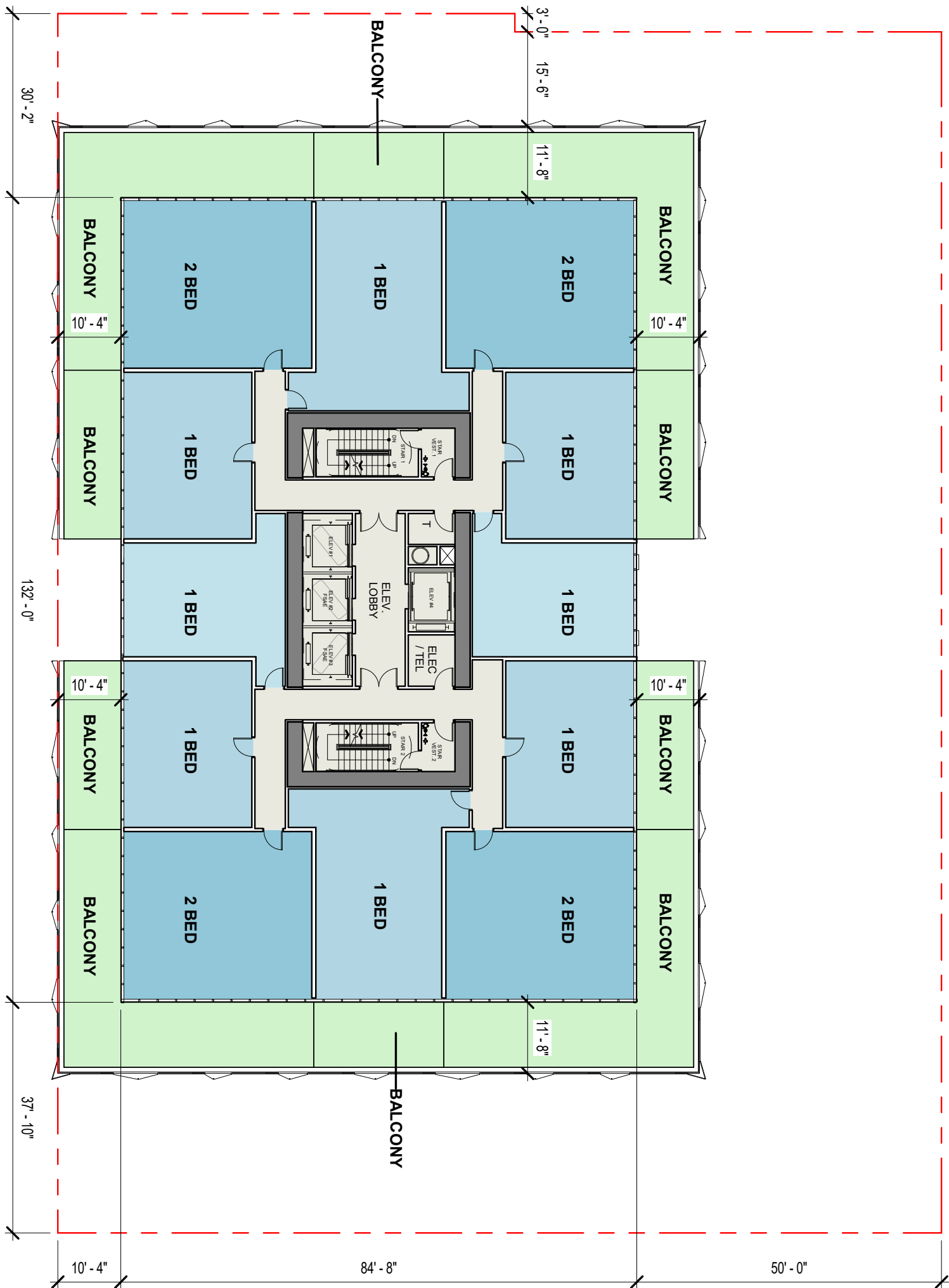
197' - 0"



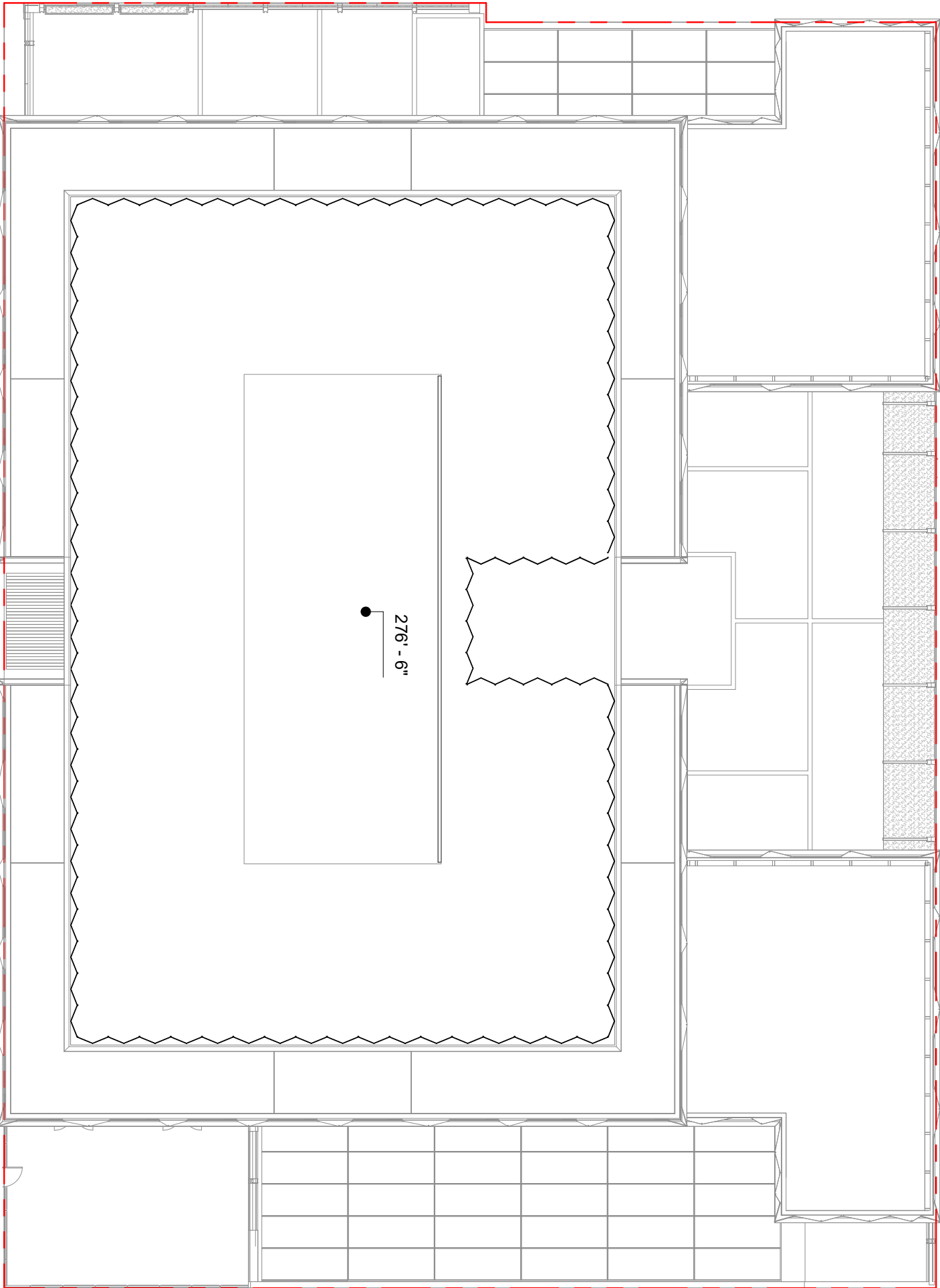
JESSIE STREET



STEVENSON STREET

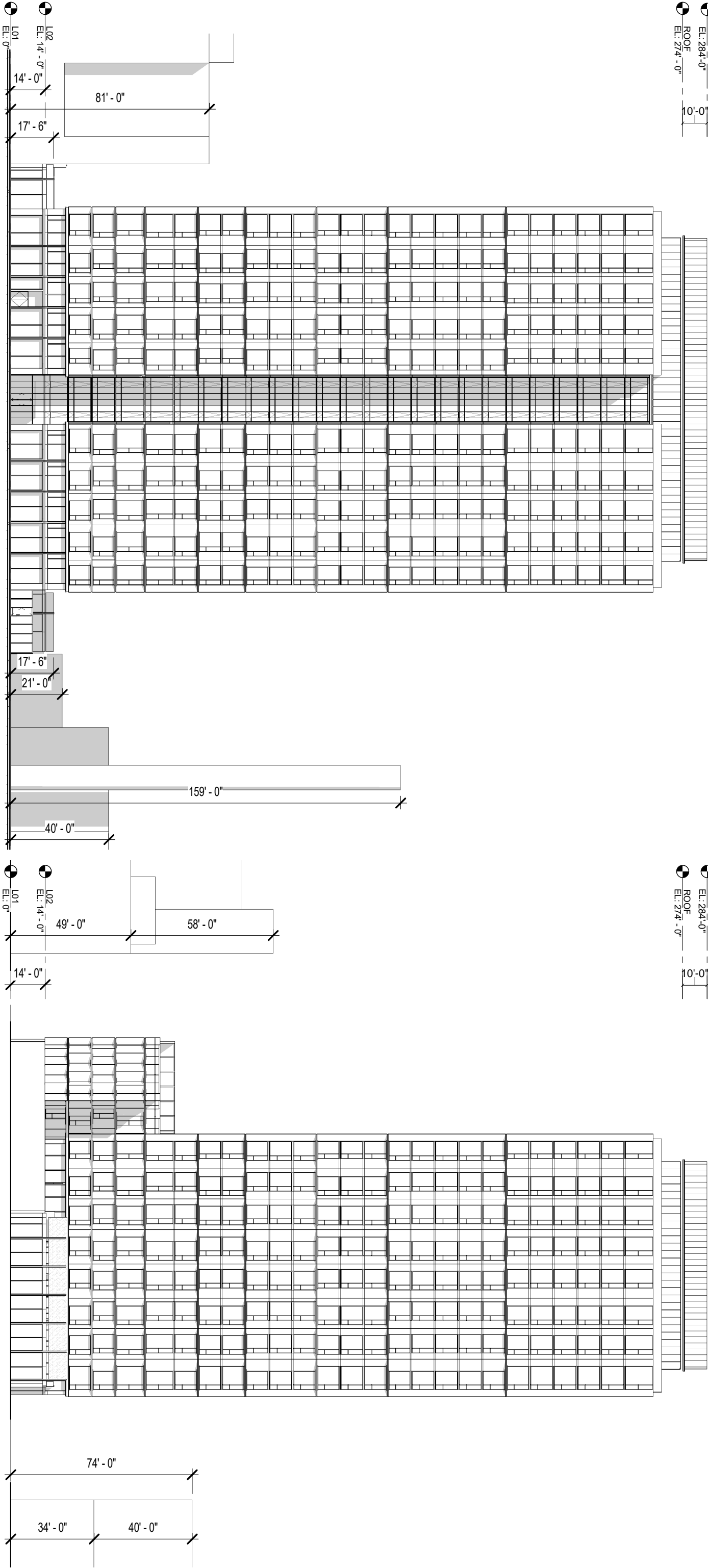


JESSIE STREET



T.O. SCREEN  
EL.: 284'-0"  
ROOF  
EL.: 274' - 0" 10'-0"

T.O. SCREEN  
EL.: 284'-0"  
ROOF  
EL.: 274' - 0" 10'-0"



SOUTH ELEVATION - JESSE STREET

WEST ELEVATION

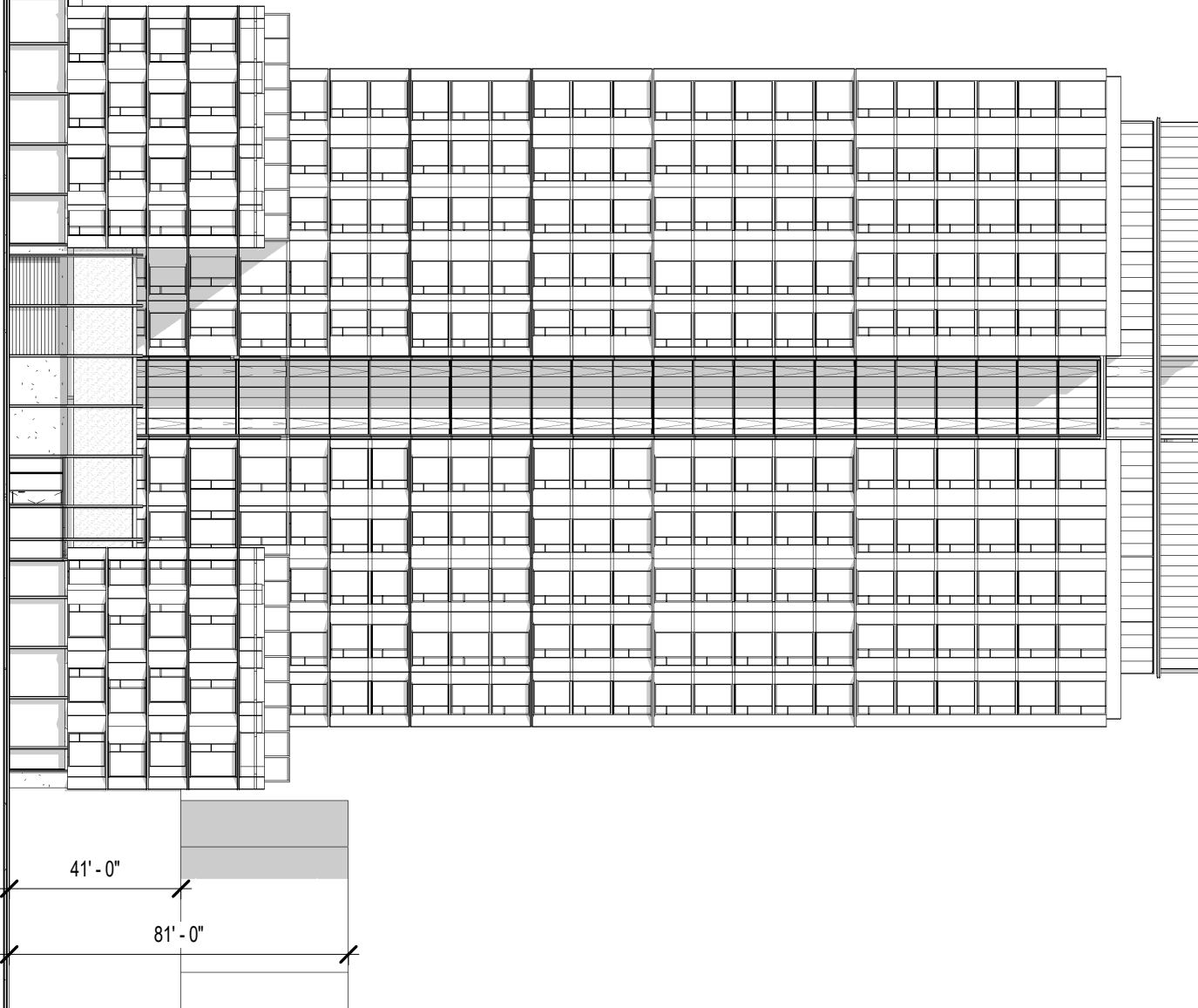
T.O. SCREEN  
EL: 284'-0"  
ROOF  
EL: 274'-0"

