



# MEMO TO THE PLANNING COMMISSION

**HEARING DATE: SEPTEMBER 24, 2020**

**Record No.:** 2019-000494PRJ  
**Project Address:** 555 HOWARD STREET  
**Zoning:** C-3-O(SD) Downtown-Office (Special Development) Zoning District  
350-S and Bulk District  
Transit Center C-3-O(SD) Commercial and  
Transbay C-3 Special Use Districts  
Downtown and Transit Center District Plan Areas  
**Block/Lots:** 3736/086, 107, 110  
**Project Sponsor:** PEAK Project Management Limited  
c/o: Patricia Yeh  
201 California Street, Suite 500  
San Francisco, CA 94111  
**Property Owner:** Pacific Eagle Holdings Corporation  
201 California Street, Suite 500  
San Francisco, CA 94111  
**Staff Contact:** Nicholas Foster, AICP, LEED GA – (628) 652-7330  
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**Recommendation:** Approval with Conditions

## CEQA Documentation Forthcoming

The issuance of the Community Plan Exemption (CPE) certificate for the Project is delayed. A copy of the CPE certificate (along with the Mitigation Monitoring and Reporting Program (MMRP), referenced as “Exhibit C”) will be provided to the Commission as soon as it becomes available (on or before September 24, 2020). Should the issuance of the CPE certificate be further delayed, the Project would then be continued to a future hearing date.



# EXECUTIVE SUMMARY

## DOWNTOWN PROJECT AUTHORIZATION / CONDITIONAL USE AUTHORIZATION / VARIANCE

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**Recommendation:** Approval with Conditions

### Project Description

The proposed project (“Project”) includes demolition of three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 374,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 18,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided.

## Background

On March 2, 2017, through Motion Nos. 19869 and 19780, the Planning Commission approved a mixed-use project that included both hotel and residential uses (255 tourist hotel guest rooms and 69 dwelling units), and 70 off-street parking spaces. Upon securing entitlements, the Project Sponsors of the 2017 project diligently pursued the issuance of a building permit (Permit No. 201612275918). The Department of Building Inspection issued the permit on November 28, 2019 and Project Sponsor retains vested rights to develop.

The primary differences between the current proposal and that of the project approved in 2017 are the elimination of all residential uses (dwelling units), rendering the current proposal an all-hotel project, with an increase in the total number of tourist hotel guest rooms from 255 to 401 rooms. The other change in land use programming is the elimination of all off-street parking spaces. Beyond those changes, the building height, massing, and overall design are nearly identical. The characteristics of the current proposal versus the 2017 project are illustrated in **Table 1**, below.

**Table 1: Comparing project characteristics (2017 project and current project).**

CHARACTERISTICS	2017 PROJECT	CURRENT PROJECT	NOTES
<b>Use</b>	Hotel + Residential	Hotel	Residential uses removed.
<b>Dwelling Units</b>	69	0	Residential uses removed.
<b>Hotel Rooms</b>	255	401	+146 hotel rooms (57% increase)
<b>Gross Floor Area</b>	358,600	381,063	+22,463 gsf
<b>Height</b>	385 feet to top of roof (403 feet inclusive of exempt features, 418'- 3" to top of elevator)	385 feet to top of roof (403 feet inclusive of exempt features, 418'- 10" to top of elevator)	+7 inches for elevator overrun.
<b>Floors</b>	36 + 4 basement	35 + 4 basement	One less floor.
<b>Restaurant/Bar/Lounge</b>	Ground floor restaurant/bar + sky bar/lounge on level 36	Ground floor restaurant/bar + sky bar/lounge on level 35	Similar programming of ground floor + sky bar/lounge
<b>Loading Spaces</b>	1	3	+ 2 spaces (Code compliant).
<b>Parking Spaces</b>	68	0	Off-street accessory parking removed.
<b>Bicycle Parking</b>	95 Class 1, 25 Class 2	16 Class 1, 10 Class 2*	Fewer Class 1 and 2 spaces based on changes to overall land use program. *21 Class 2 spaces required per Code; in- lieu fee required for any spaces SFMTA will not permit with ROW.
<b>Privately-Owned Public Open Space (POPOS)</b>	5,047 gsf	7,744 gsf	+ 2,697 gsf. Increase based on changes to overall land use program (Code compliant).

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Project Sponsor has conducted community outreach to stakeholders that includes local community groups. To date, the Department has received one (1) letter of support from the San Francisco Chamber of Commerce.

- **Downtown Project Authorization with Request for Exceptions.** 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. Due to relatively small development site (totaling only 14,505 square feet in area), the position, configuration, and overall design of the proposed tower require exceptions from several provisions of the Planning Code, which, may be granted as provided in the Code sections as referenced below:

- **Setbacks and Streetwall Articulation (Section 132.1(c)(1)).** The Project does not incorporate setbacks that meets the requirements of the Code and therefore seeks an exception. The Department supports the request as the Project meets the intent of the setbacks and streetwall articulation requirement of the Code. The building incorporates a combination of distinctive façade treatments and contributes to the quality and activation of the pedestrian realm around and through the building.
- **Tower Separation (Section 132.1(d)(1)).** The Project partially conforms to the requirements for tower separation and seeks relief from the Code provisions for tower separation for the small areas of non-conformity. The Department supports the request as a strict enforcement of the Code would result in a building with a much smaller floor plate containing residential uses leading to substantial reduction in the overall number of dwelling units being provided.
- **Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).** The Project would result in the addition of 7 pedestrian comfort criterion exceedances. The Department supports the requested exception to the ground-level wind current requirements because it is unlikely that the Project could be designed in a manner that would eliminate all existing comfort criterion exceedances. Moreover, wind speeds are generally expected to remain similar to existing conditions.
- **Tour Bus Loading Spaces in C-3 Districts (Section 162).** As the Project includes 401 tourist hotel guest rooms, one (1) off-street tour bus loading space is required per Code. The size and configuration of the Site does not allow for a practical ability to accommodate off-street tour bus loading spaces without significantly compromising space for more desirable uses at the ground floor, such as retail, lobby, and pedestrian circulation. The Department supports the requested exception for off-street tour bus loading due to the Site's overall physical constraints at the ground floor which do not practically allow for off-street tour bus loading spaces.
- **Height (Special Exceptions for Upper Tower Extensions in S Districts (Section 263.9)).** The Project is located in a 350-5 Height and Bulk District where upper tower extensions are permitted. The Project provides the required volumetric reductions, and is therefore eligible for a upper tower extension of up to 35 feet (10 percent of the 350-foot height limit), up to a roof height of 385 feet. The Department supports the requested exception for an upper tower extension because the

Project's upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building while improving the appearance of the skyline without adversely affecting the light and air to adjacent properties or adding significant shadows onto public open spaces.

- **Bulk (Sections 270, 272).** Although the Project complies with most bulk controls, the Project exceeds the permitted maximum plan length of the lower tower. The Department supports the requested exception for bulk because the Project meets more than one of the criteria contained in Section 272. Namely, the added bulk does not significantly affect light and air to adjacent buildings, the appearance of bulk in the building is reduced by providing variations in wall surfaces that significantly alter the mass as evidenced by the vertical incisions separating the tower into what appears to be two to three different volumes. The result is a massing that is compatible with the character and development of the surrounding area with respect to overall height, silhouette, materials, and enhancement of the pedestrian environment by designing a transparent, porous, building base activated by ground floor retail and hotel uses.
- **Conditional Use Authorization (Sections 210.2 and 303).** The Project is required to obtain Conditional Use Authorization to establish a hotel use. The Department supports the request for conditional use because Project will create jobs, bolster the City's tax base, and help to alleviate the shortage of hotel rooms, serving the needs of the city in an ideal location for both tourist and business travel. Furthermore, the Project's unrivaled transit-oriented location one block from the Salesforce Transit Center ensures that these needs will be met in the most sustainable location possible.
- **COVID-19 and Market Demand for Hotels.** In order to approve a Conditional Use Authorization for a hotel use the Planning Commission must consider, among other things, the market demand for a hotel of the type proposed. Prior to the onset of the COVID-19 pandemic, hotel occupancy rates in San Francisco had consistently averaged in the low- to mid-80 percentage range. Year to year, the occupancy rate has remained approximately 20 points above the national average and the city has been among the strongest lodging markets in the country. In light of the effects to tourism and the lodging industry attributed to the ongoing COVID-19 pandemic, the Department requested an update to the initially submitted market demand study. The Project Sponsor secured a market demand update and the analysis acknowledges the highly fluid status of all global economic activities as impacted by COVID-19, especially on the retail sales and service sectors, including tourism in San Francisco. The update also acknowledges the lack of information relating to tourism recovery, making precise demand assessments difficult. However, if approved, the Project would not commence operations until early 2024 (Q1), providing a three-and-one-half year period for global economic recovery. Should market demand recover between 2022 and 2024, as is widely expected, then the original forecast of market demand for the Project would remain valid.
- **Variances/Height Exemption.** The Zoning Administrator will consider a request for a Variance from the following provisions of the Planning Code: width of openings for off-street parking or loading entrances (Section 155(s)(4)(A)); and location of Class 1 bicycle parking (Section 155.1(b)(1)). Additionally, the Zoning Administrator will consider a request for a Height Exemption for the elevator penthouse to accommodate the elevator overrun to meet state or federal laws or regulations (Section 260(b)(1)(B)).

## Environmental Review

On September 24, 2020, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Area Plan and was encompassed within the analysis contained in the Transit Center District EIR. Since the Transit Center District EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the Transit Center District EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Transit Center District EIR. The file for this Project, including the Transit Center District EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

## Required Commission Action

The following is a summary of actions that the Commission will consider at the hearing, which are required to implement the Project:

1. Adopt findings to approve a Downtown Project Authorization pursuant to Planning Code Section 309 with requests for exceptions from: streetwall base (Section 132.1(c)); tower separation (Section 132.1(d)); reduction of ground-level wind currents in C-3 zoning districts (Section 148); off-street tour bus loading (Section 162); upper tower extensions (Section 263.9); and bulk controls (Section 270); and
2. Adopt findings to approve Conditional Use Authorization pursuant to Planning Code Sections 210.2 and 303(g) to establish a hotel use.

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project implements the vision of the Downtown and Transit Center District Plans through the construction of a hotel with 401 tourist hotel guest rooms located one block from the Salesforce Transit Center, and within walking distance of the Downtown Core. The Project's commercial uses (hotel) will provide new employment opportunities within an intense, walkable urban context. The proposed ground-floor restaurant located along both the Howard Street and Tehama Street frontages will expand the spectrum of retail services available in the area, and will activate the adjacent street frontages. The Project is designed to contribute an elegant, iconic, and complementary massing to the city's downtown skyline as shaped by the cluster of new high-rise buildings in the Transbay Redevelopment Plan Area. The Department finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

## **Attachments:**

Draft Motion – Downtown Project Authorization, Exhibit A: Conditions of Approval  
Draft Motion – Conditional Use Authorization, Exhibit A: Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – MMRP  
Exhibit D – Environmental Determination  
Exhibit E – Land Use Data  
Exhibit F – Maps and Context Photos  
Exhibit G – Project Sponsor Brief  
Exhibit H – Public Correspondence  
Exhibit I – First Source Hiring Affidavit

**DRAFT MOTION:**

**Downtown Project Authorization and  
Exhibit A: Conditions of Approval**





# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: SEPTEMBER 24, 2020**

**Record No.:** 2019-000494DNX  
**Project Address:** 555 HOWARD STREET  
**Zoning:** C-3-O(SD) Downtown-Office (Special Development) Zoning District  
350-S and Bulk District  
Transit Center C-3-O(SD) Commercial and  
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**ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH REQUESTS FOR EXCEPTIONS FOR STREETWALL BASE (SECTION 132.1(C)); TOWER SEPARATION (SECTION 132.1(D)); REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 ZONING DISTRICTS (SECTION 148); OFF-STREET TOUR BUS LOADING (SECTION 162); UPPER TOWER EXTENSIONS (SECTION 263.9); AND BULK CONTROLS (SECTION 270) TO PERMIT THE DEMOLITION OF THREE EXISTING STRUCTURES CONTAINING NON-RESIDENTIAL USES AND THE CONSTRUCTION OF A NEW 35-STORY BUILDING REACHING A ROOF HEIGHT OF UP TO 385 FEET TALL (APPROXIMATELY 419 FEET TALL INCLUSIVE OF ELEVATOR OVERRUN, AND ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A TOTAL GROSS FLOOR AREA OF APPROXIMATELY 381,000 SQUARE FEET OF HOTEL USES WITH 401 HOTEL ROOMS LOCATED AT 555 HOWARD STREET, LOTS 086, 107, AND 110 OF ASSESSOR'S BLOCK 3736, WITHIN THE DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) (C-3-O(SD)) ZONING DISTRICT AND A 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## PREAMBLE

On February 1, 2019, Toby Bath, on behalf of PEAK Project Management Limited (hereinafter “Project Sponsor”), filed an Environmental Evaluation Application for the proposed project (hereinafter “Project”), and thereafter submitted a revised Application on May 23, 2019, with the Planning Department (hereinafter “Department”). The application packet was deemed accepted on February 14, 2019 and assigned Case Number 2019-000494ENV.