10'-0"

274' - 0"

L02  
EL: 14'-0"  
L01  
EL: 0"

14' - 0"  
21' - 0"



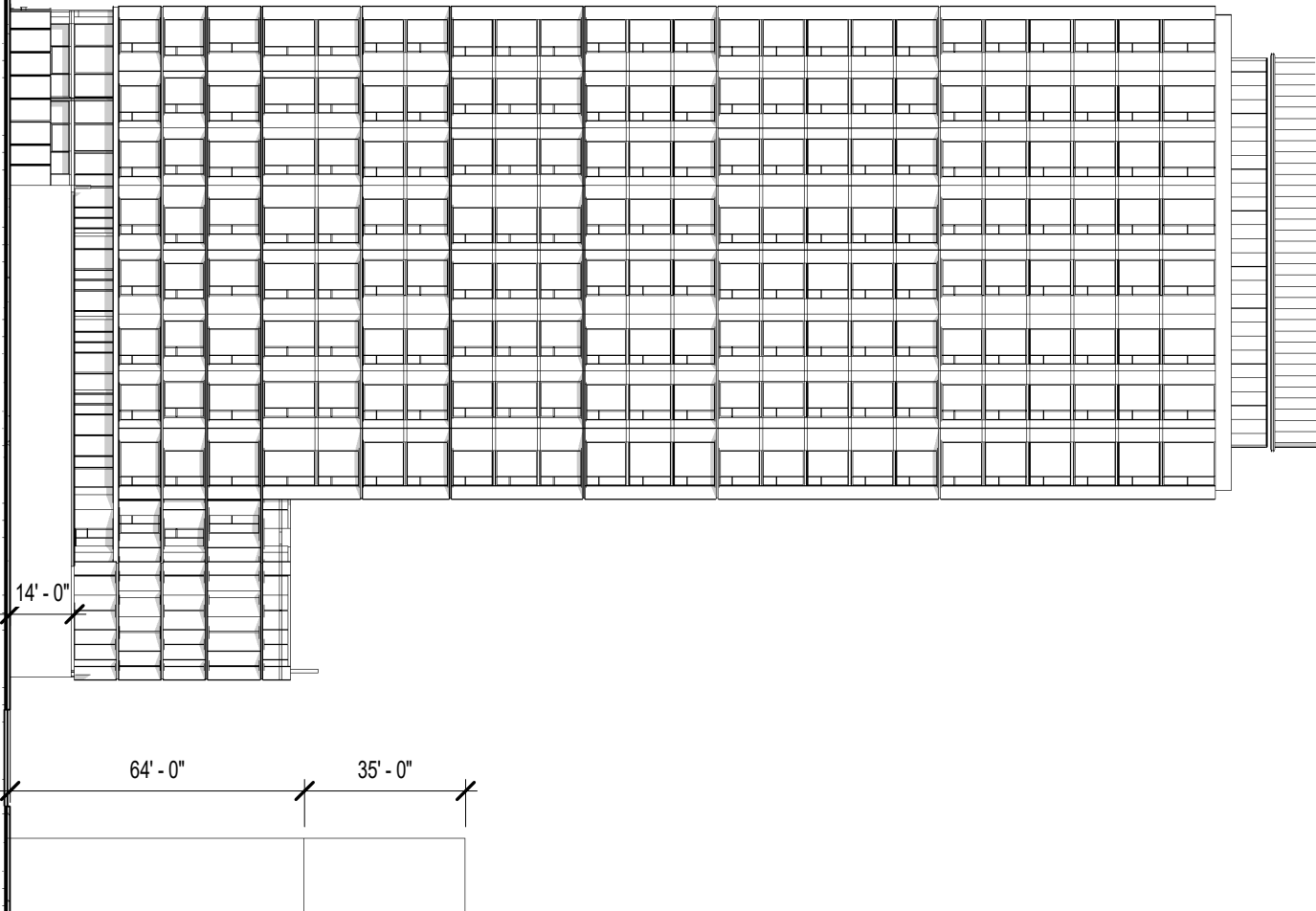
NORTH ELEVATION - STEVENSON STREET

T.O. SCREEN  
EL: 284'-0"  
ROOF  
EL: 274'-0"

274' - 0"

L04  
EL: 33' - 4"  
L03  
EL: 23' - 8"  
L02  
EL: 14' - 0"  
L01  
EL: 0"

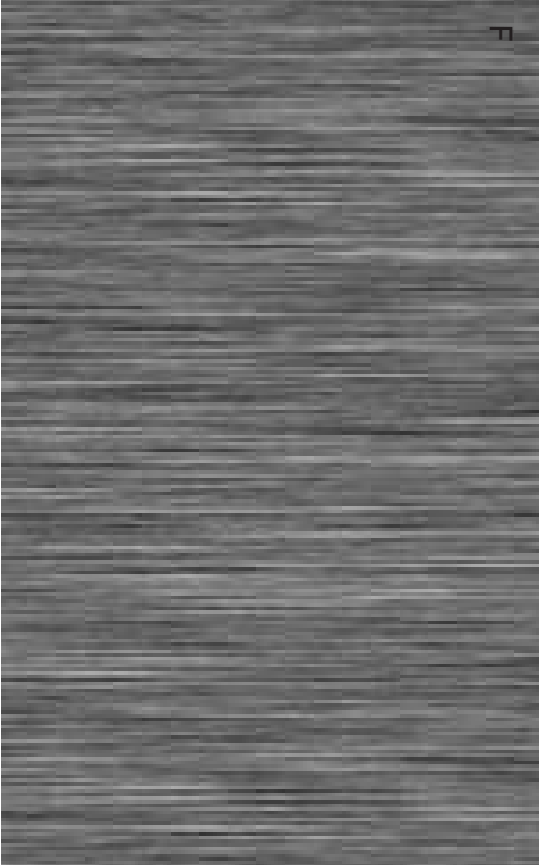
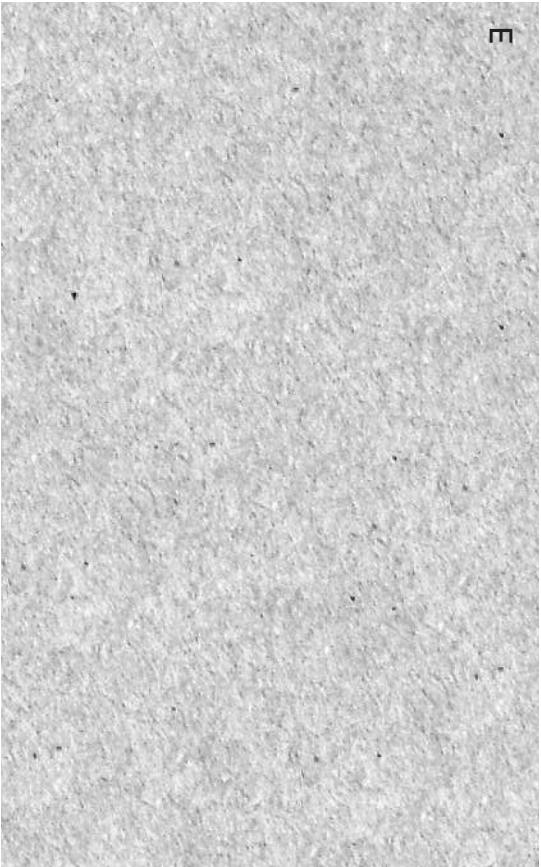
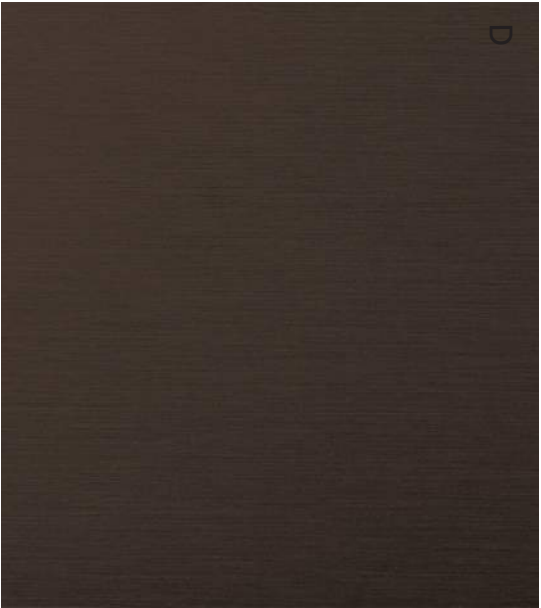
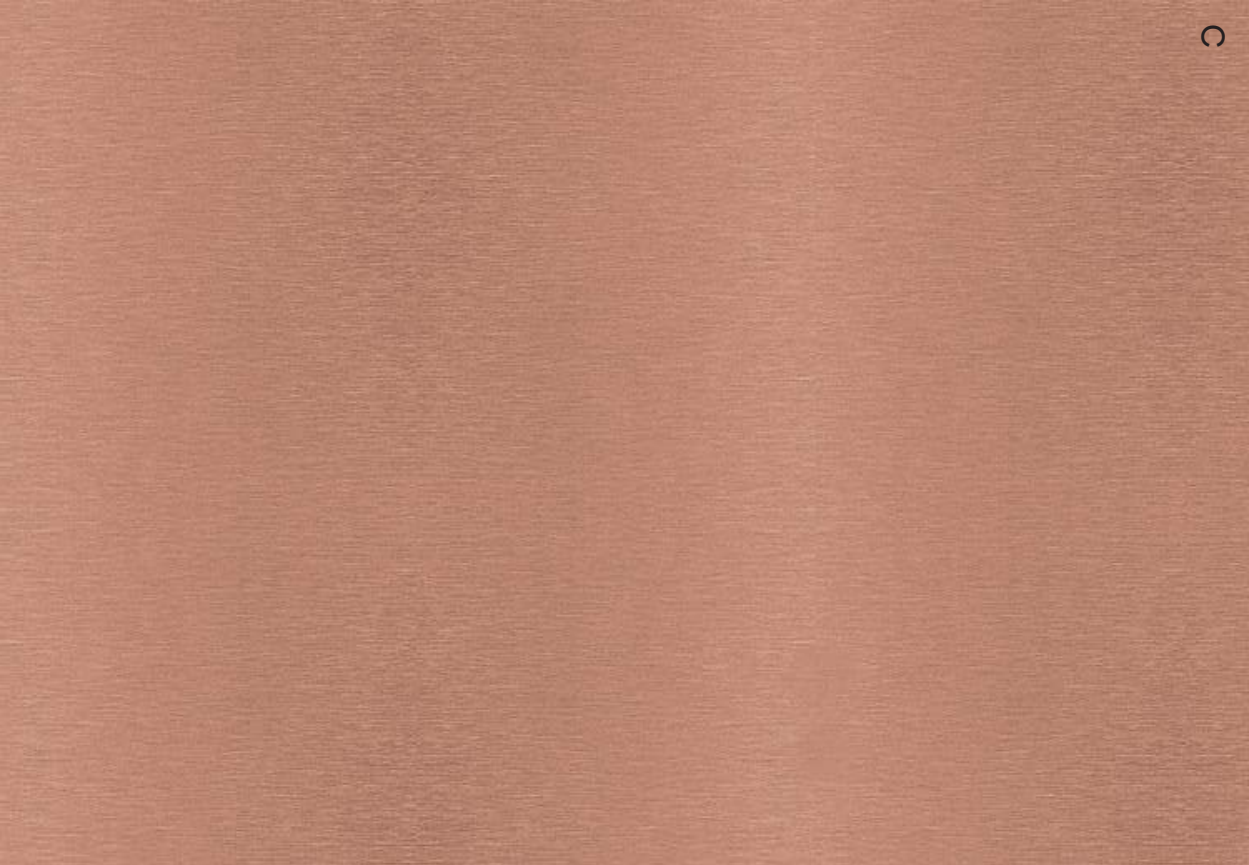
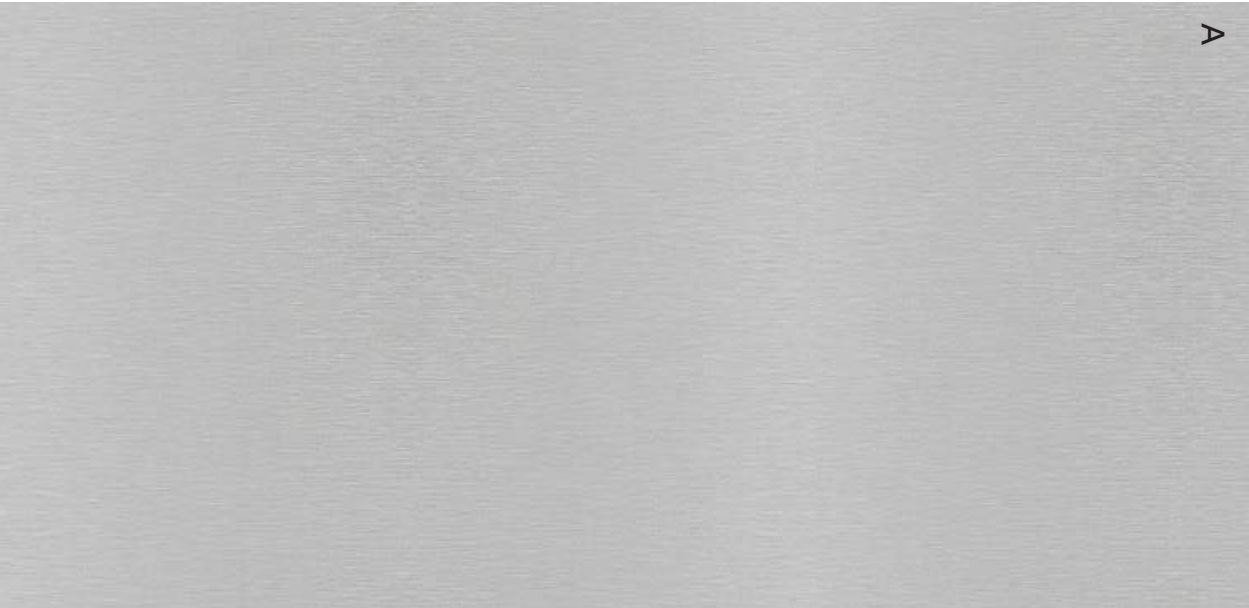
14' - 0"  
36' - 0"  
35' - 0"

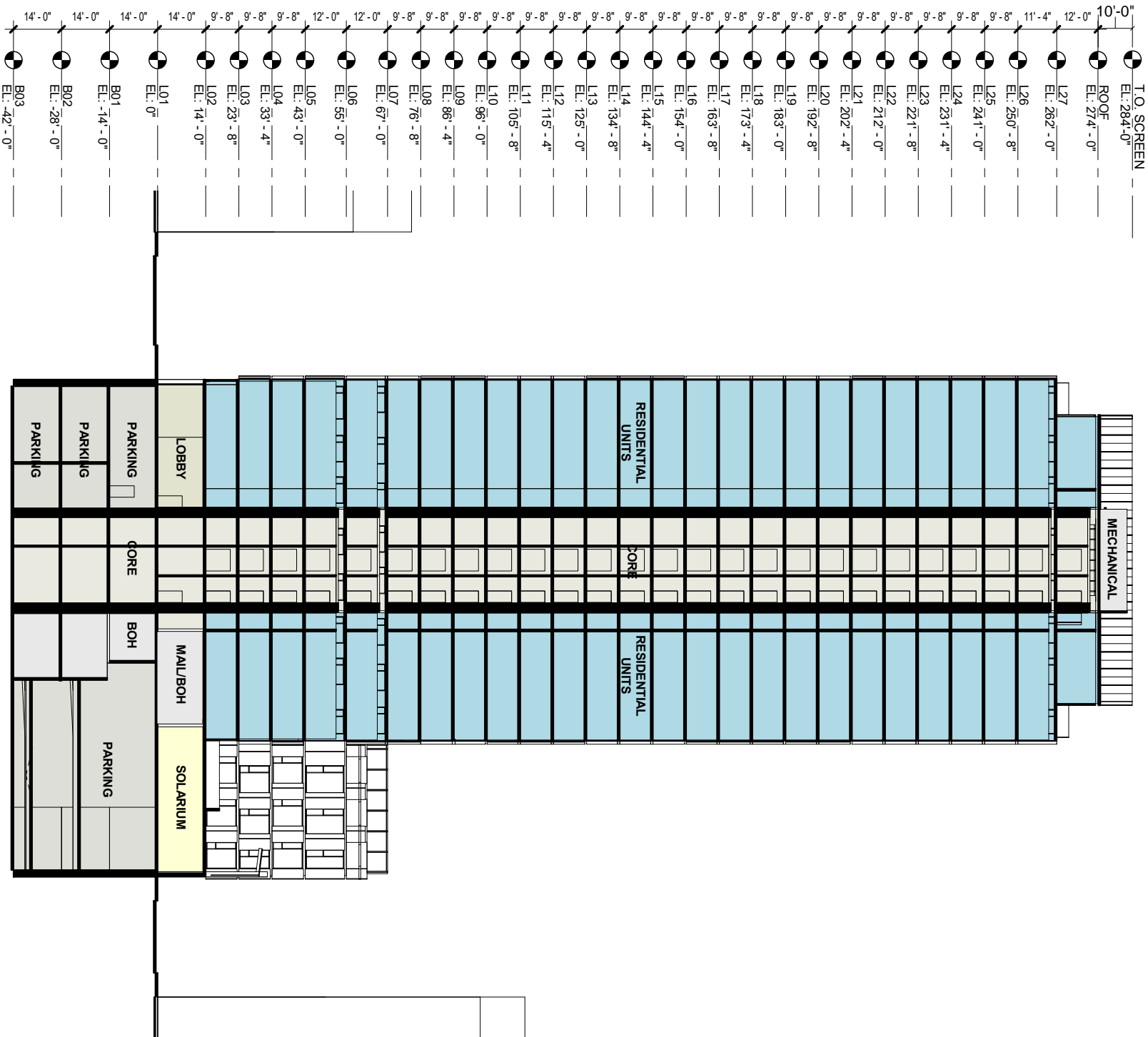
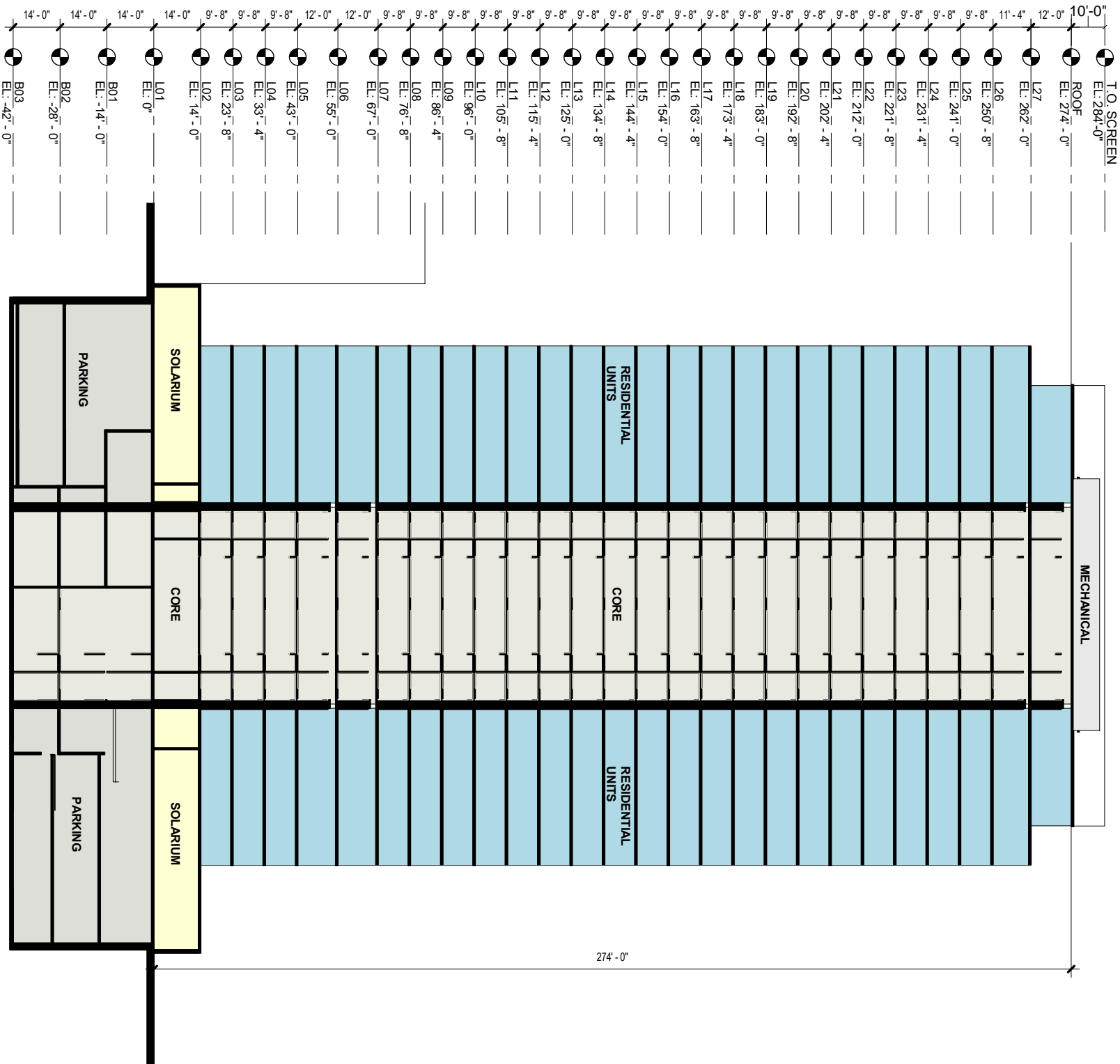


EAST ELEVATION

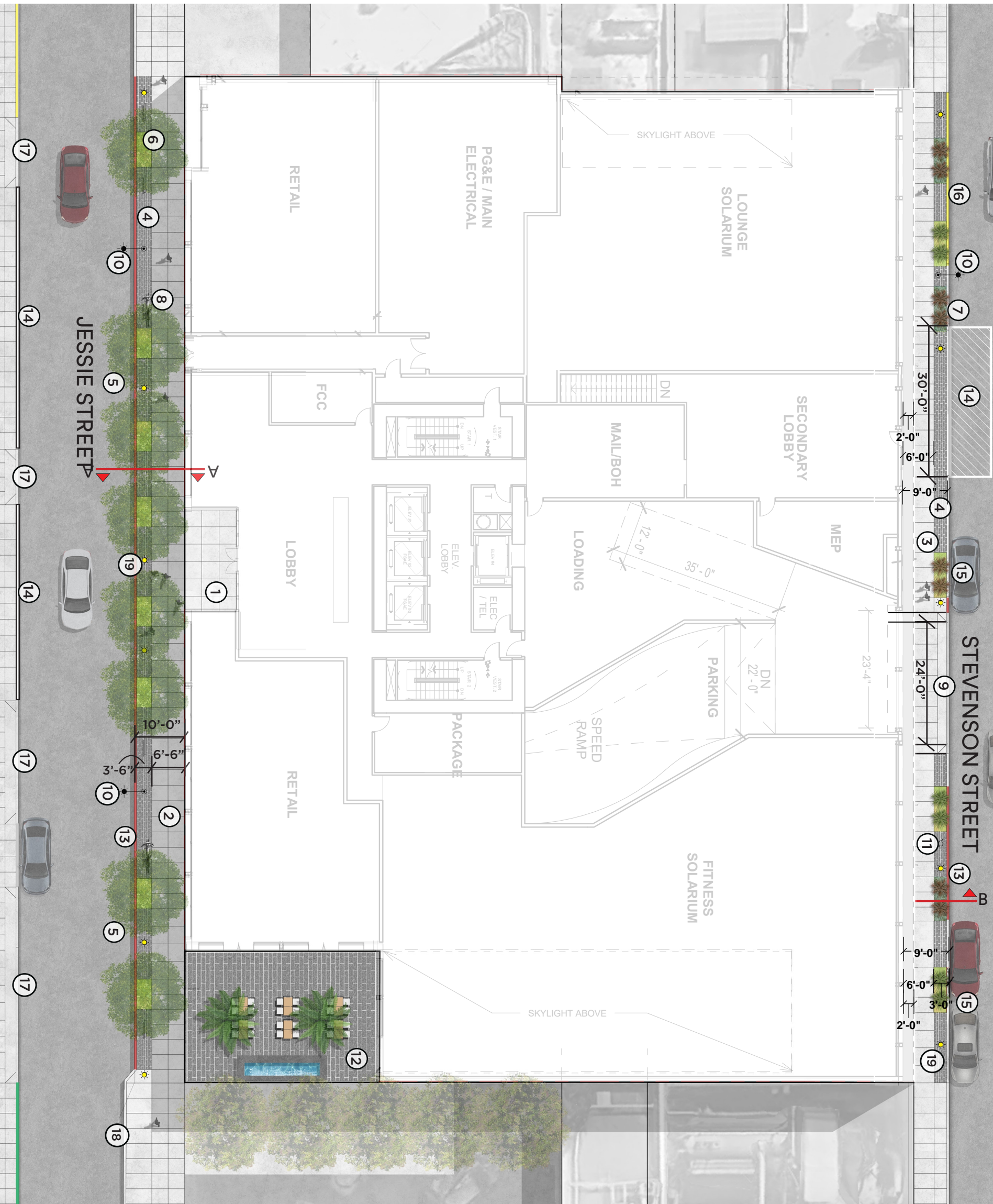


- PROPOSED MATERIALS
- A - PAINTED METAL
  - B - GLASS
  - C - METAL
  - D - PAINTED METAL
  - E - REINFORCED CONCRETE PANEL
  - F - PAINTED METAL









## LEGEND

1. Entry Door to Lobby
2. 10'-0" wide Sidewalk
3. 7'-0" wide Sidewalk
4. Enhanced Paving
5. Street Tree
6. 3'-0" x 7'-0" Street Tree Planting Area
7. 2'-6" x 9'-0" Landscape Strip
8. Class 2 Bike Rack
9. 24' Wide Driveway w/ Wings
10. Existing Street Light
11. Fire Hydrant
12. Outdoor Courtyard for Retail
13. Red Curb
14. Passenger Loading Zone
15. Street Parking
16. Commercial Loading Zone
17. Existing Driveway
18. Existing Curb
19. Pedestrian Lighting Poles



LEGEND

- 1. Private Patio w/ Pedestal Pavers
- 2. 18'-0" high Green Screen
- 3. Skylight
- 4. Raised Planter
- 5. Movable Furniture
- 6. Planter pots