On or after February 1, 2019, the Project Sponsor submitted the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Variance; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on or after February 14, 2019 and assigned to Case Numbers: 2019-000494DNX; 2019-000494CUA; 2017-000494VAR; 2019-000494SHD; and 2019-000494TDM, respectively.

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter “EIR”). On May 24, 2012, the Planning Commission reviewed and considered the Final EIR (“FEIR”) and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”), 14 California Code of Regulations Sections 15000 et seq. (“the CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”).

The Transit Center EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the Project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On September 24, 2020, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Area Plan and was encompassed within the analysis contained in the Transit Center District EIR. Since the Transit Center

District EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the Transit Center District EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Transit Center District EIR. The file for this Project, including the Transit Center District EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

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 Department Commission Secretary is the custodian of records for the Department materials, located in the File for Case No. 2019-000494DNX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 3, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Downtown Project Authorization application No. 2019-000494DNX. Before hearing the item, the Commission voted 5-0 (Koppel absent) to continue the item to September 17, 2020.

On September 17, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Downtown Project Authorization application No. 2019-000494DNX. Before hearing the item, the Commission voted X-X to continue the item to September 24, 2020.

On September 24, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Downtown Project Authorization application No. 2019-000494DNX. At the same hearing, the Zoning Administrator considered the request for a Variance (application No. 2019-000494VAR).

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

**MOVED**, that the Commission hereby authorizes the Downtown Project Authorization as requested in Application No. 2019-000494DNX, subject to the conditions contained in “EXHIBIT A” of this motion, and to the Mitigation, Monitoring and Reporting Program contained in “EXHIBIT C”, and incorporated by reference, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The proposed project (“Project”) includes demolition of three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 381,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 15,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided.
3. **Site Description and Present Use.** The Project Site (“Site”) consists of three contiguous lots (Lots 086, 107, and 110) within Assessor’s Block 3736, totaling 14,505 square feet (0.33 acres) in area. The Site is a through lot, bounded by Howard Street to the north and Tehama Street to the south, and contains three separate buildings. The existing buildings include a 6,375 square foot, two-story office building at 547 Howard Street; a 24,885 square foot, three-story office building at 555 Howard Street/56 Tehama Street; and a 12,375 square foot, two-story mixed-use building at 557 Howard Street/58 Tehama Street containing office over a ground-floor retail use. The three buildings were originally constructed in the early 1900s, but were surveyed in the Transit Center District Historic Resource Survey in 2012 and not found to be Contributory or Significant Buildings.
4. **Surrounding Properties and Neighborhood.** The Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area, and the Transbay (Zone 2) redevelopment area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. The block on which the Site is located contains several low to mid-rise office buildings. Immediately to the west of the Site is the elevated bus ramp leading to the Salesforce Transit Center, located north of the Site. The parcel, formerly known as Transbay “Parcel G,” was owned by the State (Caltrans) and is now owned by the Transbay Joint Powers Authority (TJPA). The parcel is zoned “P” for public use. TJPA, in consultation with the Office of Community Investment and Infrastructure (OCII), are planning for the development of a public park (“Underground Ramp Park”) underneath the above-grade bus ramps, programmed with a balance of hardscape and landscaped areas. The Project Sponsor holds an easement agreement with TJPA to utilize a small area of the parcel abutting the Site for use as an outdoor sitting/eating area to help active the future park. Immediately to the east of the Site are three low-rise, four to five story buildings containing office and industrial uses. Located at the intersection of 1st and Howard Streets are four

mid-rise, 10-story buildings known as “Foundry Square.” Immediately to the north of the Site is the Transbay “Parcel F” site (542-550 Howard Street), currently an undeveloped construction staging area used during the construction of the adjacent Salesforce Transit Center. The Parcel F project includes the construction of an approximately 750-foot-tall, 61-story mixed use building with office, hotel, and residential uses. The 5-story Salesforce Transit Center and the Salesforce Park, 3-story commercial building at 540 Howard Street, a 4-story commercial building at 530 Howard Street, and a surface parking lot at 524 Howard Street are located north and northeast of the Site. The parking lot at 524 Howard Street is planned to be replaced with a mixed-use development project. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed mixed-use project at 181 Fremont Street.

5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received four (4) letters of support from the following organizations/community groups: The East Cut Community Benefit District; Hotel Council of San Francisco; San Francisco Chamber of Commerce; and San Francisco Travel Association. The letters of support speak to the exceptionally transit-oriented nature of the Site and general support for a new 401-room luxury hotel that will bolster the city’s tourism economy. The Department has also received one (1) letter citing concerns over traffic and loading, shadows, and construction impacts associated with the proposed 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 both residential and non-residential uses within the C-3-O(SD) Zoning District.

*The Project involves the construction of a new 35-story building with a total gross floor area of 381,063 (gsf) of uses, per the Planning Code Section 102. The Project would include 381,063 gsf of hotel use (a retail sales and service use). Hotel use (a retail sales and service use) requires Conditional Use Authorization, pursuant to Section 303. The Project Sponsor has filed Conditional Use Authorization application (Case No. 2019-000494CUA). Please see the required findings for the Conditional Use Authorization under Motion No. XXXXX for Case No. 2019-000494CUA.*

- B. **Floor Area Ratio (Sections 123, 124, 128, and 210.2).** 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 FAR for the C-3-O (SD) District is 6.0 to 1. Under Section 123, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (TDR), and may exceed 9.0 to 1 without FAR limitations by participating in the Transit Center District Mello-Roos Community Facilities District as required in Section 424.8. The gross floor area of a structure on a lot in the C-3-O(SD) District shall not otherwise be limited.

*The Site is 14,505 square feet (0.33 acres) in area. Therefore, up to 87,030 gsf is allowed under the basic FAR limit (6.0:1). The Project proposes a total of 381,063 gsf, for an effective FAR of*

*approximately 26.3-to-1. 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 (43,515 gsf), and to participate in the Transit Center District Mello-Roos Community Facilities District to exceed the FAR of 9.0:1.*

- C. 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-O (SD) 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 includes a total of 381,063 gross square feet of new, non-residential uses, and therefore requires 7,621 square feet of privately-owned public open space (POPOS). The Project would provide exterior POPOS on the roof level (level 36), accessible via elevators from the ground floor. The conceptual programming for the POPOS includes outdoor seating, vegetation, and public restrooms situated within an open floor plan enclosed by an 18-foot-tall glass curtainwall providing 360-degree views of San Francisco. In total, the amount of POPOS credited is 7,744 square feet where 7,621 square feet is required by Code. Therefore, the Project complies with Section 138.*

- D. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 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 conceptual plan shows improved pedestrian amenities along both street frontages (Howard and Tehama Streets). The precise location, spacing, and species of the street trees, as well as any other streetscape improvements, will be further refined throughout the building permit review process. Further, the Project Sponsor is coordinating with the Transbay joint Powers Authority (TJPA) and the Office of Community Investment and Infrastructure (OCII) regarding improvements to the planned Under Ramp Park, located immediately to the west of the Site. Therefore, the Project complies with Section 138.1.*

*The Project would apply to the San Francisco Municipal Transportation Agency's (SFMTA) Color Curb Program to install the following on-street loading zones: a 100-foot-long passenger loading zone (white curb) along Howard Street and a 48-foot-long commercial loading zone (yellow curb) along Tehama Street. In consultation with the SFMTA, no on-street parking is proposed for either of the street frontages abutting the Site.*

- E. 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 Site is not located in close proximity to an Urban Bird Refuge as defined in Section 139. As such, the Project is only required to included feature-related standards, and includes such features. Therefore, the Project complies with Section 139.*

- F. Street Frontage in Commercial Districts (145.1).** 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 retail sales and service uses at the ground floor, along both street frontages. The retail spaces are at least 25 feet deep at all locations, meeting the strict active use requirements of Section 145.1(c)(3). The balance of the ground floor is comprised of building-serving mechanical equipment and the required off-street loading areas along the Tehama Street frontage. The three street frontages are fenestrated with transparent windows for at least 60 percent of the total street frontage, allowing visibility into the inside of the building. The ground floor height varies from a single-story height of at least 14’-4” to a double-story height of 21’-4” feet tall, meeting the strict requirements of Section 145.1(c)(4). Therefore, the Project complies with Section 145.1(c)(3-6).*

*The Project concentrates all vehicular access to Tehama Street, preserving Howard Street as the primary pedestrian and bicyclist frontage. In order to accommodate access to the van pool parking stall and ADA-compliant space on the Tehama Street frontage, the Project proposes a total of two off-street loading entrances: a narrower opening for a single, larger freight loading vehicle (measuring 12’-0” wide), and a second, larger opening accommodating two, smaller service vehicles (measuring 17’-6” wide). Due to the Site’s narrow frontages, overall small building footprint, and the inability of freight loading vehicles to meet the turning radius required for a code-compliant off-street loading entrance on such a narrow street, alternative configurations to reduce the loading width were proven not feasible. Therefore, the Project requires a variance from the Code related to the width of buildings for off-street parking or loading entrances. As the Site is located within the C-3-O(SD) Zoning District, a more specific, or targeted Code provision (Section 155(s)(4)(A)) applies to the Project. Therefore, the*

*Project requires a Variance pursuant to Section 155(s)(4)(A) in lieu of Section 145.1(c)(2). The Project Sponsor has submitted a Variance application (Case No. 2019-000494VAR) and the Zoning Administrator shall review the application and make a determination on the request for relief from the Planning Code standard.*

- G. 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 Howard or Tehama Streets and therefore does not apply to the Project. Regarding Section 146(c), the Project would create new shadows on sidewalks and pedestrian areas adjacent to the Site. 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. The Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in dense urban areas. Therefore, the Project complies with Section 146.*

- H. 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**

*An initial shadow fan analysis identified three (3) publicly-owned open spaces that might potentially be affected by the proposed Project. These include the future Block 3 open space to be known as Transbay Park, the elevated Salesforce Park, and Rincon Park that lies between the Embarcadero and the Bayfront Trail. In addition, the analysis includes evaluation of potential shadow on six (6) smaller, neighboring Privately-Owned Public Open Spaces (POPOS): Golden Gate University; 100 First Street Plaza; Howard & Fremont; 211 Main Street (Main Street Plaza); Spear Street Terrace; and Foundry Square.*

*The Department determined that a detailed shadow study ("Shadow Study") of the proposed Project was required to determine if any adverse or significant shadow impacts will be created on surrounding public open spaces. A Shadow Study was prepared by qualified consultants ("Fastcast"), finalized on September 9, 2020, that analyzed any potential shadow impact on publicly-accessible open spaces within the shadow reach of the proposed Project. The analysis was*



conducted according to criteria and methodology as described in (1) the February 3, 1989 memorandum titled "Proposition K - The Sunlight Ordinance" ("the 1989 memorandum") prepared by RPD and the San Francisco Planning Department ("Planning"), (2) the July 2014 memorandum titled "Shadow Analysis Procedures and Scope Requirements" ("the 2014 memorandum") prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected. Fastcast's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow (Sections 146(c), 147, and 260(b)(1)(M)), and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.

### **Public Open Spaces**

#### **Transbay Park (proposed)**

Transbay Park is a proposed public park on a parcel (Transbay Block 3) that has been used as the temporary Transbay Terminal during construction of the Salesforce Transit Center. The future Transbay Park has a total area of approximately 39,961 square feet (0.92 acres) which, when complete, will have an existing shadow load of approximately 71,386,657 shadow foot hours (sfh) of shade on an annual basis. Based on a Theoretical Annual Available Sunlight (TAAS) of 148,711,185 sfh, the existing shading on the open space as a percentage of TAAS is 48.03%. The Project would add 1,723 sfh of net new shadow to the open space, representing a 0.001% increase in net new shadow (as a percent of TAAS). The net new shadow would last for approximately 2 weeks of the year. The maximum shading would occur on November 8 and February 1, lasting approximately 15 minutes, shading an area of 511 sf.

#### **Salesforce Park (existing)**

Salesforce Park is an approximately 1,400-foot-long, publicly-accessible park located on the roof of the Salesforce Transit Center. The elevated park features a variety of activities and amenities, including gardens, trails, open grass areas, children's play space, an outdoor amphitheater, as well as space for a future restaurant. Salesforce Park has a total area of approximately 219,820 square feet (5.0 acres) and has an existing shadow load of approximately 460,124,836 (sfh) of shade on an annual basis. Based on a TAAS of 818,037,240 sfh, the existing shading on the open space as a percentage of TAAS is 56.25%. The Project would add 4,737,452 sfh of net new shadow to the open space, representing a 0.58% increase in net new shadow (as a percent of TAAS). The net new shadow would occur approximately 10 months out of the year, between January 1 to May 17 and July 26 to December 31. The maximum shading would occur on December 20, lasting approximately 4 hours and 45 minutes, shading an area of 21,409 sf.