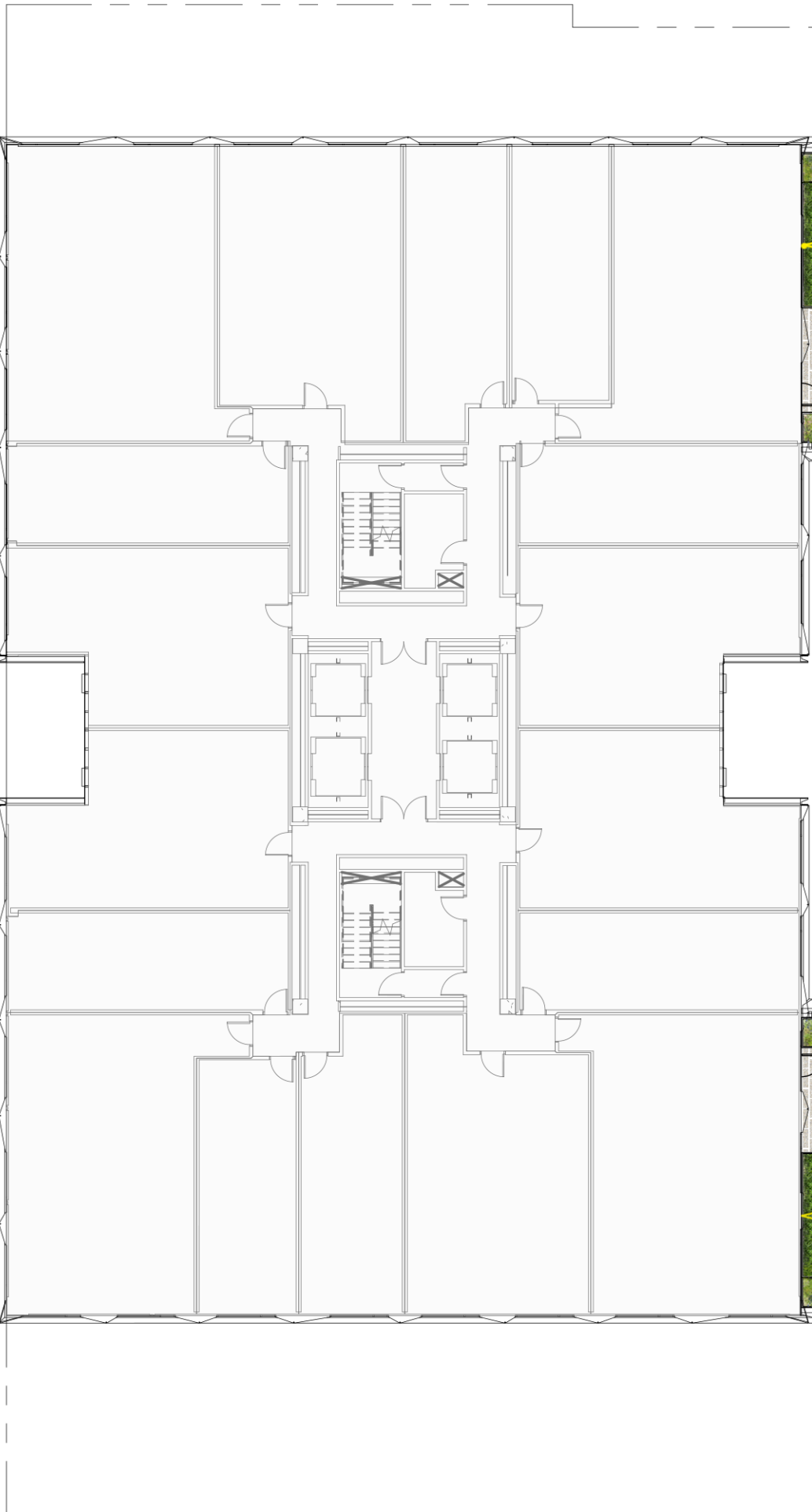
STEVENSON STREET



LEGEND

- 1. Private Patio w/ Pedestal Pavers
- 2. 12'-0" high Glass Wind Screen
- 3. Raised Tree Planter
- 4. Raised Planter
- 5. Movable Furniture
- 6. Festival Lights

JESSIE STREET



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MILLER COMPANY  
landscape architects

LANDSCAPE LEVEL 6 PLAN

469 Stevenson  
BUILD

05/25/2021  
2016056

# LEGEND

- 1. Common Open Space w/ Pedestal Pavers
- 2. Private Balcony w/ Pedestal Pavers
- 3. Planter Pots
- 4. Access for window washing at perimeter
- 5. Movable Furniture
- 6. Private Screens with Gates



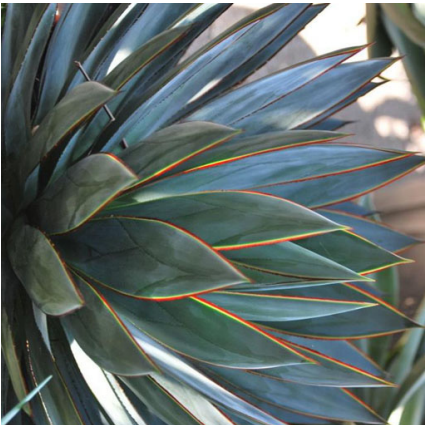


PLANTS PALETTE

STREET



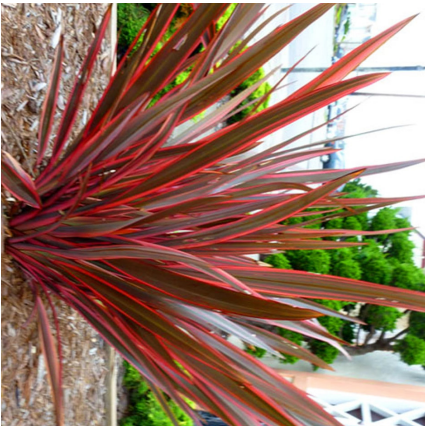
GINCKGO BILOBA  
MAIDENHAIR TREE



AGAVE 'BLUE GLOW'  
'BLUE GLOW' AGAVE



LIBERTIA PERGRINANS  
ORANGE LIBERTIA



PHORMIUM 'MAORI SUNRISE'  
NEW ZEALAND FLAX



SENECIO MANDRALISCAE  
BLUE CHALKSTICK

GROUND & PODIUM LEVEL COURTYARD



ACER PALMATUM 'SANGO KAKU'  
CORAL BARK JAPANESE MAPLE



AZARA MICROPHYLLA  
BOX - LEAF AZARA



CAREX SPP.  
SEDGE



CHONDROPETALUM TECTORUM  
SMALL CAPE RUSH



ERIGONUM UMBELLATUM  
SULPHUR FLOWER BUCKWHEAT



FESTUCA CALIFORNICA 'SERPEN-  
TINE BLUE'  
CALIFORNIA FESCUE



LAMIUM MACULATUM  
DEAD NETTLE



LOTUS BERTHELOTII  
PARROT'S BEAK

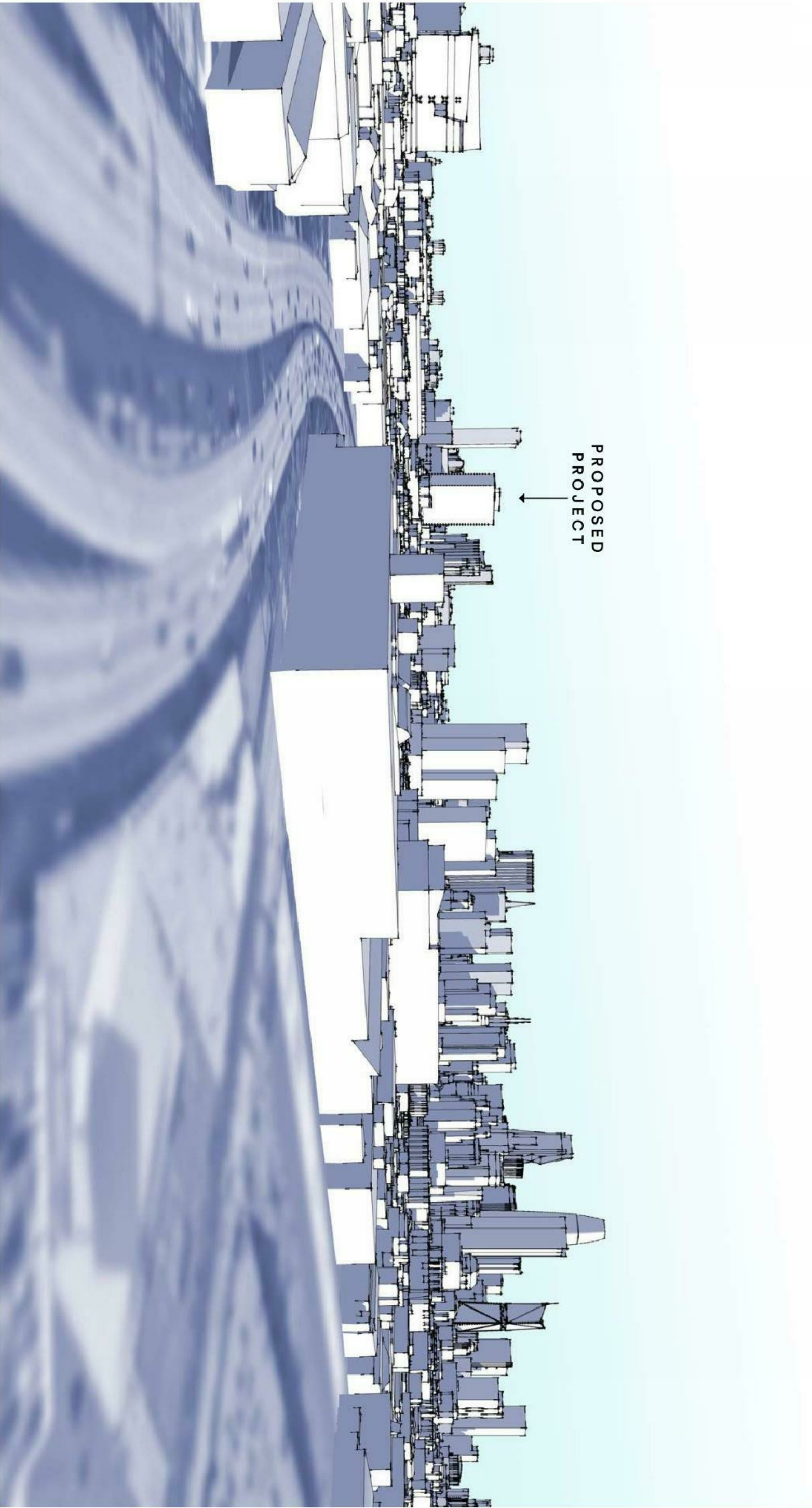


POLYSTICHUM MUNIUM  
SWORD FERN



TEUCRIUM FRUTICANS 'COMPACTUM'  