Rincon Park (existing)

*Rincon Park is a diamond-shaped waterfront open space situated between the Embarcadero and the Bay Front Trail, just south of the western Bay Bridge anchorage. The park, which is owned by the Port of San Francisco, features inviting expanses of lawn, canted and oriented to provide unobstructed views of San Francisco Bay. Rincon Park has a total area of 126,725 square feet (2.9 acres) and has an existing shadow load of approximately 144,119,465 sfh of shade on an annual basis. Based on a Theoretical Annual Available Sunlight (TAAS) of 471,595,022 sfh, the existing shading on the open space as a percentage of TAAS is 30.63%. The Project would add 60 sfh of net new shadow to the open space, representing a 0.00001% increase in net new shadow (as a percent of TAAS). The net new shadow would last for approximately 2 weeks of the year. The maximum shading would occur on December 13 and December 27, lasting approximately 11 minutes, shading an area of 25 sf.*

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

Golden Gate University (existing)

*The deeply recessed entry to Golden Gate University is identified as a privately-owned public open space. A bridge connecting the Mission Street sidewalk to Golden Gate University has been turned into a snippet. Amenities consist of concrete benches on both sides of the bridge, as well as along part of the Mission Street sidewalk. The space is well used by students and the general public.*

*Based on a Theoretical Annual Available Sunlight (TAAS) of 20,408,027 sfh, the POPOS has an existing shadow load of approximately 18,455,874 (sfh) of shade on an annual basis, or 90.43% as a percentage of TAAS. The Project would add 31,989 sfh of net new shadow to the POPOS, representing a 0.156% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between October 25 and February 15. The maximum amount of shading would occur on November 1 and February 8, shading an area of 1,685 sf (approximately 30.73% of the area of the POPOS), while the longest duration of net new shadow would occur on November 1 and February 8, lasting approximately 30 minutes.*

100 First Street Plaza (existing)

*100 First Street is accessible from a staircase from Mission Street that leads un to an elevated sun terrace. The POPOS main feature is a black granite wall with fissures spouting water into two pools where undulating glass panels evoke waves. The rectangular terrace is designed on 45-degree grid, featuring many planter beds and terraces forming intimate spaces. Planters with trees, flowers and grass all have ledges for sitting. Designer Café tables and chairs are configured throughout for gathering and eating.*

*Based on a Theoretical Annual Available Sunlight (TAAS) of 57,929,370 sfh, the POPOS has an existing shadow load of approximately 41,879,642 (sfh) of shade on an annual basis, or 72.29% as a percentage of TAAS. The Project would add 385,249 sfh of net new shadow to the POPOS, representing a 0.665% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between October 25 and February 15. The maximum amount of shading would occur on November 22 and January 18, shading an area of 7,264 sf (approximately 46.66% of the area of the POPOS),*

while the longest duration of net new shadow would occur on November 25 and January 25, lasting approximately 1 hour and 15 minutes.

Howard & Fremont (existing)

The Howard Fremont plaza is an 8,724 square foot (0.20 acres) privately-owned public open space located on Assessor's Blocks 3738/Lots 016-017. It is a "T" shaped open space framed by high rises on the northwest and east, and the 50-foot tall 342 Howard Street building at the corner of Howard and Fremont Street.

Based on a Theoretical Annual Available Sunlight (TAAS) of 32,459,967 sfh, the POPOS has an existing shadow load of approximately 27,430,857 (sfh) of shade on an annual basis, or 84.51% as a percentage of TAAS. The Project would add 12,420 sfh of net new shadow to the POPOS, representing a 0.03827% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between November 15 and January 25. The maximum amount of shading would occur on December 20, shading an area of 402 sf (approximately 4.6% of the area of the POPOS), while the longest duration of net new shadow would occur on December 20, lasting approximately 38 minutes.

211 Main Street (Main Street Plaza) (existing)

The Main Street Plaza open space totals 4,657 square feet (0.11 acres) of privately-owned public open space located on Assessor's Block 3740 /Lots 033-034. It provides a mid-block pedestrian passageway between the Main Tower and 211 Main Street facilitating pedestrian access between the proposed project and the future Transbay Park on the west, and (via the Spear Street Terraces) Rincon Park and the waterfront to the east. Accordingly, Main Street Plaza fits the profile highlighted in the General Plan for a POPOS that facilitates access to the waterfront.

Based on a Theoretical Annual Available Sunlight (TAAS) of 17,329,190 sfh, the POPOS has an existing shadow load of approximately 10,824,946 (sfh) of shade on an annual basis, or 62.47% as a percentage of TAAS. The Project would add 26,735 sfh of net new shadow to the POPOS, representing a 0.154% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between November 15 and January 25. The maximum amount of shading would occur on November 22 and January 18, shading an area of 2,480 sf (approximately 53.26% of the area of the POPOS), while the longest duration of net new shadow would occur on November 22 and January 18, lasting approximately 27 minutes.

Spear Street Terrace (existing)

201 Spear Street Terrace is a 31,716 square foot (0.73 acres) POPOS in the Financial District of San Francisco on Assessor's Block 3741 / Lot 032. Most of the plaza is located northwest of 2 Folsom Street; the "panhandle" portion of the plaza is between a parking structure to the northeast and the 201 Spear Street building to the southwest. Since the plaza facilitates dedicated pedestrian access to the Embarcadero from Spear Street and from Main Street and the future Transbay Park, Spear Street Terrace fits the profile highlighted in the General Plan for a POPOS that serves to facilitate access to the waterfront.

*Based on a Theoretical Annual Available Sunlight (TAAS) of 118,027,230 sfh, the POPOS has an existing shadow load of approximately 92,212,693 (sfh) of shade on an annual basis, or 78.13% as a percentage of TAAS. The Project would add 9,225 sfh of net new shadow to the POPOS, representing a 0.007% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between November 29 and January 11. The maximum amount of shading would occur on December 20, shading an area of 1,740 sf (approximately 5.5% of the area of the POPOS), while the longest duration of net new shadow would occur on November 29 and December 6, lasting approximately 15 minutes.*

*Foundry Square (Building No. 1) (existing)*

*Foundry Square is a complex of four architecturally linked, mid-rise buildings located at the intersection of Howard and First Streets near the Salesforce Transit Center. Each of the four buildings is situated on one of the four street corners. The corner POPOS located at the southwest entry to Foundry Building No. 1 represents the location where new potential shadow was measured from the proposed Project.*

*Based on a Theoretical Annual Available Sunlight (TAAS) of 11,613,358 sfh, the POPOS has an existing shadow load of approximately 6,716,066 (sfh) of shade on an annual basis, or 57.83% as a percentage of TAAS. The Project would add 301,082 sfh of net new shadow to the POPOS, representing a 2.592% increase in net new shadow (as a percent of TAAS). The net new shadow would occur between October 11 and March 1. The maximum amount of shading would occur on November 21 and February 8, shading an area of 3,092 sf (approximately 99.08% of the area of the POPOS), while the longest duration of net new shadow would occur on November 1 and February 8, lasting approximately 90 minutes.*

**Conclusion**

*Based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, the Project would not substantially affect, in an adverse manner, the use or enjoyment of these open spaces beyond what was analyzed and disclosed in the Transit Center District Plan Programmatic EIR (TCDP PEIR). The Project would either contribute very minor amount of shadow to those spaces or its shadow impacts were already anticipated with the implementation of the TCDP plan. Thus, the Project would not result in new or more severe shadow impacts than those identified in the PEIR. This conclusion is consistent with the findings of the PEIR, and the Project would not result in individual or cumulative shadow impacts beyond those analyzed in the PEIR, nor would it result in substantially more severe impacts than identified in the PEIR. The net new shadows cast by the Project were not found to negatively impact the use of the open spaces and therefore comply with Section 147 of the Planning Code.*

- I. Off-Street Freight Loading (Sections 152.1, 153, and 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 gsf, rounded to the nearest whole number. For hotels and residential units, 2 off-street spaces are required between 200,001 and 500,000 gsf of

each use, and hotel and residential uses exceeding 500,000 gsf are required 3 spaces, plus one space for each additional 400,000 gsf. No building in the C-3-O (SD) District can be required to provide more than six off-street freight loading or service vehicle spaces in total. 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 would provide a total of 3 off-street freight loading spaces where 2 are required by Code. The loading spaces meet the dimensional requirements of the Code, with 1 standard-sized space and 2 service vehicle spaces substituted for 1 standard-sized space, pursuant to Section 154(b)(2-3). As the minimum number of required off-street freight loading is provided, the Project therefore complies with Sections 152.1, 153, and 154.*

- J. Standards for Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155).** The Planning Code requires all off-street freight loading and service vehicle spaces in the C-3 Zoning District be completely enclosed, and access from a public Street or Alley shall be provided by means of a private service driveway that is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any single development is limited 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. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

*The Project concentrates all vehicular access to Tehama Street, preserving Howard Street as the primary pedestrian and bicyclist frontage. In order to accommodate access to the van pool parking stall and ADA-compliant space on the Tehama Street frontage, the Project proposes a total of two off-street loading entrances: a narrower opening for a single, larger freight loading vehicle (measuring 12'-0" wide), and a second, larger opening accommodating two, smaller service vehicles (measuring 17'-6" wide). Due to the Site's narrow frontages, overall small building footprint, and the inability of freight loading vehicles to meet the turning radius required for a code-compliant off-street loading entrance on such a narrow street, alternative configurations to reduce the loading width were proven not feasible. As the widths of the two building openings exceed what is permitted by Code, the Project therefore requires a Variance pursuant to Section 155(s)(4)(A). The Project Sponsor has submitted a Variance application (Case No. 2019-000494VAR) and the Zoning Administrator shall review the application and make a determination on the request for relief from the Planning Code standard.*

- K. 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. For office, one Class 1 space is required for every 5,000 occupied square feet, and two Class 2 spaces are required for the first 5,000 gross square feet, plus one Class 2 space for each additional 50,000 occupied square feet. 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. For hotel use, one Class 1 space and one Class 2 space is required for every 30 hotel rooms, plus one Class 2 space for every 5,000 square feet of occupied floor area of conference, meeting or function rooms. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by residents and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

*The Project includes 16 Class 1 and 10 Class 2 bicycle parking spaces (where 13 Class 1 and 20 Class 2 spaces are required by Code). The Project proposes 10 Class 2 bicycle parking spaces along the Site's Howard Street frontage. The SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Depending on local site conditions and anticipated demand, the SFMTA may request the Project Sponsor pay an in-lieu fee for up to fifty percent of the required Class 2 bicycle spaces pursuant to Sections 155.2(d) and 430.*

*In order to promote ease of access to the Class 1 bicycle parking spaces, the Project would locate all of the required Class 1 bicycle parking spaces within a safe and secure storage facility located on basement level (B2). The location is particularly optimal due to the collocation of the required showers and locker facilities for use by hotel employees. However, Code requires that Class 1 bicycle parking be located either on the ground floor, or within the off-street vehicular parking area. Therefore, the proposal to locate the Class 1 bicycle parking on level B2 requires a Variance from Section 155.1(b). The Project Sponsor has submitted a Variance application (Case No. 2019-000494VAR) and the Zoning Administrator shall review the application and make a determination on the request for an exception from the Planning Code standard.*

- L. Shower Facilities and Lockers (Section 155.4).** The Planning Code requires shower facilities and lockers for Retail Sales and Service Uses in the following amounts: 1 shower and 6 clothes lockers where the Occupied Floor Area exceeds 25,000 square, and 2 showers and 12 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.

*The Project includes more than 50,000 square feet of retail sales and service uses and thus a total of 2 showers 12 lockers are required per Code. The Project proposes providing 10 showers and 380 lockers on level B2, adjacent the ground floor Class 1 bicycle storage facility. Therefore, the Project complies with Section 155.4.*

- M. 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 occupied square feet of new construction or added floor area for non-residential use 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 with Section 163.*

- N. 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 deemed complete on or after January 1, 2018. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 13 points. As currently proposed, the Project will achieve a total of 14 of its required 13 points through the following TDM measures:*

- *Bicycle Parking (Option A) – Hotel*
- *Showers and Lockers – Hotel*
- *Delivery Supportive Amenities – Hotel*
- *Parking Supply (Option K (Hotel))*

*Therefore, the Project complies with Section 169.*

- O. Height (Section 260).** The Site is located in a 350-S Height and Bulk District, which allows a 10 percent upper height exception pursuant to Section 263.9 of the Planning Code, thus permitting structures up to a height of 385 feet, excluding height exemptions per Planning Code Section 260(b).

*The Project is seeking an upper tower extension and would reach a height of approximately 385 feet to the roof of the building, with various features such as mechanical structures, and screening reaching a height of 403 feet in accordance with the height exemptions allowed through Planning Code Section 260(b). See Section 7 for findings related to the requested Section 309 exception for upper tower extensions in S Districts (Section 263.9). In addition, the Project Design incorporates an elevator penthouse that reaches a height of approximately 418'-10", 13'-10" above the 20 feet height exemption limit for mechanical enclosures. The additional height for the elevator penthouse is required to meet state or federal regulations. The Project requests that the Zoning Administrator grant a further height exemption for the elevator penthouse, which is permitted per Section 260(b) when the Zoning Administrator determines that such an exemption is required to meet state or federal regulations. Documentation has been submitted indicating that the elevator has been designed to meet California Occupational Safety and Health Administration Standards.*

- P. 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 (RPD).