BUSH GERMANDER





PROPOSED  
PROJECT







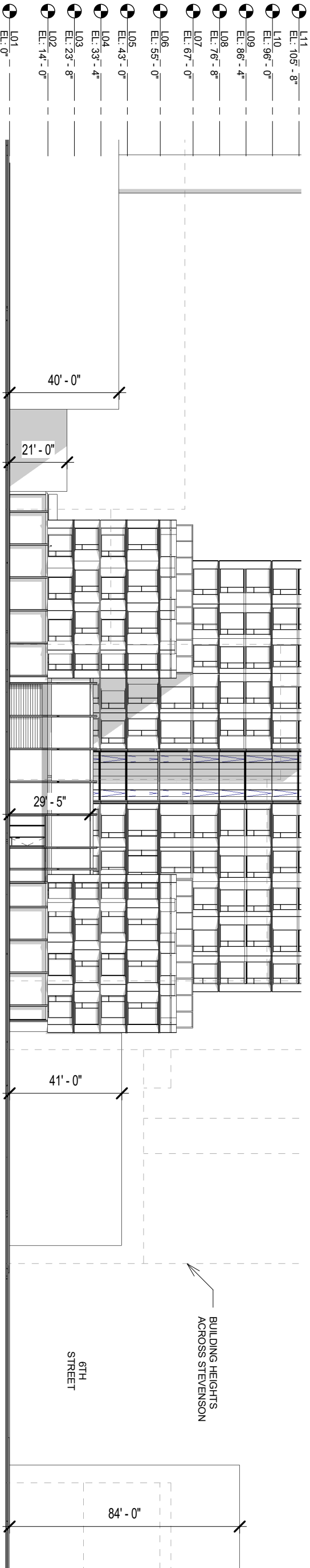




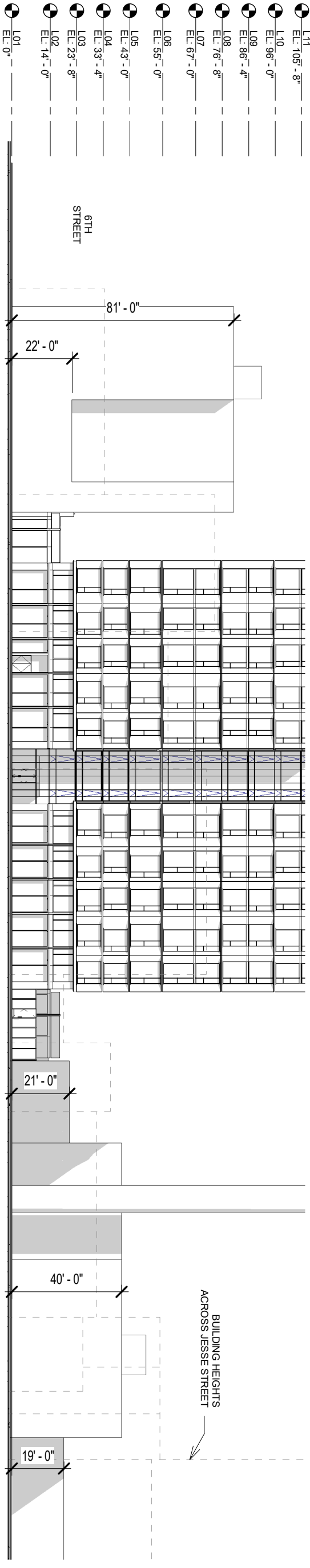








NORTH ELEVATION - STEVENSON STREETWALL



SOUTH ELEVATION - JESSE STREETWALL

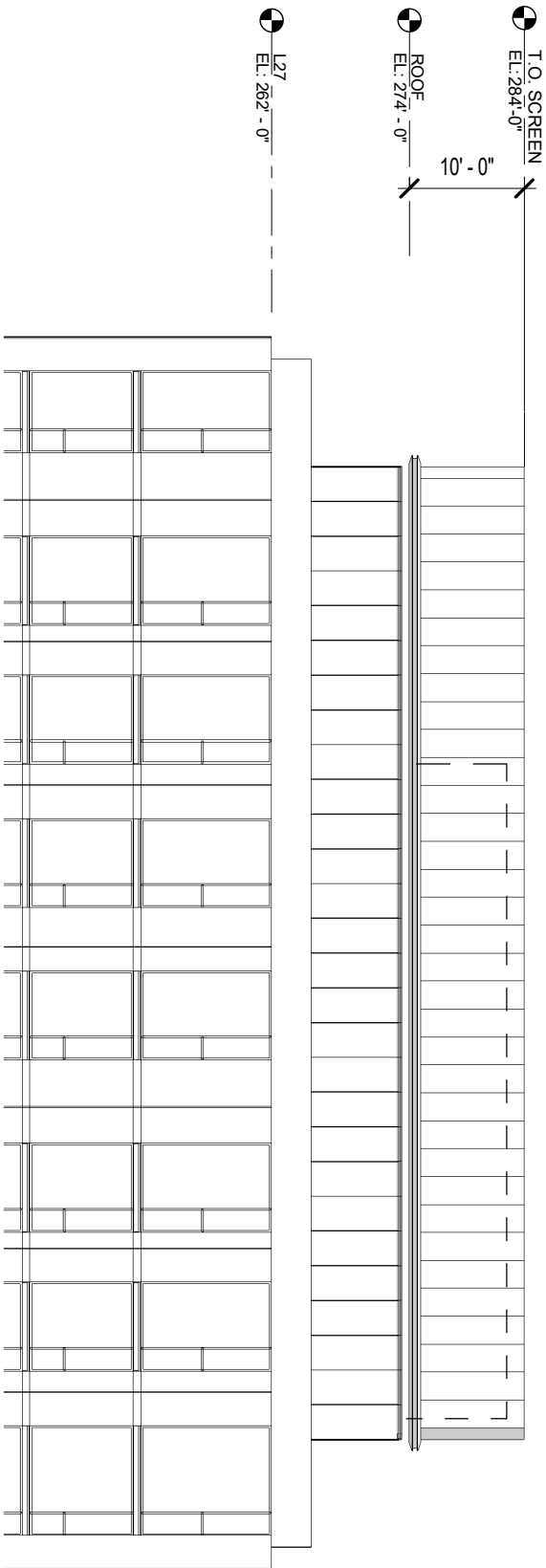




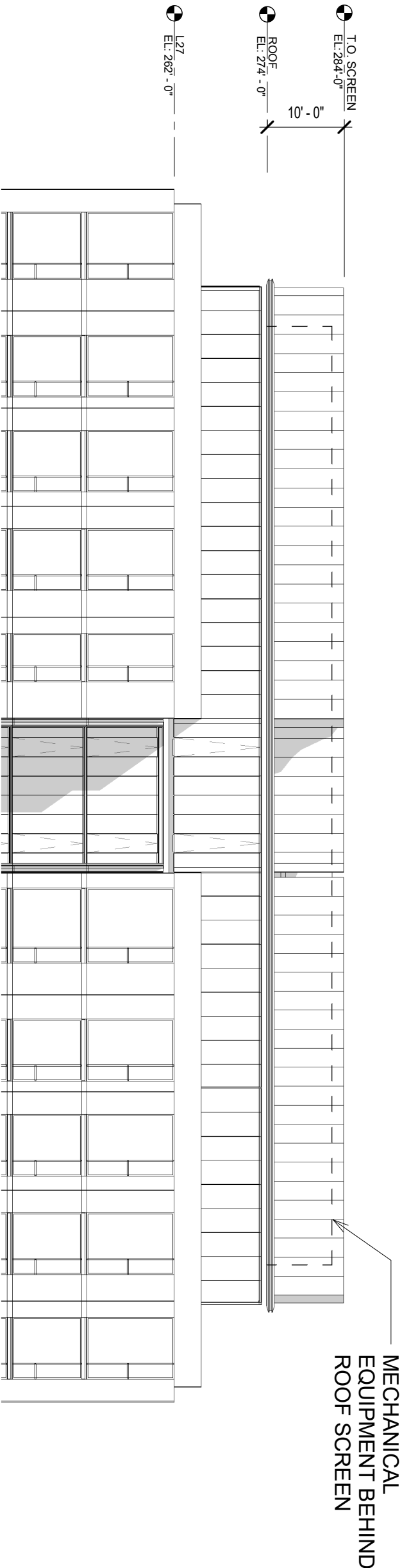




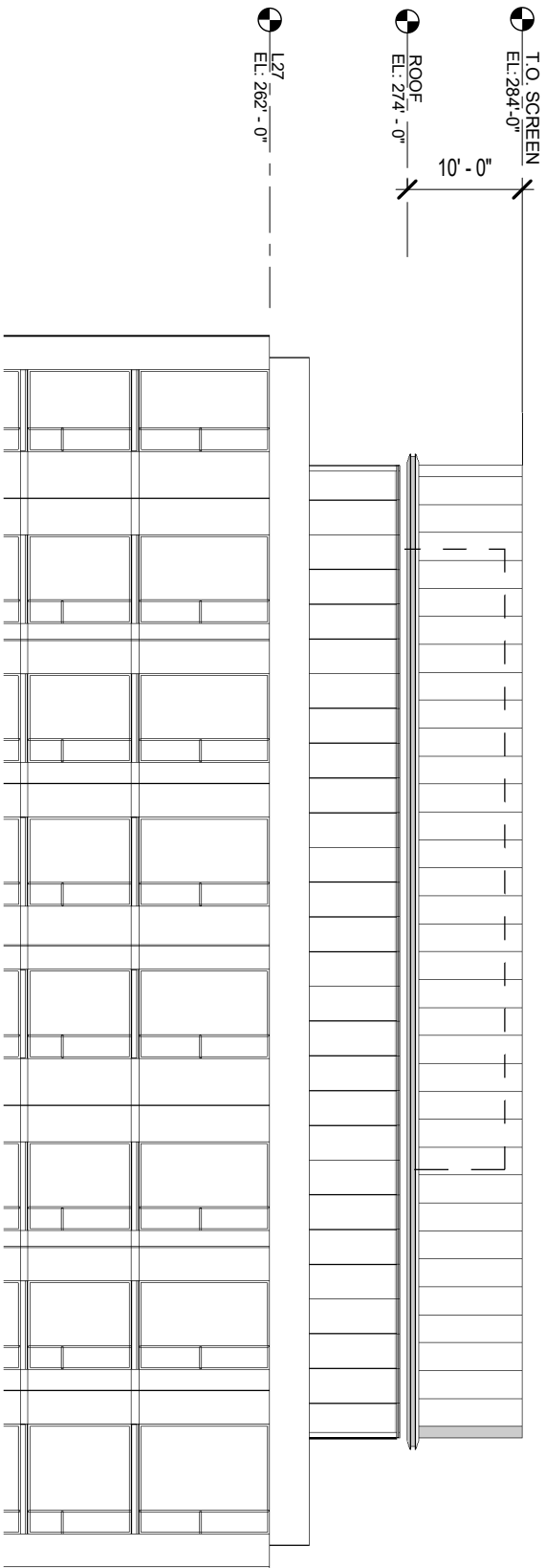
SOUTH ELEVATION



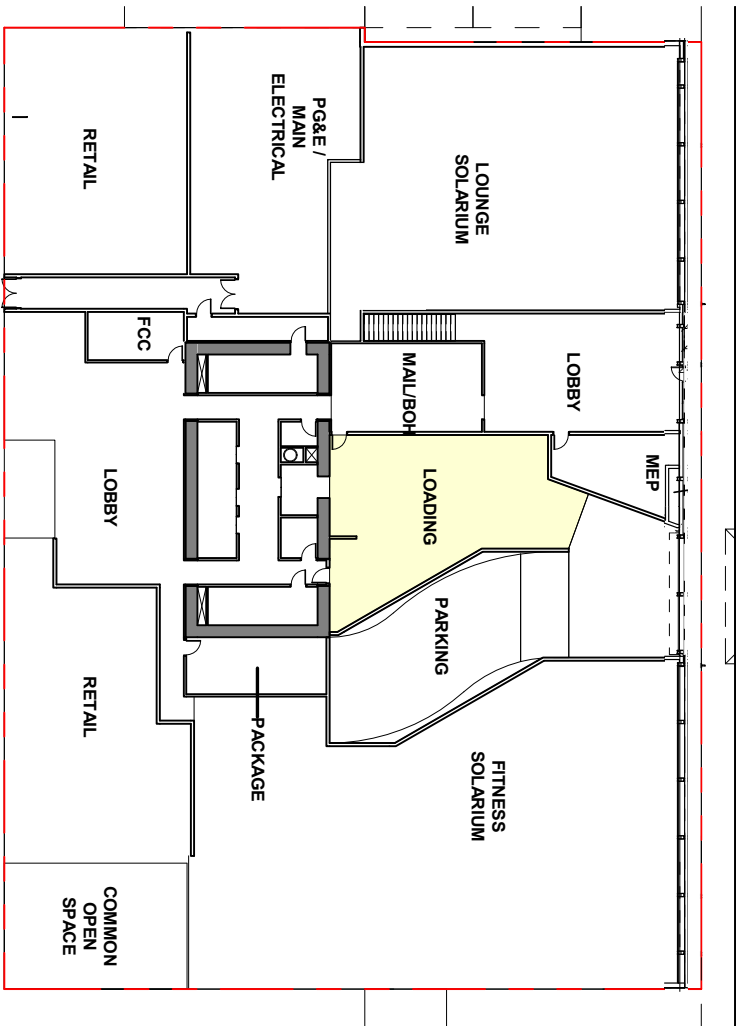
WEST ELEVATION



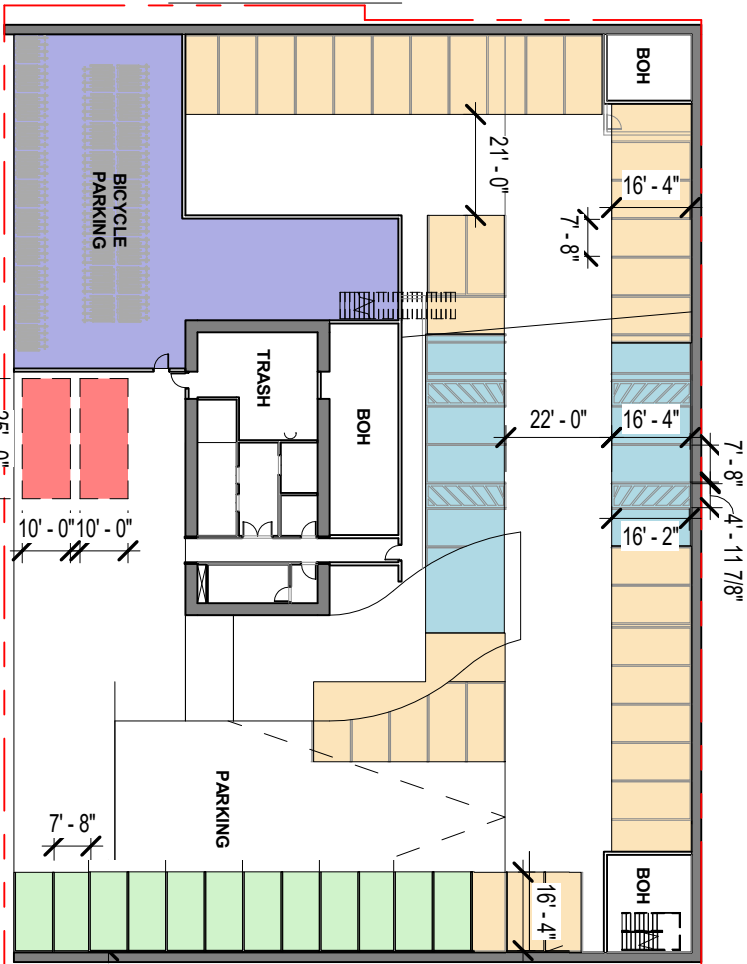
NORTH ELEVATION



EAST ELEVATION

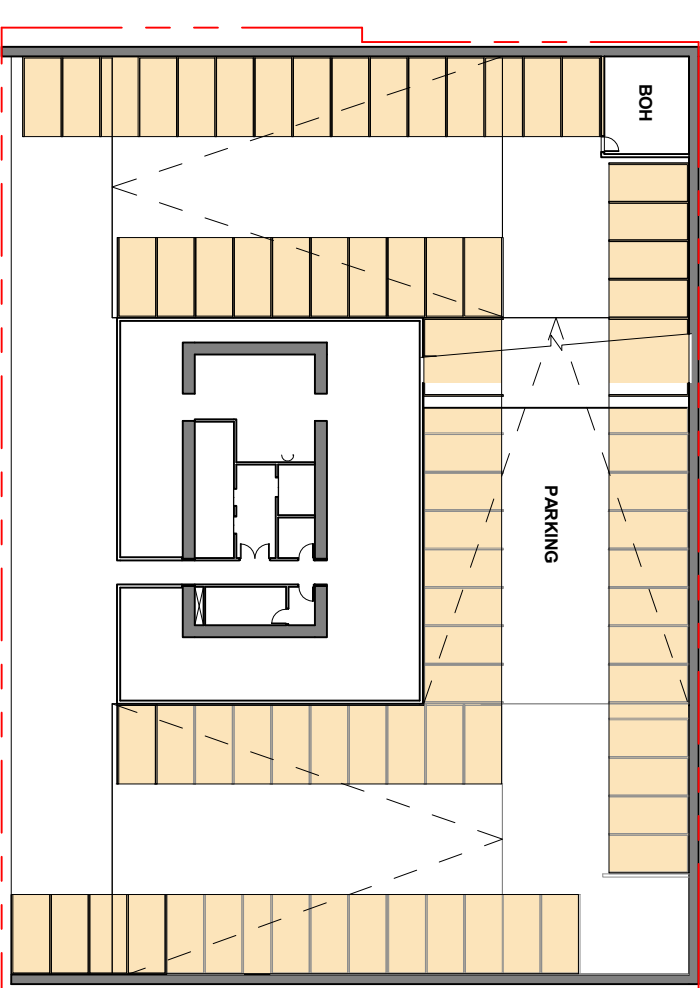


LEVEL 01

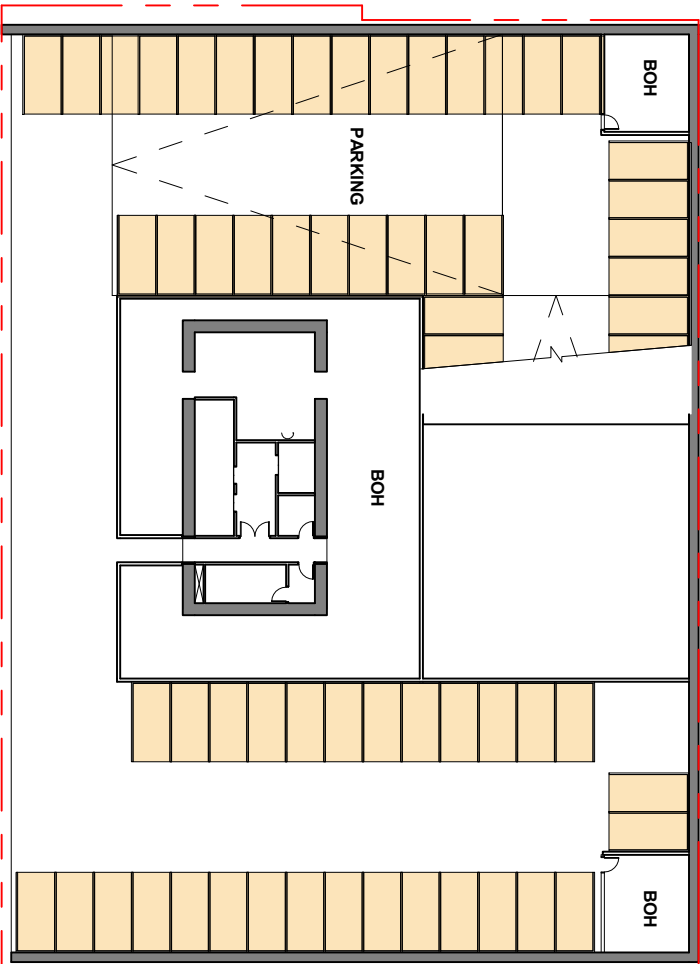


BASEMENT 01

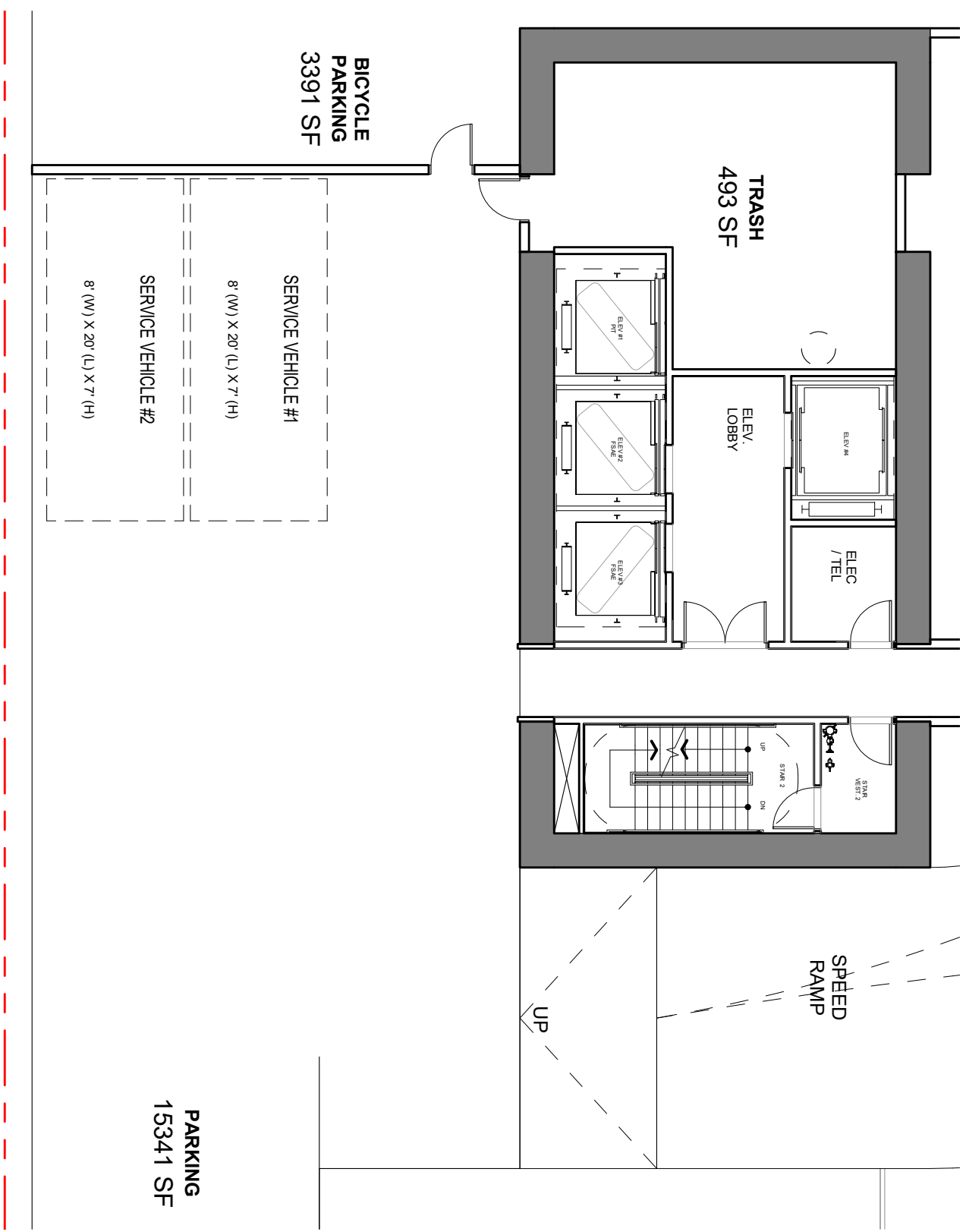
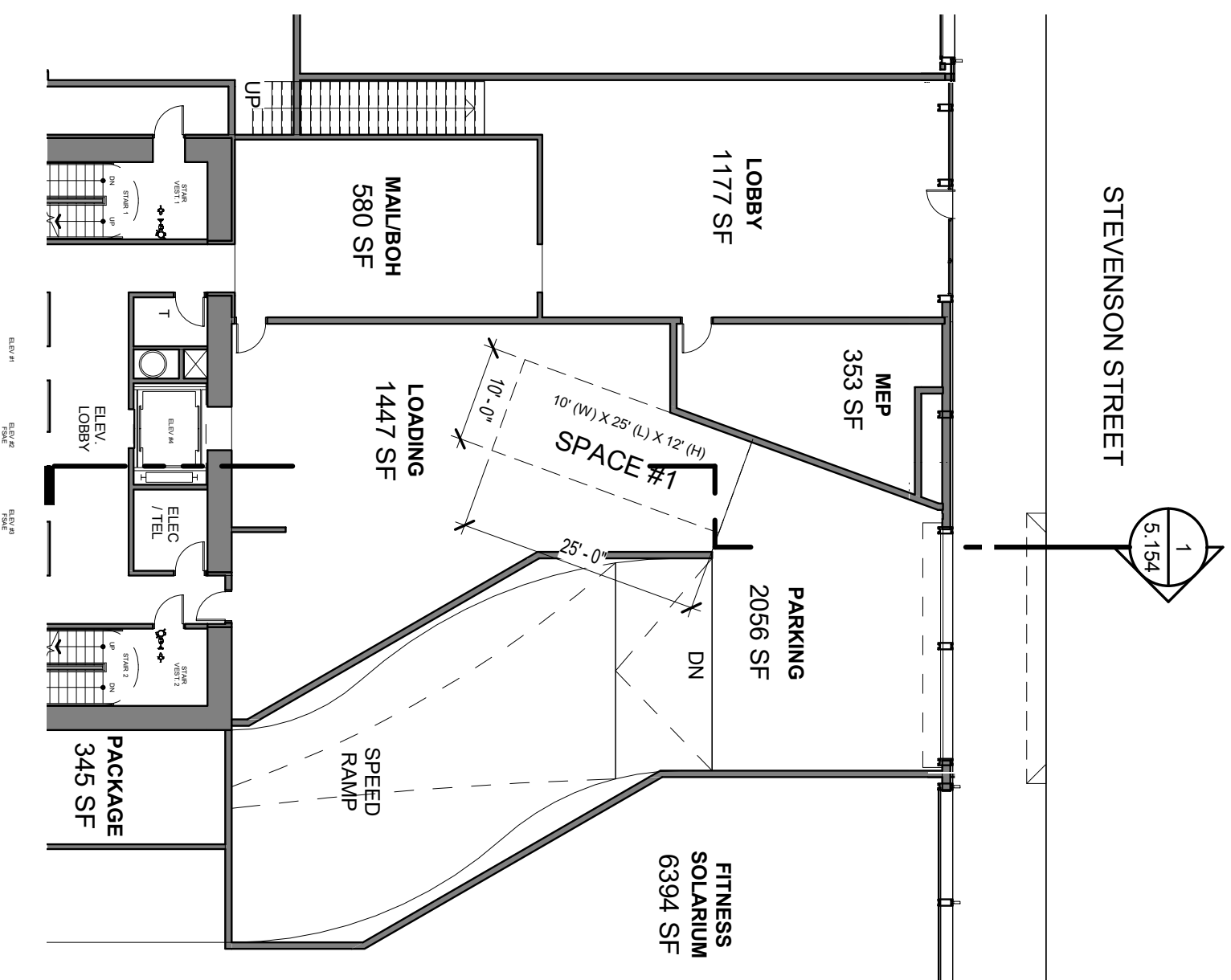
- ACCESSORY PARKING
- BICYCLE PARKING
- ACCESSIBLE SPACES
- CAR SHARE
- LOADING
- SERVICE VEHICLES