### **Background**

*The Department prepared an initial shadow fan that indicated the Project could potentially cast new shadow on Guy Place Mini Park ("Park"), a property under the jurisdiction of the San Francisco Recreation and Park Department. The Park will be located at 4-8 Guy Place, in the Rincon Hill neighborhood, with a total area of approximately 4,000 square feet. The concept plan of the Park includes columns with vegetation around the perimeter, and a row of columns with vegetation through the middle section of the Park. The Park will include a combination of grass and granite pavement, with benches and water features in three separate areas.*

*As the Park is currently under construction and has not opened, it is not possible to conduct site visits to observe park use. Without information about observations of park use, it is not possible to assess the effects of shading on the use and enjoyment of the park for the purpose of environmental evaluation pursuant to the California Environmental Quality Act (CEQA). An assessment of shadow impacts on the use and enjoyment of a park that is under construction would be speculative, and therefore, pursuant to the CEQA guidelines section 15145, should not be considered when making an impact determination*

*A Shadow Study was prepared by qualified consultants ("CADP"), finalized on May 5, 2020, that analyzed the potential shadow impacts of the Project to properties under the jurisdiction of the RPD (Case No. 2019-000494SHD). The analysis was conducted according to criteria and methodology as described in (1) the February 3, 1989 memorandum titled "Proposition K – The Sunlight Ordinance" ("the 1989 memorandum") prepared by RPD and the San Francisco Planning Department ("Planning"), (2) the July 2014 memorandum titled "Shadow Analysis Procedures and Scope Requirements" ("the 2014 memorandum") prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected. CADP's methodology and base data is considered highly accurate and to the appropriate level of detail required for a Section 295 shadow analysis. The results of the Shadow Study, including a quantitative analysis of potential shadow impacts on Section 295 parks and qualitative analysis of project consistency with other Planning Code sections regulating new shadow (Sections 146(c), 147, and 260(b)(1)(M)), and potential significant shadow impacts under CEQA were discussed in the Project's Community Plan Exemption certificate.*

### **Shadow Analysis Results**

*The shadow analysis results indicate the Project would not add any net new shadow (measured as square foot hours of shadow) to the Park. The shadow analysis results indicate that the Project has the potential to reach the Park during the last hour of the day prior to sunset from May to August. However, during these times, the long shadows from existing surrounding structures adjacent to the open space including residential buildings at 2 and 14 Guy Place to the west and the approximately 500-foot tall apartment building at 555 Folsom Street, as well as the 42- foot tall office building directly north of the Park at 515 Folsom Street.*



**Conclusion**

*After reviewing and analyzing the shadow analysis, the Department issued a “No Impact Letter” on May 12, 2020. Department staff concurs with the analysis in that no net new shadow will be cast upon Guy Place Mini-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.*

- Q. 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 July 6, 2020, the Entertainment Commission received notification of the Project. In accordance with the Entertainment Commission's approved "Guidelines for Entertainment Commission Review of Residential Development Proposals Under Administrative Code Chapter 116," on July 8, 2020, Entertainment Commission staff determined that a hearing on this project was not required under Section 116.7(b) of the Administrative Code. The Entertainment Commission has adopted a set of standard “Recommended Noise Attenuation Conditions for Chapter 116 Projects”. Accordingly, the Commission recommends that the Planning Department and/or Department of Building Inspection impose these standard conditions on the development permit(s) for the Project. Therefore, the Project complies with Section 314.*

- R. 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 sf to an existing building in a C-3 District.

*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. Exceptions Request Pursuant to Planning Code (Section 309).** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings, and grants each exception to the Project as further described below:

**A. Setbacks and Streetwall Articulation (Section 132.1(c)(1)).** In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures, and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, Planning Code Section 132.1(c) specifies that new buildings taller than 150 feet within the C-3-0(SD) District must establish a streetwall height between 50 and 110 feet, through the use of a horizontal relief totaling at least 10 feet for a minimum of 40 percent of the linear frontage. Exceptions to this subsection (c)(1) may be allowed in accordance with the procedures of Section 309 if the Planning Commission affirmatively determines that all of the following criteria have been met:

1. the design of the proposed project successfully creates a clearly defined building base that establishes or maintains an appropriate streetwall at the height or height range described above,
2. the base is not defined solely by recessing the base,
3. the overall building mass tapers or steps away from the street above the streetwall reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and
4. the overall architectural expression of the proposed project is exceptional, unique, and consistent with the intent of the streetwall requirement.

*The Project does not incorporate a literal setback meeting the strict requirements of the Planning Code, however, the Commission may approve other designs that fulfill the intent of the streetwall base requirements. The Project meets the intent of the streetwall requirement by establishing a clear building base at around 45 feet in height along the Howard Street frontage, which is slightly lower than the prescribed heights of 50-110 feet. To diminish the feeling of overwhelming mass, the project incorporates a three-story, approximately 45 foot-tall volume along its eastern frontage, relating to the height of the building's transparent base, designed to create porosity and transparency between the building lobby, ground floor retail uses and adjacent open spaces, and adjacent 35-foot-tall bus ramp.*

*Along the Tehama Street frontage, the 4-story, approximately 45-foot tall transparent building base is maintained, creating openness between the lobby, users of the adjacent Transbay Under Ramp Park to the west and pedestrians along Tehama Street. The building mass tapers and steps away from the street above at around level 21, which, relates well with the 26-story and 31-story structures one block north at 101 2nd Street and 560 Mission Street, respectively. Approximately half a block to the west is 222 2nd Street, a 26-story Structure, with a setback at around the 18th story.*

*To enhance building articulation and create various architectural volumes in service of further reducing the sense of overwhelming mass, the Project includes notches along the building's eastern and western elevations that range in depth between 4 to 12 feet, and extending from the base to the upper tower, creating the appearance of three distinct volumes of building massing.*

*The combination of a strong, transparent and porous 45-foot tall building base along all building frontages, the height most prominently perceived by pedestrians, setback along the Tehama Street frontage, the deep notches along the eastern and western elevations, and three-story volume along the Howard Street frontage, creates a unique, exceptional architectural expression that prevents the sense of overwhelming mass that is consistent with the intent of the streetwall requirement.*

### **Conclusion**

*With a combination of distinctive façade treatments and attention to the pedestrian activity around and through the building, the Project meets the intent of the setbacks and streetwall articulation requirement of the Code (Section 132.1(c)(1)). Therefore, the exception from strict adherence to required setbacks and streetwall articulation is warranted.*

- B. Tower Separation (Section 132.1(d)(1)).** The Planning Code requires that the Project provide tower separation in order to preserve the openness of the street to the sky and to provide light and air between structures. This requirement applies to new structures located within the “S” and “S-2” Bulk Districts. Exceptions can be granted to the extent restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary. The minimum setback for such facades shall be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for projects meeting eligibility requirements as listed in Section 132.1(d)(2)(A-C).

*The Site contains two narrow street frontages, including a 75-foot wide frontage on Tehama Street, meeting the eligibility requirements for an exception from the tower separation requirements of the Planning Code, pursuant to Section 132.1(d)(2)(C). Section 132.1(d)(1) requires a minimum setback of 15 horizontal feet measured from the interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing in width as the building increases in height (leading to a 35 foot horizontal setback at a height of 550 feet above grade). The setback height for the Site is 103 feet, based on the width of the principal street on which the building faces (Howard Street).*

*The Project partially conforms to the requirements for tower separation. For tower separation requirements as measured from the center of public right-of-ways, the Project fully conforms to the requirements along the Howard and Tehama Street frontages. The Project is less compliant with the requirements as measured from interior property lines and therefore requests an exception from the tower separation requirements in a few areas of nonconformity along the Site’s east and west interior lot lines.*

*Along the eastern lot line, the Site abuts an existing 5-story building fronting Howard Street (543 Howard Street; Block/Lot 3736/111), and a surface parking lot fronting Tehama Street (48 Tehama Street; Block/Lot 3736/085). The Project provides a varied setback along the eastern lot line, including a 20-foot setback for the northern half of the Site, fronting Howard Street, and a 10-foot setback for the southern half of the Site, fronting Tehama Street. The 20-foot setback for the northern half of the Site fully complies with the separation requirements between the height of the base and 300 feet above grade, and only partially encroaches the tower separation plane above 300 feet in*

height. The 10-foot setback for the southern half of the Site only partially complies with the separation requirements above the height of the base, encroaching the tower separation plane between the height of the base and 300 feet above grade by a depth of 5 feet, and increasing above 300 feet in height. However, the Project provides setbacks to preserve light and air between the Site and the adjacent building to the east.

The Project does not provide any setbacks at any height along the western lot line due to the fact that the adjacent parcels (Lots 088 and 089 of Assessor's Block 3736) are encumbered by an above-grade bus ramp leading to the Salesforce Transit Center. These parcels are owned by the Transbay Joint Powers Authority (TJPA) and are zoned "P" for public use. Therefore, it is reasonable to assume that development would not occur on these parcels, making setbacks for tower separation unnecessary along the Site's western lot line.

### **Conclusion**

The Project includes setbacks along the Site's northern, eastern, and southern lot lines that partially or fully comply with the tower separation requirement of the Planning Code. On the whole, the areas of tower separation encroachment are offset by compensating recesses in the Project's massing. The Project provides compensating recesses that measure approximately 376,609 cubic feet in total, which, greatly exceeds the aggregate non-compliant volume for both the lower and upper tower portions (93,665 cubic feet). The Project will not impair access to light and air, and the granting of the exception will not result in a group of buildings the total street frontage of which is greater than 125 feet without a separation between buildings. The exception for tower separation is therefore warranted as the Project complies with the criteria for granting exceptions pursuant to Section 132.1(d)(2)(C).

- C. 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 miles-per-hour (mph) equivalent wind speed in areas of substantial pedestrian use or 7 mph. 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.

Exceptions can be granted pursuant to Section 309 allowing the building to add to the amount of time the comfort level is exceeded if (1) the building cannot be shaped and other wind-baffling features cannot be adopted without creating an unattractive and ungainly building form, and without unduly restricting the development potential of the site; and (2) the addition is insubstantial, either due to the limited amount of exceedances, the limited location where the exceedances take place, or the short time when the exceedances occur. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

*A qualified wind consultant (RWDI) conducted a wind assessment ("Assessment"), analyzing ground-level wind currents in the vicinity of the Site, and performed a wind tunnel analysis of three scenarios:*

*existing, existing plus Project, and Project plus cumulative. As with the TCDP PEIR wind analysis, the cumulative scenario included a model for the Transit Tower (now known as the Salesforce Tower or Transbay Tower) and massing models of other potential future development in the vicinity of the Transit Tower Site. Wind speed measurements were taken at 68 locations for the existing scenario and 78 locations for the Project and cumulative scenarios. The number of test points along Howard, Tehama, and Second streets were greater in the Assessment than the number of locations addressed in the TCDP PEIR wind study. Therefore, the Assessment provides a more fine-grained analysis than the PEIR of the project's potential wind impacts. Development of the Site would not present a new significant impact not previously identified in the PEIR, nor a substantially more severe impact than identified in the PEIR.*

### **Hazard Criterion**

*The Assessment found that the existing wind conditions on the adjacent streets do not exceed the 26-mile-per-hour wind hazard criterion and the project is not anticipated to cause adverse wind impacts or result in hazardous wind conditions. The Assessment found that the proposed project would not cause winds to reach or exceed the 26-mile-per-hour wind hazard criterion at any pedestrian areas on and around the proposed development that were tested, and that wind speeds at building entrances and public sidewalks would be suitable for the intended pedestrian usage, under both existing plus Project and Project plus cumulative scenarios. As a result, the Project is not anticipated to cause adverse wind impacts or result in hazardous wind conditions in or around the Site.*

### **Pedestrian/Seating Comfort Criterion**

*Regarding pedestrian comfort, the Assessment revealed existing wind conditions near the Site are moderate to high with wind speeds averaging 12 mph for the 68 test locations under existing conditions. Wind speeds at 35 of the 68 locations exceed the Planning Code's 11 mph pedestrian-comfort criterion. These areas are along Tehama Street west of First Street, along Second Street, along Howard Street west of First Street, and at localized areas to the north and south of the project site. Under the existing scenario, winds currently exceed the 11 mph pedestrian-comfort criterion 13 percent of the time on average with an average wind speed of 12 mph.*

*Under the existing plus Project scenario, 7 additional test locations (for a total of 75 locations) were added to determine wind speed immediately around the proposed building. These 7 locations were not included under the existing scenario due to the presence of the existing buildings on the project site. Under the existing plus Project scenario, wind speeds at 42 of the 75 test locations are expected to exceed the Planning Code's 11 mph pedestrian-comfort criterion. These exceedances are generally in the same locations as under the existing scenario. Specifically, the existing plus project scenario would remove four exceedances and would add eleven new exceedances, resulting in a difference of seven exceedances. However, wind speeds are generally expected to remain similar to existing conditions, since wind conditions under the existing plus project scenario would exceed the 11 mph pedestrian-comfort criterion 13 percent of the time on average with an average wind speed of 12 mph, which is the same as under the existing scenario. Additionally, when compared to the existing scenario, wind speeds would be slightly lower to the east and south of the Project site under the existing plus Project scenario.*

### **Conclusion**

*The Project does not result in substantial change to the wind conditions at the Site. However, the addition of 7 new pedestrian-comfort exceedances requires an exception pursuant to Planning Code Section 309.*

*It is unlikely the Project could be designed in a manner that would affect wind conditions substantially enough to eliminate all existing exceedances, particularly considering the number of high-rise buildings existing and under construction in immediate proximity to the Site. The majority of the locations where wind speeds would exceed the comfort criterion are not immediately adjacent to the Site, making it infeasible to incorporate wind baffles or other design features to reduce wind at these locations, without creating an unattractive building or unduly restricting the development potential of the Project.*

*The Project is not anticipated to cause adverse wind impacts or result in new hazardous wind conditions in or around the Site. Therefore, the granting of an exception for ground level wind currents is warranted.*

**D. Tour Bus Loading Spaces in C-3 Districts (Section 162).** The Planning Code requires off-street tour bus loading spaces for hotel uses in C-3 districts containing greater than 201 tourist hotel guest rooms. The dimensions for each space shall be a minimum of 45 feet by nine feet with a minimum vertical clearance of 14 feet. If more than one space is required there shall also be a bypass through lane. In recognition of the fact that site constraints in C-3 Districts may make provision of the required number of tour bus loading spaces impractical, a reduction in or waiver of the provision of such spaces in C-3 Districts may be permitted, in accordance with the provisions of Section 309 of this Code. In considering any such reduction or waiver, the following criteria shall be considered:

1. The site size is not large enough to permit a configuration of spaces that could satisfy the required number of spaces;
2. Provision of the required number and/or size of spaces would result in the use of an unreasonable percentage of ground floor area and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;
3. Spaces for tour bus loading can be provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations or general traffic circulation.