BASEMENT 02

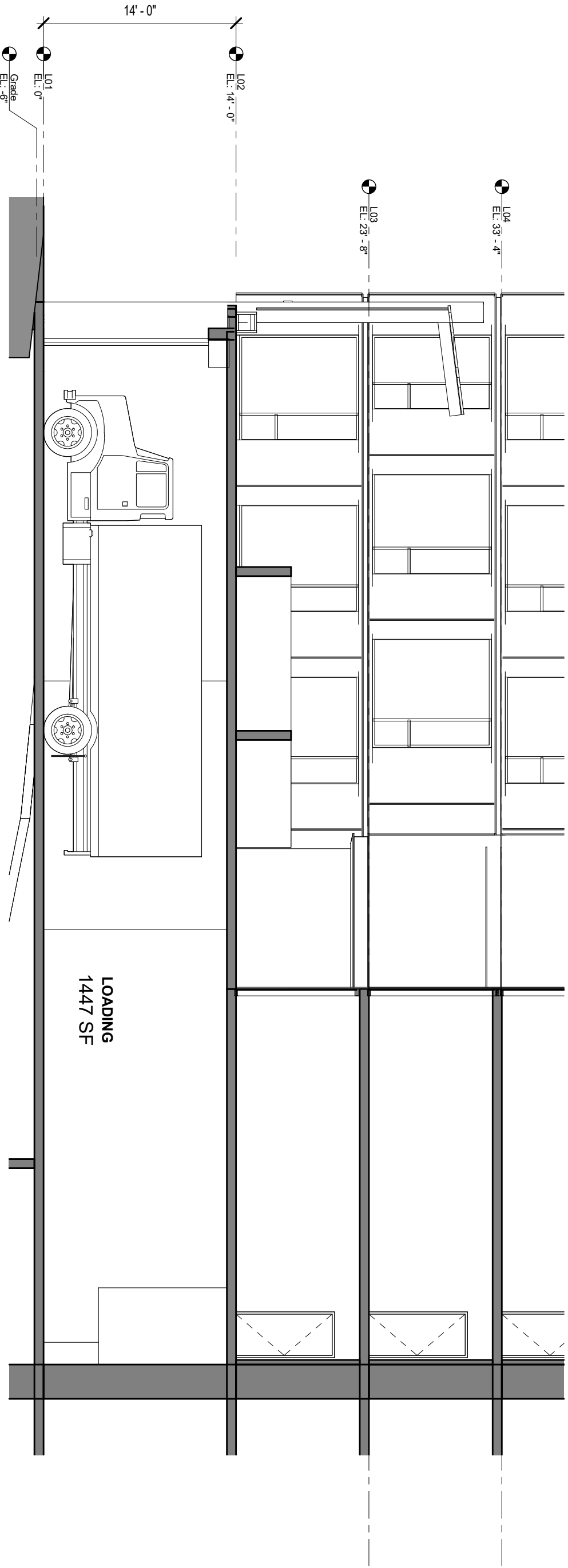


BASEMENT 03

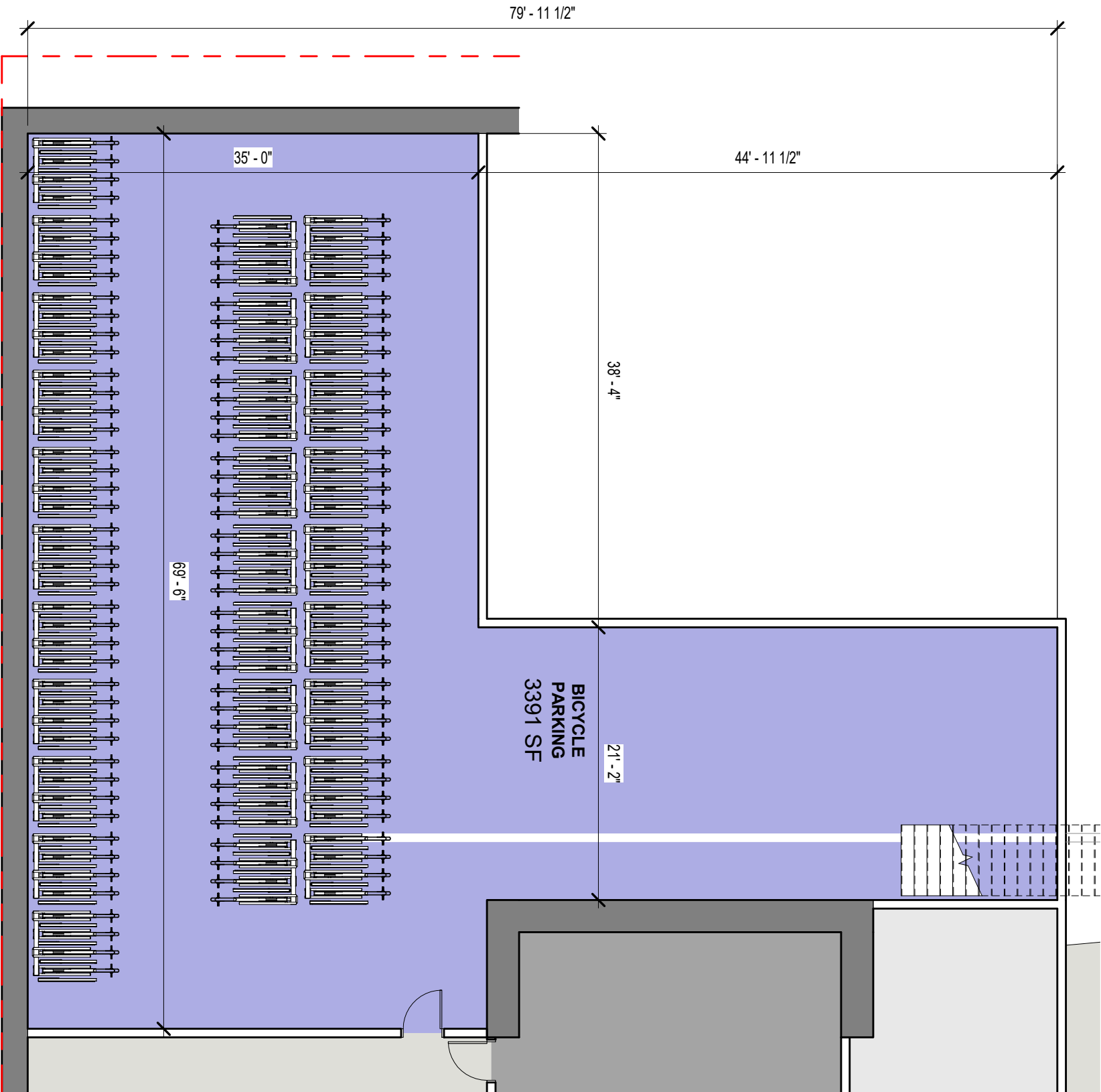


## GROUND FLOOR

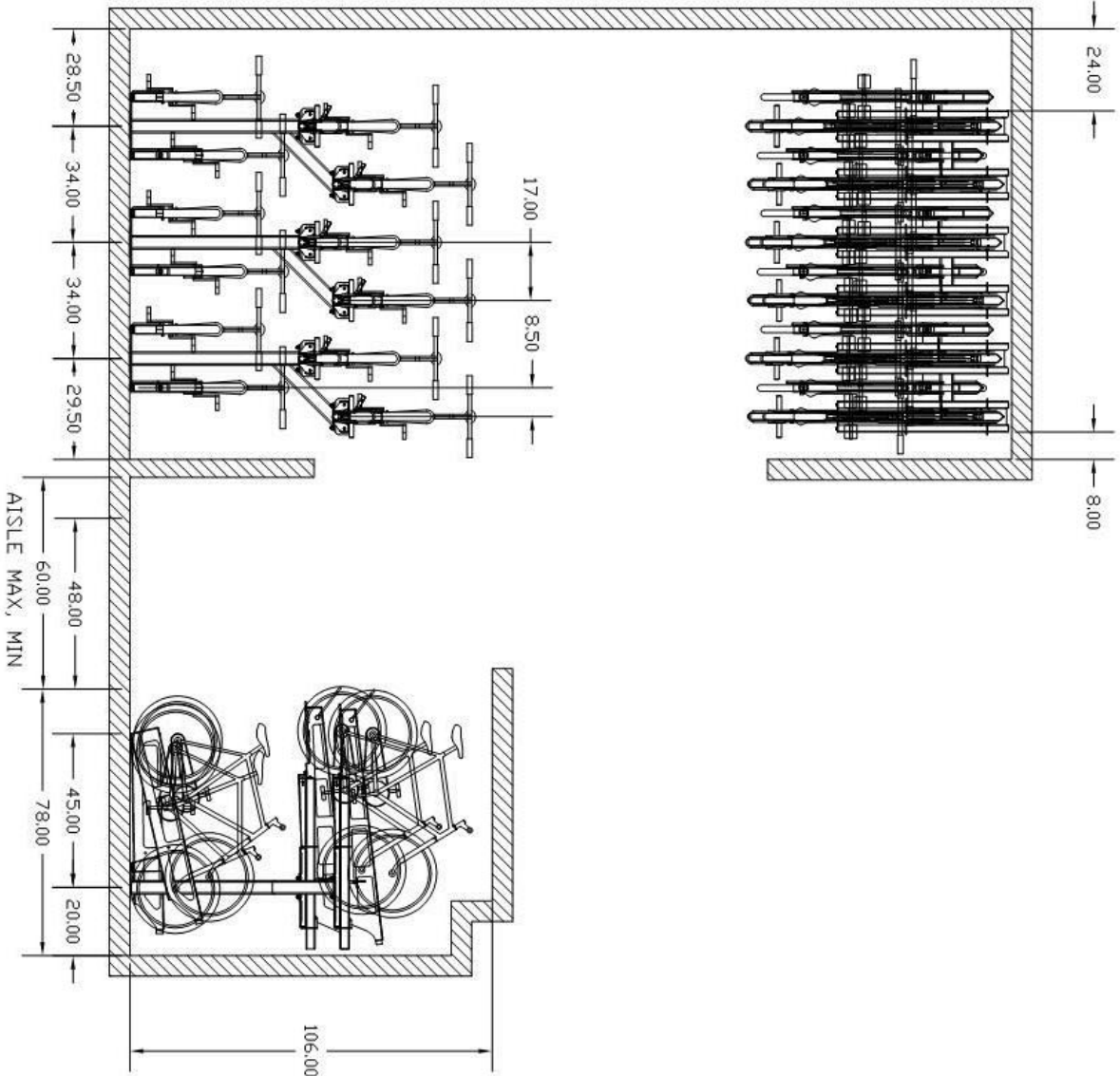
## BASEMENT 01 SERVICE VEHICLES







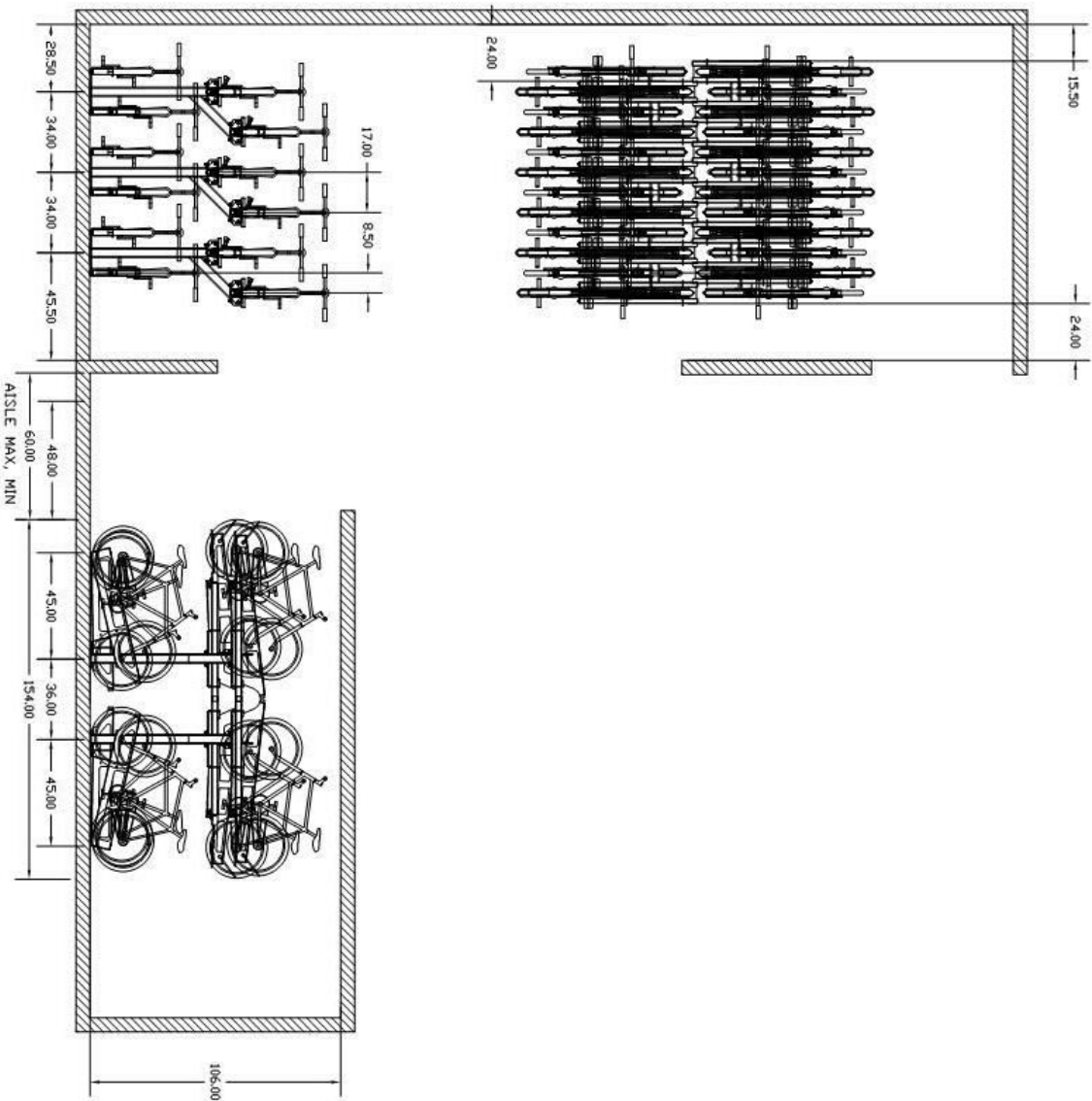
Installation Instructions – Setbacks, Single Sided



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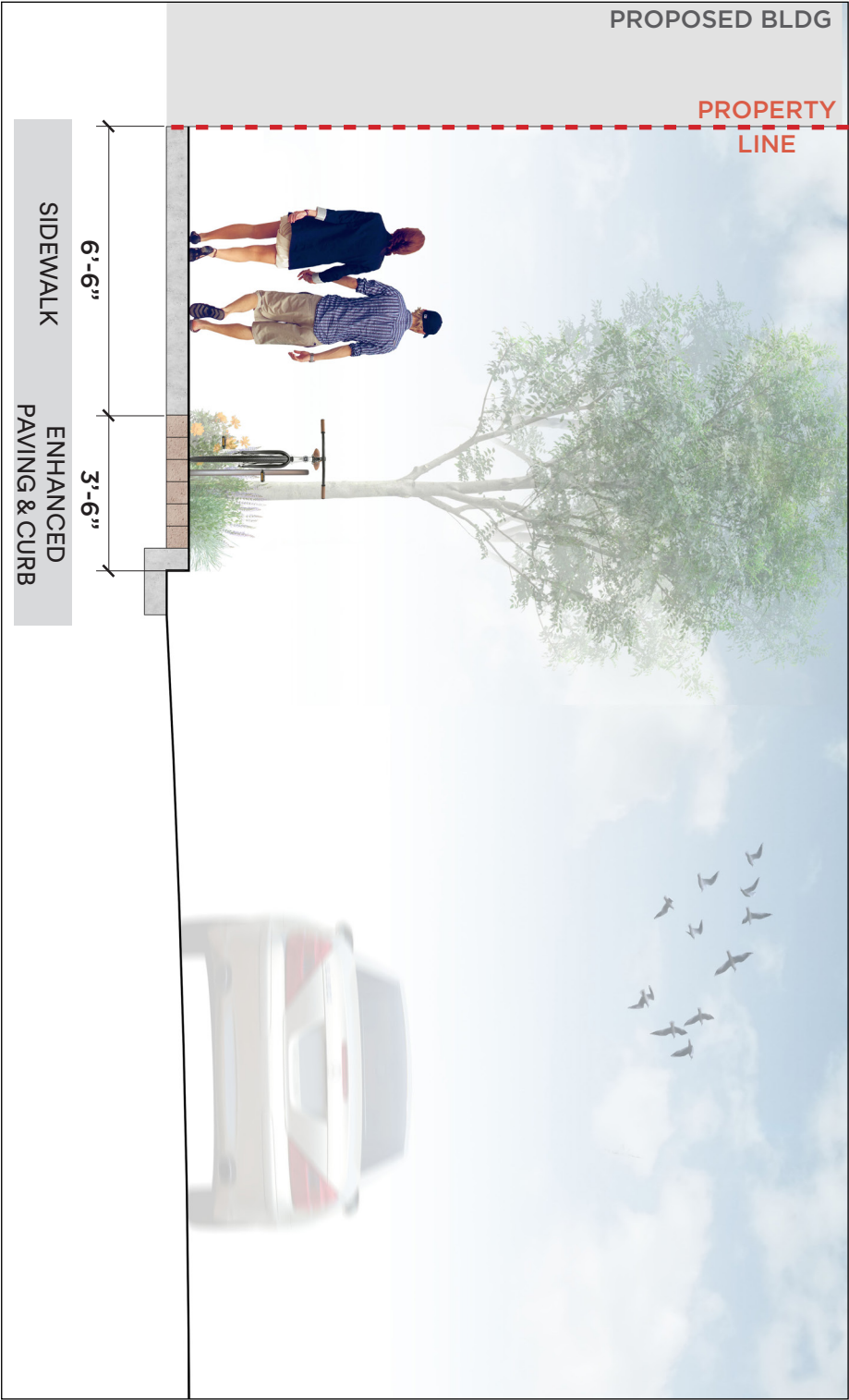
Installation Instructions – Setbacks, Double Sided