*As the Project includes 401 tourist hotel guest rooms, one (1) off-street tour bus loading space is required per Code. At under 15,000 square feet, and with only a 100-foot frontage along Howard Street and a 75-foot frontage along Tehama Street, the size and configuration of the Site does not allow for a practical ability to accommodate off-street tour bus loading spaces without significantly compromising space for more desirable uses at the ground floor, such as retail, lobby, and pedestrian circulation. Additionally, space for tour bus loading could be provided along the Howard Street frontage, and/or within the immediate vicinity without causing an adverse effect on pedestrian circulation, transit operations or general traffic circulation.*

**Conclusion**

*A reduction in or waiver of the provision of off-street tour bus loading spaces is therefore warranted due to the Site's overall physical constraints at the ground floor which do not practically allow for off-street tour bus loading spaces.*

- E. Height (Special Exceptions for Upper Tower Extensions in S Districts (Section 263.9)).** In S Districts, additional height up to 10 percent of the heights may be allowed as an extension of the upper tower, provided that the volume of the upper tower as extended is reduced as dictated by Section 271 of the Code. This additional height may be allowed pursuant to the provisions of Section 309 only to the extent it is determined that the upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building and to the visual interest to the termination of the building, and that the added height will improve the appearance of the skyline when viewed from a distance, will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

*The Project is located in a 350-5 Height and Bulk District where upper tower extensions are permitted. The design of the Project reduces the volume of the Upper Tower by approximately 18% of the Lower Tower, an amount greater than the 15% volume reduction required by the Planning Code to allow for the upper tower extension. Therefore, under Section 263.9, the permitted height of the Project may be increased by 35 feet (10 percent of the 350' height limit) up to a roof height of 385 feet. The design of the Project includes a significant volume reduction commencing at level 22 and substantial vertical notches cut into the wide faces of the building which create the appearance of two separate, more slender towers.*

**Conclusion**

*The exception for an upper tower extension is therefore warranted as the Project's upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building while improving the appearance of the skyline without adversely affecting the light and air to adjacent properties or adding significant shadows onto public open spaces.*

- F. Bulk (Section 270).** Section 270 establishes bulk controls by district. For buildings located within the "S" Bulk District, the following bulk controls apply to the lower tower: a maximum length of 160 feet, a maximum diagonal dimension of 190 feet, and a maximum floor size of 20,000 sq. ft. The upper tower bulk controls are as follows: a maximum length of 130 feet, a maximum diagonal dimension of 160 feet, a maximum floor size of 17,000 square feet, and a maximum average floor size of 12,000 square feet. The lower tower controls apply above the base height (1.25 times the widest abutting street or 50 feet whichever is greater). The upper tower controls apply above a point that varies with the height of the building, as defined in Chart B of Code Section 270. A volume reduction requirement also applies to the upper tower where the floor size of the lower tower exceeds 5,000 square feet. The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in C-3 Districts. However, there may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, provided, however, that there are adequate compensating

factors. Exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the criteria listed within Section 272 is met.

*Although the Project complies with most bulk controls pursuant to Section 270, the Project exceeds the permitted maximum plan length of the lower tower. Whereas a maximum length of 160 feet is permitted, 165 feet is proposed. However, exceptions to bulk control are warranted because the Project meets more than one of the criteria contained in Section 272. Namely, the added bulk does not significantly affect light and air to adjacent buildings, the appearance of bulk in the building is reduced by providing variations in wall surfaces that significantly alter the mass as evidenced by the notches separating the tower into what appears to be two to three different volumes, and the building is compatible with the character and development of the surrounding area with respect to overall height, silhouette, materials, and enhancement of the pedestrian environment by designing a transparent, porous, building base activated by ground floor retail and hotel uses.*

**Conclusion**

*The exception for bulk is therefore warranted as the Project meets more than one of the criteria contained in Section 272.*

8. General Plan Compliance. The Project is, on balance, consistent with the following Objectives and Policies of the General Plan, the Transit Center District Plan (“TCDP”) (a sub-area of the Downtown Area Plan), and the Downtown Area Plan as follows:

**COMMERCE AND INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

Policy 1.1

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

Policy 1.2

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

**OBJECTIVE 2:**

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

**OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:



Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

**OBJECTIVE 8:**

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

Policy 8.1:

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

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND NEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs particularly those of commuters.

Policy 1.6

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

**OBJECTIVE 2:**

USE THE 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.

**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.

**OBJECTIVE 3:**

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

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.3

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

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

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

Policy 1.1

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

**OBJECTIVE 2:**

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

Policy 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

**OBJECTIVE 4:**

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

Policy 4.1

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

**OBJECTIVE 6:**

WITHIN ACCEPTABLE LEVELS OF DENSITY, PROVIDE SPACE FOR FUTURE OFFICE, RETAIL, HOTEL, SERVICE AND RELATED USES IN DOWNTOWN SAN FRANCISCO.

Policy 6.1

Adopt a downtown land use and density plan which establishes subareas of downtown with individualized controls to guide the density and location of permitted land 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.

**OBJECTIVE 13:**

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

Policy 13.1

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

**TRANSIT CENTER DISTRICT PLAN**

**Objectives and Policies**

**OBJECTIVE 1.1:**

MAINTAIN DOWNTOWN SAN FRANCISCO AS THE REGION'S PREMIER LOCATION FOR TRANSIT-ORIENTED JOB GROWTH WITHIN THE BAY AREA.

**OBJECTIVE 1.2:**

REINFORCE THE ROLE OF DOWNTOWN WITHIN THE CITY AS ITS MAJOR JOB CENTER BY PROTECTING AND ENHANCING THE CENTRAL DISTRICT'S REMAINING CAPACITY, PRINCIPALLY FOR EMPLOYMENT GROWTH.

**OBJECTIVE 1.3:**

CONTINUE TO FOSTER A MIX OF LAND USES TO REINFORCE THE 24-HOUR CHARACTER OF THE AREA.

Policy 1.2

Revise height and bulk districts in the Plan Area consistent with other Plan objectives and considerations.

Policy 1.4

Prevent long-term under-building in the area by requiring minimum building intensities for new development on major sites.

**OBJECTIVE 2.3:**

FORM THE DOWNTOWN SKYLINE TO EMPHASIZE THE TRANSIT CENTER AS THE CENTER OF DOWNTOWN, REINFORCING THE PRIMACY OF PUBLIC TRANSIT IN ORGANIZING THE CITY'S DEVELOPMENT PATTERN, AND RECOGNIZING THE LOCATION'S IMPORTANCE IN LOCAL AND REGIONAL ACCESSIBILITY, ACTIVITY, AND DENSITY.

Policy 2.3

Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.

**OBJECTIVE 3.8:**

ENSURE THAT NEW DEVELOPMENT ENHANCES THE PEDESTRIAN NETWORK AND REDUCES THE SCALE OF LONG BLOCKS BY MAINTAINING AND IMPROVING PUBLIC ACCESS ALONG EXISTING ALLEYS AND CREATING NEW THROUGH-BLOCK PEDESTRIAN CONNECTIONS WHERE NONE EXIST.

Policy 3.11

Prohibit the elimination of existing alleys within the District. Consider the benefits of shifting or re-configuring alley alignments if the proposal provides an equivalent or greater degree of public circulation.

Policy 3.12

Design new and improved through-block pedestrian passages to make them attractive and functional parts of the public pedestrian network.

**OBJECTIVE 4.1:**

THE DISTRICT'S TRANSPORTATION SYSTEM WILL PRIORITIZE AND INCENTIVIZE THE USE OF TRANSIT. PUBLIC TRANSPORTATION WILL BE THE MAIN, NON-PEDESTRIAN MODE FOR MOVING INTO AND BETWEEN DESTINATIONS IN THE TRANSIT CENTER DISTRICT.

Policy 4.5:

Support funding and construction of the Transbay Transit Center project to further goals of the District Plan, including completion of the Downtown Extension for Caltrain and High-Speed Rail.

*The Project is located within an existing high-density downtown area which was re-zoned as part of an area plan to design development around the Transbay Transit Center (officially named the Salesforce Transit Center). The Transbay Transit Center is designed to serve as the Bay Area's hub of intermodal public transportation, with corresponding infrastructure improvements in this area of downtown. The overarching premise of the Transit Center District Plan ("TCDP") is to continue the concentration of additional growth where it is most responsible and productive to do so—in proximity to San Francisco's greatest concentration of public transit service. The increase in development, in turn, will provide additional revenue for the Transit Center project and for the necessary improvements and infrastructure in the District. One of the specific goals of the Transit Center District Plan is to leverage increased*

*development intensity to generate revenue that will enable the construction of new transportation facilities, including support for the Transbay Transit Center, including the Downtown Rail Extension. These revenues will also be directed toward improvements to sidewalks and other important pedestrian infrastructure to create a public realm that is conducive to, and supportive of pedestrian travel.*

*Meanwhile, the well-established Downtown Plan recognizes the need to create jobs, especially for San Franciscans, and to continue San Francisco's role as an international center of commerce and services. New jobs to enhance these city functions, to expand employment opportunities, and to provide added tax resources, make downtown growth at a reasonable scale a desirable course for the city. In particular, visitor trade constitutes an important economic base and job source for San Franciscans. It generates substantial revenues in many related economic areas, including transportation, general merchandising, eating and drinking places, other retail trade, personal services, and entertainment and recreation. By far the largest expenditures by visitors are for hotels, followed by restaurants and retail purchases.*

*This Project implements the vision of both Plans through the construction of a 401-room hotel located within walking distance of the Salesforce Transit Center, as well as the Downtown Core. With approximately 381,000 gross square feet of hotel use, Project will contribute substantial financial resources toward these improvements, and will also serve to leverage these investments by focusing intense employment growth within the core of planned transportation services. The Project would add 401 tourist hotel guest rooms to a site that is currently underdeveloped, well-served by existing and future transit, and is within walking distance of substantial goods and services. Future hotel guests can walk, bike, or access BART, MUNI, or regional bus service from the Site, including all future modes of public transportation proposed to terminate at the Salesforce Transit Center, located adjacent to the Site.*

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.

*While the existing retail uses will not be retained, the Project will provide new hotel uses, including a full-service restaurant and bar at the ground floor and sky bar/lounge located on level 35. These new retail service uses will expand job opportunities for residents and commuters alike. Further, the new tourist hotel guests will provide additional demand for nearby businesses.*

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

*The Site contains non-historic buildings containing non-residential uses (office and retail uses). Therefore, the Project would not displace any residential uses nor negatively affect the existing housing and neighborhood character. The Project's unique mixed-use program provides outstanding amenities to visitors and contributes significantly to the neighborhood character envisioned by the Transit Center District Plan.*

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

*The Project would not displace any housing given the Site contains only non-residential uses.*

*The Project would improve the existing character of the neighborhood by developing a high-density, building containing commercial uses that will, in turn, support the various goals and objectives of the Transit Center District Plan.*

- 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 neighborhood parking. As the Site is located in one of the most transit-rich environs in the city, the Project provides no off-street parking. Future hotel guests and employees are expected to utilize an array of mobility options (e.g. walking, cycling, public transit, taxis, rideshare). The Project is anticipated to promote, rather than impede, the use of MUNI transit service.*

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

*The Project would not negatively affect the industrial and service sectors, nor would it displace any existing industrial uses. The Project would be consistent with the character of existing development in the neighborhood, which is characterized by neighborhood-serving ground floor retail within high-rise buildings containing a mix of residential and non-residential uses. The hotel use would create numerous service-sector employment opportunities.*

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

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

- G. That landmarks and historic buildings be preserved.

*Currently, the 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 does not cast shadow on any open space under the jurisdiction of the Recreation and Park Department. Shading on other publicly-accessible open spaces are minimal and do not impact enjoyment of the subject spaces.*

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. 2019-000494DNX** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 14, 2020, 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 Transit Center District Plan EIR and contained in the MMRP are included as Conditions of Approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329/309 Large/Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 24, 2020

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:



ABSENT:

ADOPTED: September 24, 2020

## EXHIBIT A

### Authorization

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would permit the demolition of three existing structures containing non-residential uses and the construction of a new 35-story building reaching a roof height of up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun, and rooftop screening/mechanical equipment) with a total gross floor area of approximately 381,000 square feet of Hotel Uses with 401 hotel rooms, located at 555 Howard Street, Lots 086, 107, and 110 of Assessor's Block 3736, within the Downtown-Office (Special Development) (C-3-O(SD)) Zoning District and a 350-S Height and Bulk District, pursuant to Planning Code Sections 132.1(c), 132.1(d), 148, 162, 263.9, 270, and 309 in general conformance with plans, dated **September 14, 2020**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-000494DNX** and subject to conditions of approval reviewed and approved by the Commission on **September 24, 2020** under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 24, 2020** under Motion No. **XXXXXX**.

### Printing of Conditions of Approval on Plans

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

### Severability

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

### Changes and Modifications

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

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

### Performance

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

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

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

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

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

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **Additional Project Authorization.** The Project Sponsor must also obtain Conditional Use Authorization Office to establish a hotel use, pursuant to Section 303; and Variances from the strict requirements of the Planning Code related to the width of openings for off-street parking/loading entrances (Section 155(s)(4)(A)) and location of Class 1 bicycle parking (Section 155.1(b)(1)) and a Height Exemption for the elevator penthouse (Section 260(b)(1)(B)) such that an elevator can meet state or federal regulations, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

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

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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.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 July 8, 2020. These conditions state:

- A. Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- B. Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound

readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.

**C. Design Considerations.**

- i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
- ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.

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

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

## Design – Compliance at Plan Stage

**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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.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.sf-planning.org](http://www.sf-planning.org)*

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

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

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

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

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

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

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

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

- 17. Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once

approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

- 18. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: sidewalk on Howard Street. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

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

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

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

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

- 21. Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.

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

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

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

## Parking and Traffic

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

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

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

- 24. Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than **13** Class 1 or **20** Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

- 25. Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than **2** showers and **12** clothes lockers.

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

- 26. 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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- 27. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall



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

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

## Provisions

**28. 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)*

**29. Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.

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

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

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

**31. Downtown Park Fee - C-3 District.** The Project is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.

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

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

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

- 33. Child-Care Requirements for Office and Hotel Development.** In lieu of providing an on-site child-care facility, the Project has elected to meet this requirement by providing an in-lieu fee, as applicable, pursuant to Planning Code Section 414.

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

- 34. Transit Center District Open Space Fee.** Pursuant to Section 424.6, the Project Sponsor shall pay a fee of to be deposited in the Transit Center District Open Space Fund.

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

- 35. Transit Center District Transportation and Street Improvement Fee.** Pursuant to Section 424.7, the Project Sponsor shall pay a fee which will be deposited in the Transit Center District Transportation and Street Improvement Fund.

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

- 36. Transit Center District Mello Roos Community Facilities District Program.** Pursuant to Section 424.8, the Project Sponsor is required to participate in a Transit Center District Mello Roos Community Facilities District (CFD) and to include the Project Site in the CFD prior to issuance of the First Temporary Certificate of Occupancy for the Project.

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

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

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

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

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

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

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

[planning.org](http://planning.org)

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

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

## Monitoring - After Entitlement

- 41. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

- 43. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## Operation

- 44. Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as

defined in [Section 102](#), shall be subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

- 45. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the

Department of Public Works Streets and Sidewalk Maintenance Standards.

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

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

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

- 47. Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

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

- 48. Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

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

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

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

**DRAFT MOTION:**  
**Conditional Use Authorization and**  
**Exhibit A: Conditions of Approval**



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: SEPTEMBER 24, 2020**

**Record No.:** 2019-000494CUA  
**Project Address:** 555 HOWARD STREET  
**Zoning:** C-3-O(SD) Downtown-Office (Special Development) Zoning District  
350-S and Bulk District  
Transit Center C-3-O(SD) Commercial and  
Transbay C-3 Special Use Districts  
Downtown and Transit Center District Plan Areas  
**Block/Lots:** 3736/086, 107, 110  
**Project Sponsor:** PEAK Project Management Limited  
c/o: Patricia Yeh  
201 California Street, Suite 500  
San Francisco, CA 94111  
**Property Owner:** Pacific Eagle Holdings Corporation  
201 California Street, Suite 500  
San Francisco, CA 94111  
**Staff Contact:** Nicholas Foster, AICP, LEED GA – (628) 652-7330  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

**ADOPTING FINDINGS TO APPROVE CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.2 AND 303 TO PERMIT A HOTEL USE AS PART OF A PROJECT THAT INCLUDES THE DEMOLITION OF THREE EXISTING STRUCTURES CONTAINING NON-RESIDENTIAL USES AND THE CONSTRUCTION OF A NEW 35-STORY BUILDING REACHING A ROOF HEIGHT OF UP TO 385 FEET TALL (APPROXIMATELY 419 FEET TALL INCLUSIVE OF ELEVATOR OVERRUN, AND ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A TOTAL GROSS FLOOR AREA OF APPROXIMATELY 381,000 SQUARE FEET OF HOTEL USES WITH 401 HOTEL ROOMS LOCATED AT 555 HOWARD STREET, LOTS 086, 107, AND 110 OF ASSESSOR’S BLOCK 3736, WITHIN THE DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) (C-3-O(SD)) ZONING DISTRICT AND A 350-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## PREAMBLE

On February 1, 2019, Toby Bath, on behalf of PEAK Project Management Limited (hereinafter “Project Sponsor”), filed an Environmental Evaluation Application for the proposed project (hereinafter “Project”), and thereafter submitted a revised Application on May 23, 2019, with the Planning Department (hereinafter “Department”). The application packet was deemed accepted on February 14, 2019 and assigned Case Number 2019-000494ENV.

On or after February 1, 2019, the Project Sponsor submitted the following applications with the Department: Downtown Project Authorization; Conditional Use Authorization; Variance; Shadow Analysis; and Transportation Demand Management. The application packets were accepted on or after February 14, 2019 and assigned to Case Numbers: 2019-000494DNX; 2019-000494CUA; 2017-000494VAR; 2019-000494SHD; and 2019-000494TDM, respectively.

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Transit Center District Plan Environmental Impact Report (hereinafter “EIR”). On May 24, 2012, the Planning Commission reviewed and considered the Final EIR (“FEIR”) and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”), 14 California Code of Regulations Sections 15000 et seq. (“the CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”).

The Transit Center EIR is a program-level EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Transit Center District Plan, the Commission adopted CEQA findings in its Motion No. 18629 and hereby incorporates such Findings by reference herein.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the Project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On September 24, 2020, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Transit Center District Area Plan and was encompassed within the analysis contained in the Transit Center District EIR. Since the Transit Center



District EIR was finalized, there have been no substantial changes to the Transit Center District Plan and no substantial changes in circumstances that would require major revisions to the Transit Center District EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Transit Center District EIR. The file for this Project, including the Transit Center District EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Transit Center District Plan FEIR that are applicable to the Project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

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 Department Commission Secretary is the custodian of records for the Department materials, located in the File for Case No. 2019-000494CUA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 3, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Conditional Use Authorization application No. 2019-000494CUA. Before hearing the item, the Commission voted 5-0 (Koppel absent) to continue the item to September 17, 2020.

On September 17, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Conditional Use Authorization application No. 2019-000494CUA. Before hearing the item, the Commission voted X-X to continue the item to September 24, 2020.

On September 24, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Conditional Use Authorization application No. 2019-000494CUA. At the same hearing, the Zoning Administrator considered the request for a Variance (application No. 2019-000494VAR).

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-000494CUA, 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 three, existing buildings containing non-residential uses and construction of a new 35-story building reaching a roof height up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun and rooftop screening/mechanical equipment). The Project includes a total gross floor area of approximately 381,000 gross square feet (gsf) of hotel uses and approximately 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop (level 36). The hotel would include 401 tourist hotel guest rooms, and several accessory hotel uses that would be open to the public, including a full-service restaurant and bar on the ground floor and a sky bar/lounge located on level 35. The hotel would include approximately 15,000 gsf of function/meeting space including pre-function and function spaces, and a range of conference room sizes to accommodate events of varying sizes. Fitness facilities for use by hotel guests, including a pool, spa, and exercise room, would be located on level 6. The Project includes 3 off-street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off-street parking provided.
3. **Site Description and Present Use.** The Project Site (“Site”) consists of three contiguous lots (Lots 086, 107, and 110) within Assessor’s Block 3736, totaling 14,505 square feet (0.33 acres) in area. The Site is a through lot, bounded by Howard Street to the north and Tehama Street to the south, and contains three separate buildings. The existing buildings include a 6,375 square foot, two-story office building at 547 Howard Street; a 24,885 square foot, three-story office building at 555 Howard Street/56 Tehama Street; and a 12,375 square foot, two-story mixed-use building at 557 Howard Street/58 Tehama Street containing office over a ground-floor retail use. The three buildings were originally constructed in the early 1900s, but were surveyed in the Transit Center District Historic Resource Survey in 2012 and not found to be Contributory or Significant Buildings.
4. **Surrounding Properties and Neighborhood.** The Site is located within the Downtown Core, and more specifically, within the Transit Center District Plan (TCDP) area, and the Transbay (Zone 2) redevelopment area. Development in the vicinity consists primarily of high-rise office buildings, interspersed with low-rise mixed-use buildings. The block on which the Site is located contains several low to mid-rise office buildings. Immediately to the west of the Site is the elevated bus ramp leading to the Salesforce Transit Center, located north of the Site. The parcel, formerly known as Transbay “Parcel G,” was owned by the State (Caltrans) and is now owned by the Transbay Joint Powers Authority (TJPA). The parcel is zoned “P” for public use. TJPA, in consultation with the Office of Community Investment and Infrastructure (OCII), are planning for the development of a public park (“Underground Ramp Park”) underneath the above-grade bus ramps, programmed with a balance of hardscape and landscaped areas. The Project Sponsor holds an easement agreement with TJPA to utilize a small area of the parcel abutting the Site for use as an outdoor sitting/eating area to help active the future park. Immediately to the east of the Site are three low-rise, four to five story buildings containing office and industrial uses. Located at the intersection of 1st and Howard Streets are four

mid-rise, 10-story buildings known as “Foundry Square.” Immediately to the north of the Site is the Transbay “Parcel F” site (542-550 Howard Street), currently an undeveloped construction staging area used during the construction of the adjacent Salesforce Transit Center. The Parcel F project includes the construction of an approximately 750-foot-tall, 61-story mixed use building with office, hotel, and residential uses. The 5-story Salesforce Transit Center and the Salesforce Park, 3-story commercial building at 540 Howard Street, a 4-story commercial building at 530 Howard Street, and a surface parking lot at 524 Howard Street are located north and northeast of the Site. The parking lot at 524 Howard Street is planned to be replaced with a mixed-use development project. Several other high-rise buildings are planned, under construction, or have recently completed construction in the surrounding area, including a newly completed mixed-use project at 181 Fremont Street.

5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received four (4) letters of support from the following organizations/community groups: The East Cut Community Benefit District; Hotel Council of San Francisco; San Francisco Chamber of Commerce; and San Francisco Travel Association. The letters of support speak to the exceptionally transit-oriented nature of the Site and general support for a new 401-room luxury hotel that will bolster the city’s tourism economy. The Department has also received one (1) letter citing concerns over traffic and loading, shadows, and construction impacts associated with the proposed 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 as though fully set forth herein.
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.