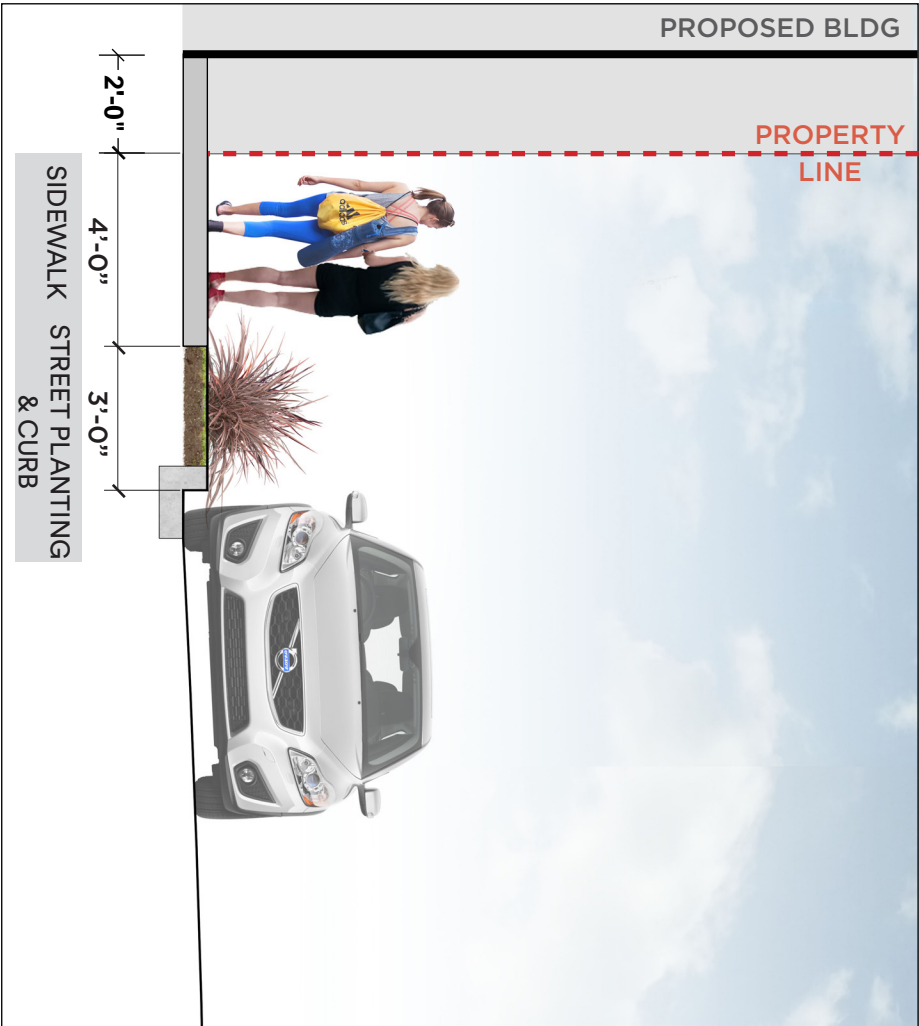
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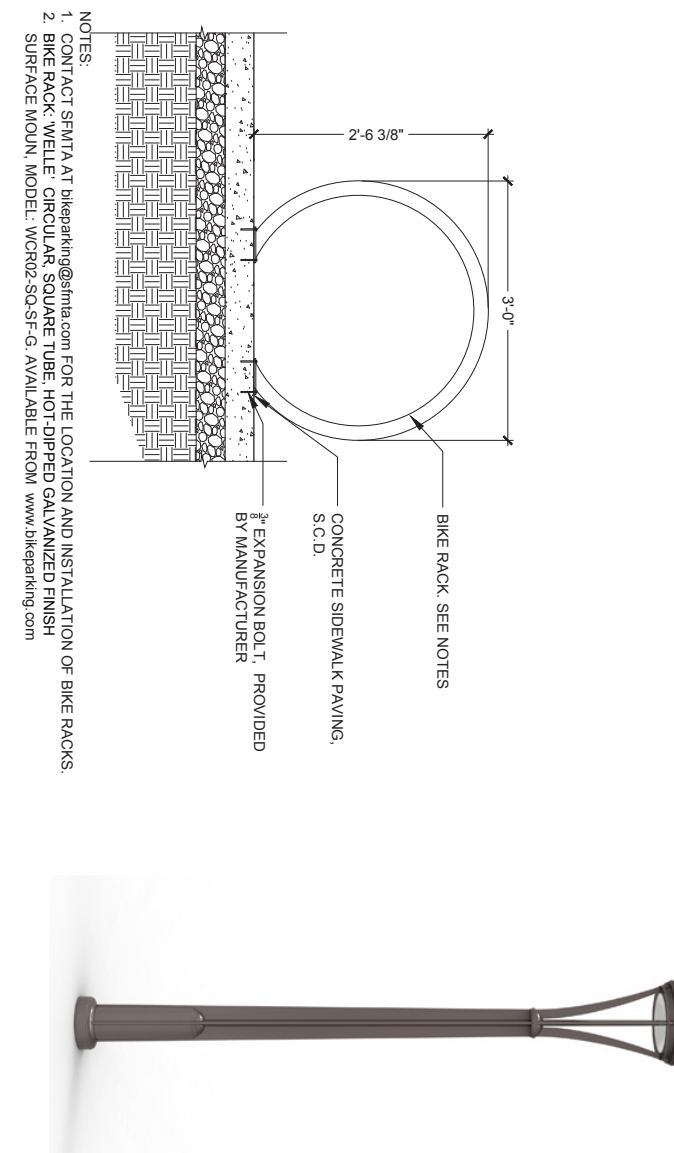
SECTION A-A: JESSIE STREET



SECTION B-B: STEVENSON STREET



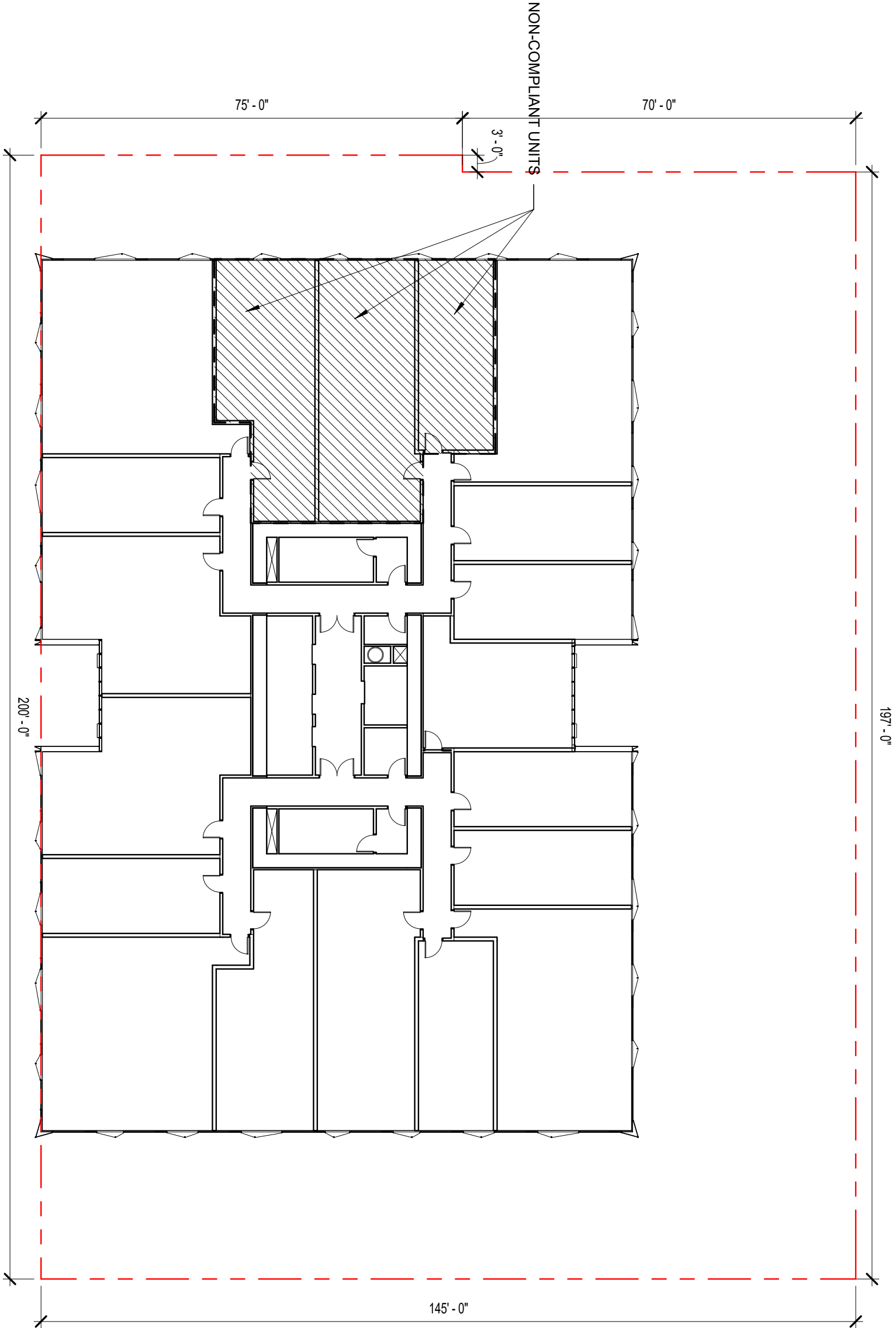
CLASS II BIKE RACK

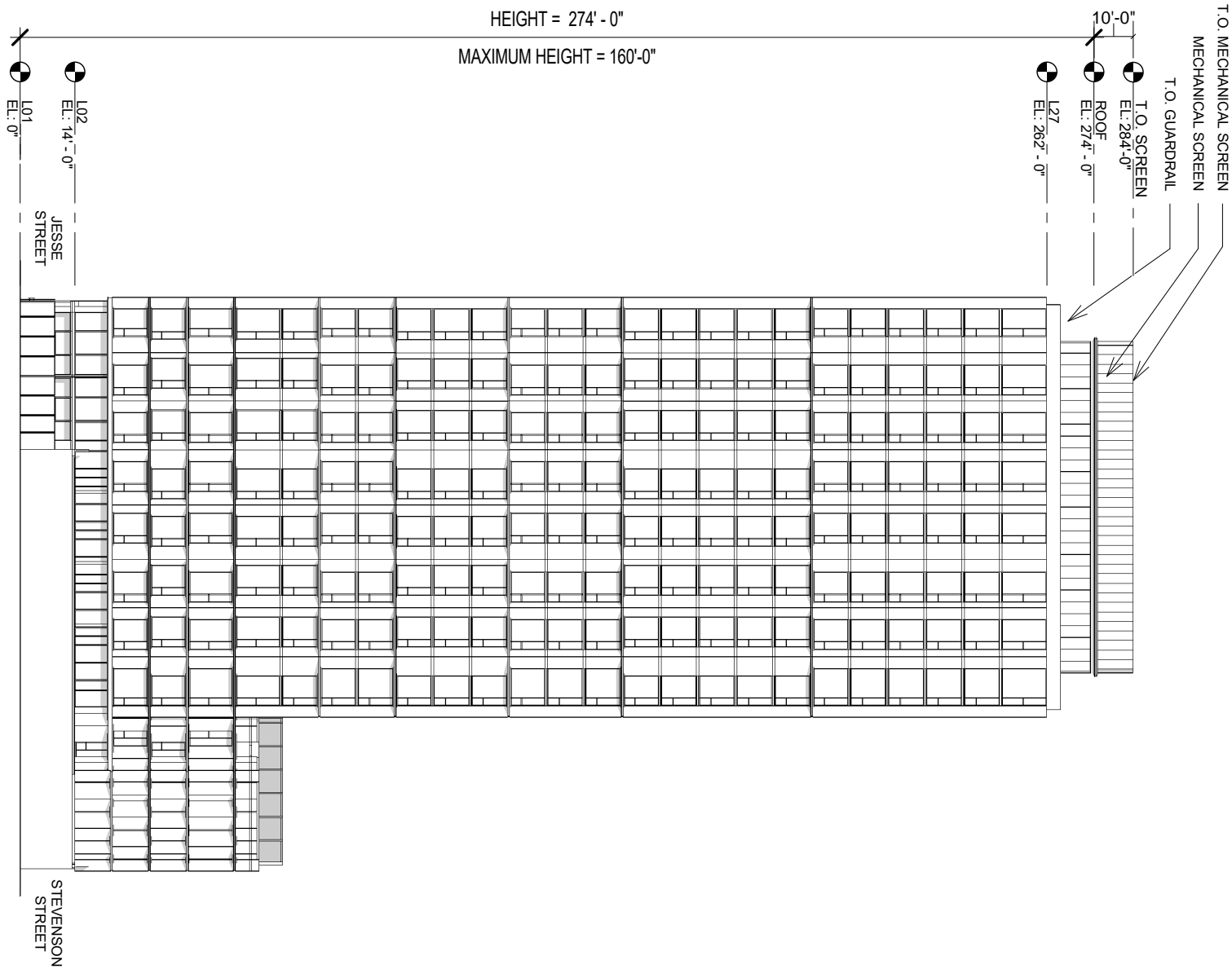


BIKE RACK DETAIL

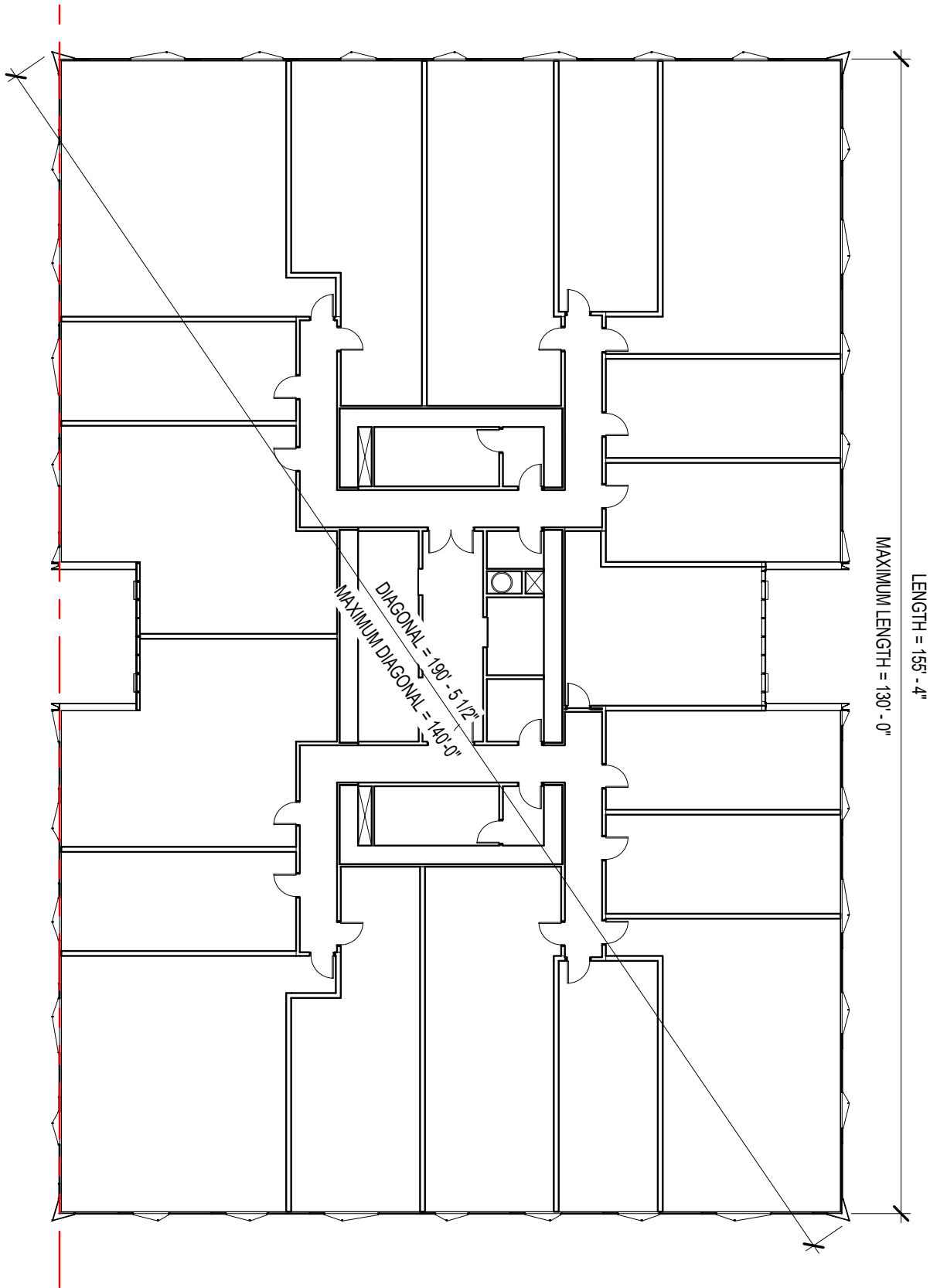


PEDESTRIAN LIGHT :  
MODEL "ALCOTT" BY LANDSCAPE FORMS  
APPROVED BY SFPUC





EAST ELEVATION



TYPICAL (3-26) FLOOR PLAN