*The Project is consistent with and helps to realize the vision set forth in the Transit Center District Plan, providing an architecturally iconic building with significant residential and commercial activity in a prime location at the center of the City’s “new” downtown. The Site is located within the Transit Center District Plan area, one block south of the Salesforce Transit Center, which, serves as an intermodal rail facility with service by Caltrain, California High Speed Rail, and numerous regional bus lines. The Project proposes a 35-story tourist hotel tower with supporting conference and event space, bar and restaurant spaces, and a publicly accessible open space on the building’s roof. While adjacent and nearby structures will be much taller (Salesforce Tower at 1,070 feet to the crown, Oceanwide, 50 1st Street at 850 feet, and Parcel F, 542-550 Howard proposed to be 800 feet), the subject building at 385 feet (405 feet to the top of the roof deck screening) will serve as a primary contributor to the urban form of the Transit Center District due to its proximity to Salesforce Transit Center and adjacency to the ramp leading to the Transit Center.*

*The Project's location will provide an invaluable supply of hotel space in a much-needed location, close to many of San Francisco's most popular tourist attractions, the Moscone Convention Center, the Salesforce Transit Center and the most significant density of office space in the City. Thus, its 401 hotel rooms will help to alleviate the shortage of hotel rooms, serving the needs of the city in an ideal location for both tourist and business travel. Furthermore, its unrivaled transit-oriented location one block from the Salesforce Transit Center ensures that these needs will be met in the most sustainable location possible.*

*A market study conducted by the Hudson Group concluded that the site's proximity to the downtown core, Moscone Center, and Transbay Transit Center position the proposed hotel well to capture market area demand, particularly considering the increasing number of international and domestic passengers flying in and out of the San Francisco International Airport.*

*In summary, the Project provides a thoughtful and balanced response to the city's needs for economic growth and public services, and represents a desirable, harmonious addition to the burgeoning Transbay neighborhood.*

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

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

*The Project is further intended to be consistent with the zoning prescribed by the Transit Center District Plan. Accordingly, the size, shape, and development potential on the Project site are all consistent with a long-term vision for this particular location as a cornerstone of the Transbay District. The Project proposes a building form and a mix of uses that will provide numerous benefits to the evolving Transbay neighborhood and to the city.*

*The Project integrates 3 parcels amounting to approximately 14,505 square feet to propose a 381,063 gross square foot building. Along the northern portion of the parcel's eastern property line, and 20-foot side setback is provided, whereas a 10-foot side setback is provided towards the rear where the adjacent property to the east provides a side setback to accommodate an at-grade parking lot. While no setback is provided on the property's western property line, the parcel is zoned "P" for public, contains an elevated bus ramp to the Salesforce Transit Center, and the Under Ramp Park is planned. Therefore, it is unlikely that development would occur in this area. The building maintains a strong 45-foot tall, transparent base on all frontages, creating a publicly accessible open space at the roof of the building, on top of a bar at the 35th floor. At the ground-floor, a neighborhood-serving restaurant is envisioned, providing new amenities to the community.*

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

*Because of its close proximity to the Salesforce Transit Center, the Project will be tremendously accessible to hotel guests, employees, visitors and residents via multiple modes of*

*transportation. Given its proximity to the primary transportation hub for the region, the Project will be a model of transportation-oriented development. Specifically, the Project proposes no off-street accessory parking, consistent with the City's "Transit First" policy, and proposes an efficient program of both on-and off-street passenger and freight loading on a constrained site that minimizes negative effects on the pedestrian realm.*

*The Project proposes a total of three (3) off-street loading spaces, two of which can be used for service vehicles and VIP vanpools, which is accessed from the Tehama Street frontage, preserving the Howard Street frontage for pedestrian and bicyclist activity. The Project also includes Class 1 and Class 2 bicycle parking spaces. Class 1 spaces are located at the basement level (B2), accessible from an elevator on the ground floor while Class 2 spaces will be located along the Tehama Street frontage.*

*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 will not be detrimental to the health, safety, convenience or general welfare of persons visiting, residing or working in the vicinity.*

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

*The Project does not propose any uses or materials that would present unusual emissions, noise, glare, dust or odor. The Project Sponsor will work closely with the Planning Department to minimize the potential for any such negative effects.*

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

*The Project is designed to be aesthetically pleasing and provide safe, comfortable public and private open spaces for visitors and the surrounding community to use and enjoy. The Project includes 7,744 square feet of privately-owned public open space (POPOS). The exterior POPOS would be located on the roof level (level 36), accessible via elevators from the ground floor. The conceptual programming for the POPOS includes outdoor seating, vegetation, and public restrooms situated within an open floor plan enclosed by an 18-foot-tall glass curtainwall providing 360-degree views of San Francisco. Additionally, the Project proposes at-grade landscaped areas in front of the proposed lobby (fronting Howard Street), and along the Site's western boundary (fronting Under Ramp Park). The Project provides visual screening of the off-street loading area and will include a lighting design that facilitates 24-hour safety and security in the vicinity of the Project.*

- 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 complies with the various provisions of the San Francisco Planning Code and is consistent with, and will not adversely affect the General Plan. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in the Downtown Project Authorization, Motion No. XXXXX.*

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

*The City approved the Transit Center District Plan, a subarea plan of the Downtown Plan, and the Transit Center C-3-O(SD) Commercial Special Use District in 2012. The Subarea Plan and SUD reaffirm long-standing City policy to concentrate intensive commercial development in the Transit Center District and does so by mandating sites such as the subject property be reserved for predominately commercial development.*

- 8. Planning Code Section 303(g).** The Planning Code establishes criteria for the Planning Commission to consider with respect to applications for development of tourist hotels and motels. In addition to criteria set forth in Section 303(c), the Planning Commission shall also consider:

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

*The new 401-room hotel is not anticipated to have an adverse effect on housing. Due to the Project's proximity to a variety of local transit services, many hotel employees are anticipated to be current City residents and residents of nearby communities. The Sponsor's contribution to the Jobs-Housing Linkage Program will help fund the construction of affordable housing in the City.*

*Access to a variety of local public transit services, as well as the distribution of hotel employees between different daily shifts will reduce the Project's impact on public transit. The Sponsor's contribution to the City's Transportation Sustainability Fund and payment of the Transit Center Transportation fee, as well as the Sponsor's ongoing participation in a Transportation Demand Management Plan will augment the funding of many planned downtown transit improvements and facilitate use by the Project employees of the available modes of transportation to and from the Site. The Sponsor's participation in the childcare program, pursuant to Section 414 of the Planning Code, will enhance the availability of affordable childcare services in the city. The proposed hotel use will have no appreciable effect on other social services. The Project is likely to provide new employment for some currently unemployed workers and will participate in the City's First Source Hiring Program. Providing additional job opportunities to San Francisco residents may lessen the need for some social services.*

*The Project's location in downtown San Francisco will ensure business visitors and leisure travelers throughout the year, resulting in a steady number of employees that is unlikely to vary significantly on a seasonal basis. The hotel only has small-scale in-house banqueting and meeting spaces that can be serviced primarily with in-house staff and is unlikely to require the hiring of significant part-time or temporary labor.*

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

*The Project Sponsor will participate in the City's First Source Hiring Program, which aims to increase employment of San Francisco residents. The Project will benefit from steady occupancy due to its proximity to the City's major lodging demand generators, including the Moscone Convention Center (which operates at very high capacity), numerous cultural institutions, and Downtown Financial District. There are also high concentrations of technology companies in the immediate vicinity of the Project, which also drive hotel occupancy. The steady occupancy will drive the hotel operator to hire permanent positions rather than those that are seasonal. The stable, full-time nature of employment will lead to the hiring of more local employees.*

**C. The market demand for a hotel or motel of the type proposed; and**

*A March 2020 market analysis conducted by a qualified consultant ("The Hudson Group Real Estate Consultants, Inc.") for the Project shows that the San Francisco lodging market and this location have significant unsatisfied demand.<sup>1</sup> Unsatisfied demand typically results in the displacement of travelers to locations further away from demand generators and increases the need for use of transit systems. The Property's proximity to demand generator reduces the need for travelers to stay far away from their destination and thus reduces the use of transportation systems. The analysis showed hotel occupancy rates in San Francisco at 82 percent, substantially above the nationwide average.<sup>2</sup> With this level of occupancy, hotels in the competitive market will be operating at capacity during peak periods and will be unable to accommodate additional demand.*

*The San Francisco lodging market is comprised of several sub-markets, determined by location, size, market orientation and price point. The proposed hotel use is expected to be competitive within the luxury tier of the City's hotels. This tier includes luxury hotels with internationally recognized brands as well as near-luxury hotels operated independent of brand. The competitive supply includes five hotels with 1,228 available rooms.<sup>3</sup> The hotels are located in the SOMA/Moscone Center area, the Financial District, and Nob Hill. While the lodging demand in the overall San Francisco market is relatively evenly balanced between individual commercial travelers, group/convention business, and leisure travelers, demand in the competitive set is more heavily weighted towards commercial traveler segment.*

*Broadly, San Francisco is currently undersupplied with hotel rooms and generates a significant amount of unsatisfied demand. Unsatisfied demand causes displacement of visitors and revenues to locations at the periphery or outside the city. It is anticipated the addition of the proposed 401 hotel guestrooms will be readily absorbed into the marketplace in 2024 without significantly affecting occupancy for any competitive properties. Market conditions clearly support the need for new hotel stock, particularly in the luxury hotel range that would appeal to both tourists and business travelers. Further increase in market demand is anticipated due to the expansion of the Moscone Convention Center, as well as the development of several Class-A office towers on surrounding sites in the Project's vicinity.*

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<sup>1</sup> "Study of Potential Market Demand 401-room Langham Place Hotel 555 Howard Street, San Francisco, CA," The Hudson Group Real Estate Consultants, Inc., March 1, 2020.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid

*Prior to the onset of the COVID-19 pandemic, hotel occupancy rates in San Francisco had consistently averaged in the low- to mid-80 percentage range. Year to year, the occupancy rate has remained approximately 20 points above the national average and the city has been among the strongest lodging markets in the country. In light of the effects to tourism and the lodging industry attributed to the ongoing COVID-19 pandemic, the Department requested an update to the initially submitted market demand study. The Project Sponsor secured a market demand update from The Hudson Group Real Estate Consultants, Inc. The analysis acknowledges the highly fluid status of all global economic activities as impacted by COVID-19, especially on the retail sales and service sectors, including tourism in San Francisco.<sup>4</sup> The update also acknowledges the lack of information relating to tourism recovery, making precise demand assessments difficult. However, if approved, the Project would not commence operations until early 2024 (Q1), providing a three-and-one-half year period for global economic recovery. Should market demand recover between 2022 and 2024, as is widely expected, then the original forecast of market demand for the Project would remain valid.<sup>5</sup>*

- D.** In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

*The Project's hotel use will not substantially reduce the capacity of Transit Center C-3-O (SD) Commercial Special Use District to accommodate dense, transit-oriented job growth. The Project's approximately 381,000 gross square feet of hotel space provide a density of jobs that would not likely be realized with a project containing only residential uses. As of January 2020, the Oceanwide Center located at First and Mission Streets (with 169 hotel rooms), along with the proposed hotel project at Parcel F located at 542-546 Howard Street (189 hotel rooms), located directly across from the Site, are the only other hotel uses proposed within the District, and there remains capacity for several more hotels to be developed in the Transit Center District.*

9. General Plan Compliance. The Project is, on balance, consistent with the following Objectives and Policies of the Transit Center District Plan ("TCDP") (a sub-area of the Downtown Area Plan), 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.
10. 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.
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

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<sup>4</sup> Update on market demand during COVID-19, The Hudson Group Real Estate Consultants, Inc., June 10, 2020.

<sup>5</sup> Ibid.



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

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Authorization Application No. 2019-000494CUA subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 14, 2020, and stamped “EXHIBIT B” for Case No. 2019-000494DNX, which is incorporated herein by reference as though fully set forth.

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 September 24, 2020

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 24, 2020

## EXHIBIT A

### Authorization

This authorization is for a **Conditional Use Authorization** to permit a hotel use pursuant to Planning Code Sections 210.2 and 303, as part of a Project that includes the demolition of three existing structures containing non-residential uses and the construction of a new 35-story building reaching a roof height of up to 385 feet tall (approximately 419 feet tall inclusive of elevator overrun, and rooftop screening/mechanical equipment) with a total gross floor area of approximately 381,000 square feet of Hotel Uses with 401 hotel rooms, located at 555 Howard Street, Lots 086, 107, and 110 of Assessor's Block 3736, within the Downtown-Office (Special Development) (C-3-O(SD)) Zoning District and a 350-S Height and Bulk District, in general conformance with plans, dated **September 14, 2020**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-000494CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 24, 2020** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Compliance with Other Requirements

The Planning Code Compliance Findings set forth in Motion No. **XXXXXX**, Case No. 2019-000494DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit C to Planning Commission Motion No. **XXXXXX**, Case No. 2019-000494DNX 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 **September 24, 2020** under Motion No. **XXXXXX**.

### Printing of Conditions of Approval on Plans

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

### Severability

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

### **Changes and Modifications**

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

# CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

## Performance

- 1. Additional Project Authorization.** The Project Sponsor must also obtain Downtown Project Authorization with requests for exceptions, pursuant to Section 309; and Variances from the strict requirements of the Planning Code related to the width of openings for off-street parking/loading entrances (Section 155(s)(4)(A)) and location of Class 1 bicycle parking (Section 155.1(b)(1)) and a Height Exemption for the elevator penthouse (Section 260(b)(1)(B)) such that an elevator can meet state or federal regulations, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

**FORTHCOMING**

**EXHIBIT D:**  
**Environmental Determination**



**FORTHCOMING**

**EXHIBIT E:**  
**Land Use Data**



# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 555 HOWARD STREET  
RECORD NO.: 2019-000494DNX

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

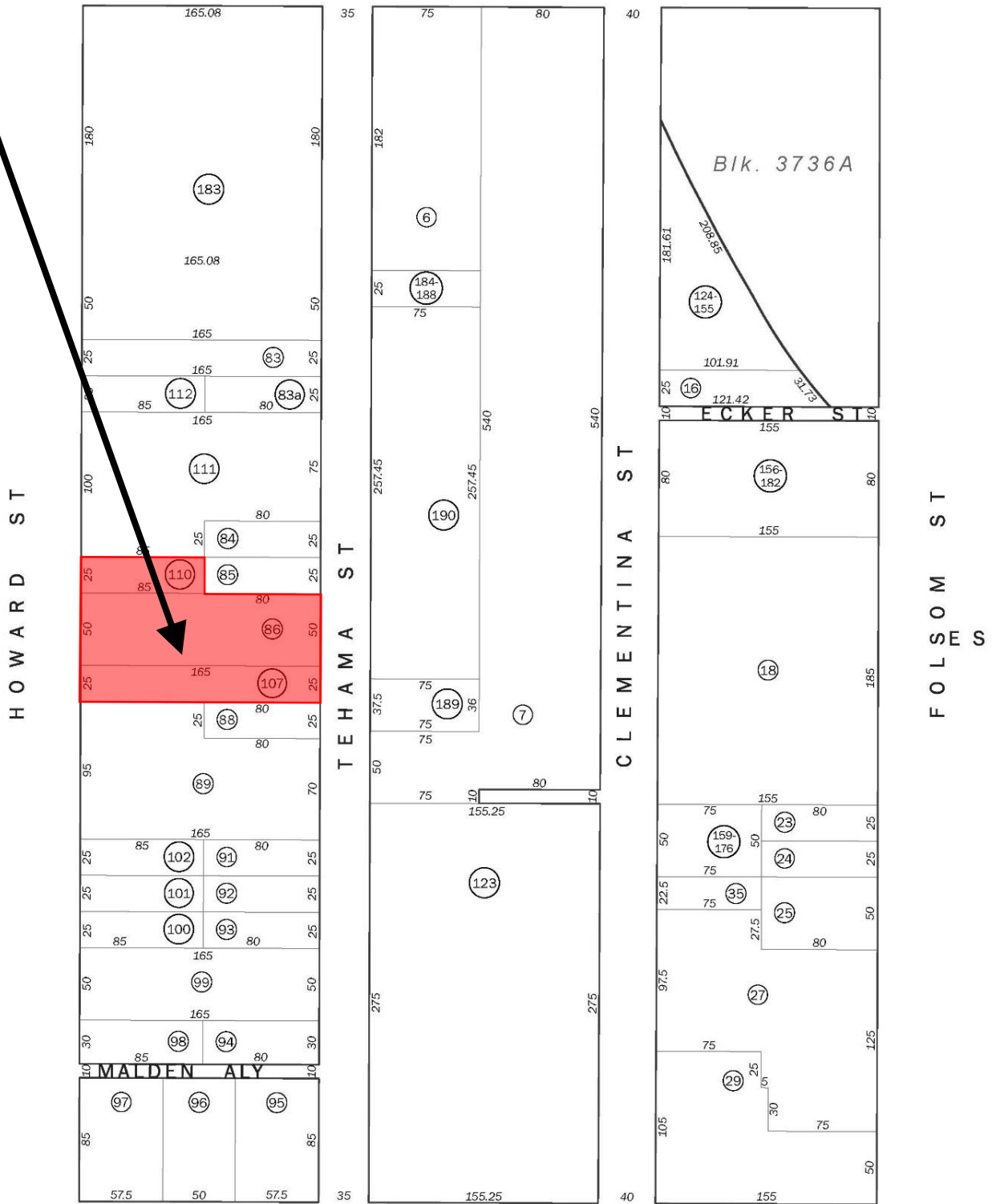
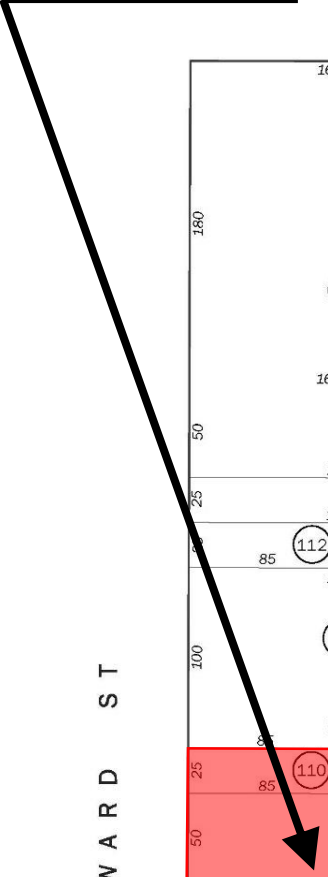
	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking (loading) GSF	0	4,015	4,015
Residential GSF	0	0	0
Retail/Commercial GSF	11,000	0	(6,188)
Office GSF	31,255	0	(37,448)
Hotel GSF	0	381,063	381,063
Usable Open Space (Residential)	0	0	0
Privately-Owned Public Open Space (POPOS)	0	7,744	7,744
Other (MECH, BOH, CIRCULATION, GROUND FLOOR OPEN SPACE)	4,226	47,557	43,331
TOTAL GSF (excluding All Open Space)	46,481	428,620	382,140
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	401	401
Number of Buildings	3	(2)	1
Number of Stories	2-3	33	35
Parking Spaces	0	0	0
Loading Spaces	0	3	3
Bicycle Spaces	0	26	26
Car Share Spaces	0	0	0
Other ( )			

**EXHIBIT F:**  
**Maps and Context Photos**

# Parcel Map

1 S T S T

PROJECT SITE



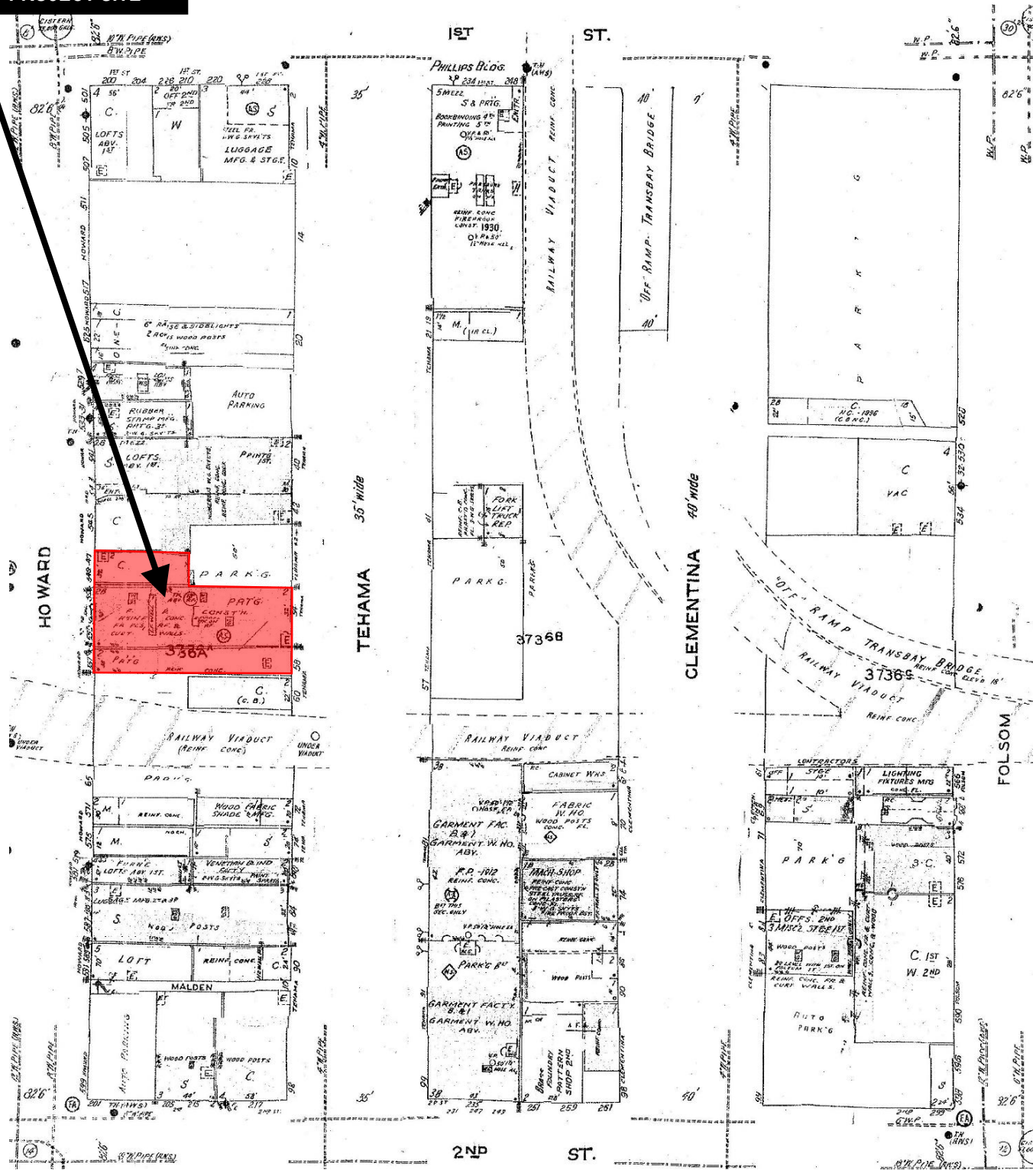
2 N D S T



Downtown Project Authorization  
Case Number 2019-000494DNX  
555 Howard Street

# Sanborn Map\*

**PROJECT SITE**



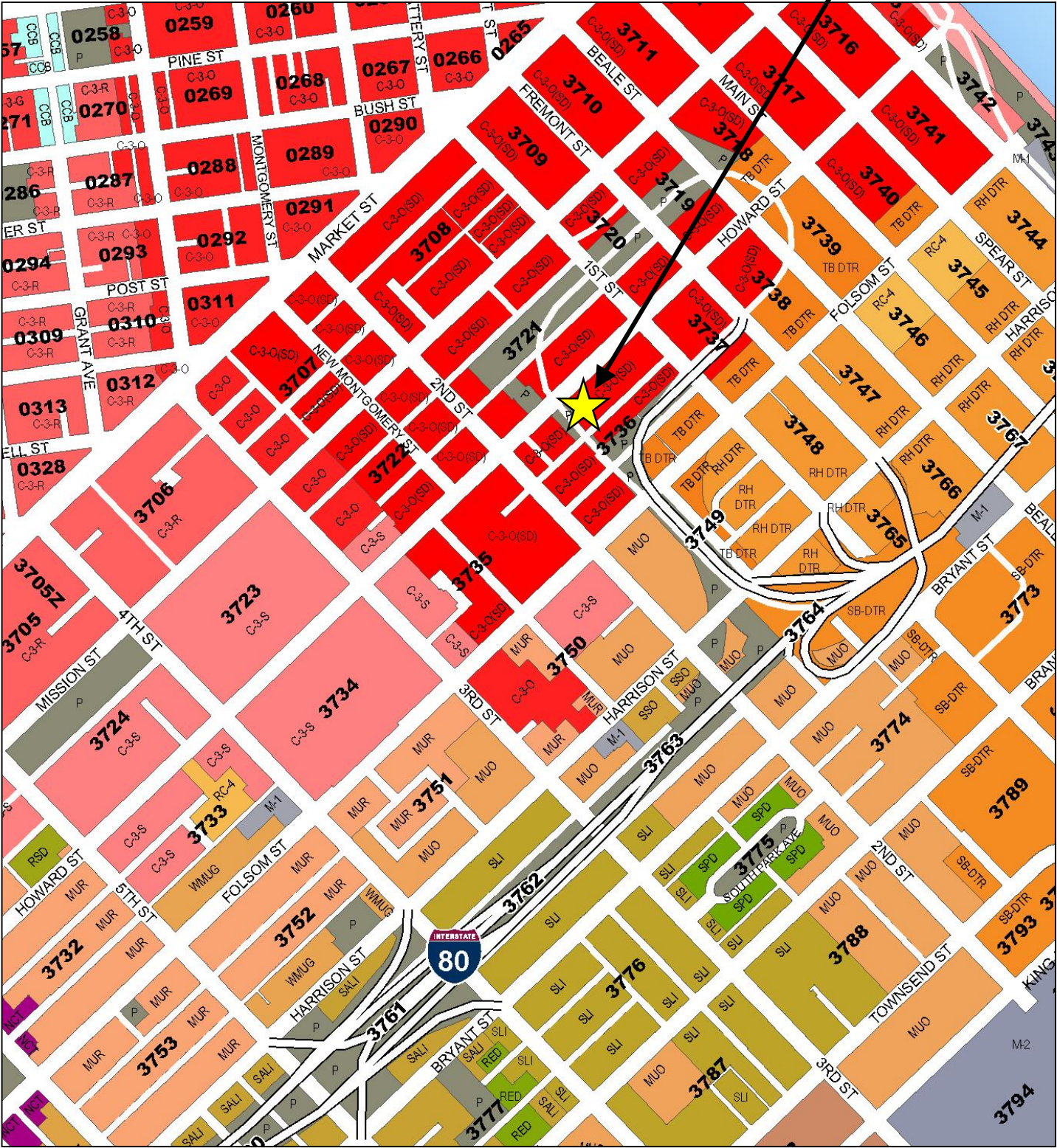
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Downtown Project Authorization  
 Case Number 2019-000494DNX  
 555 Howard Street



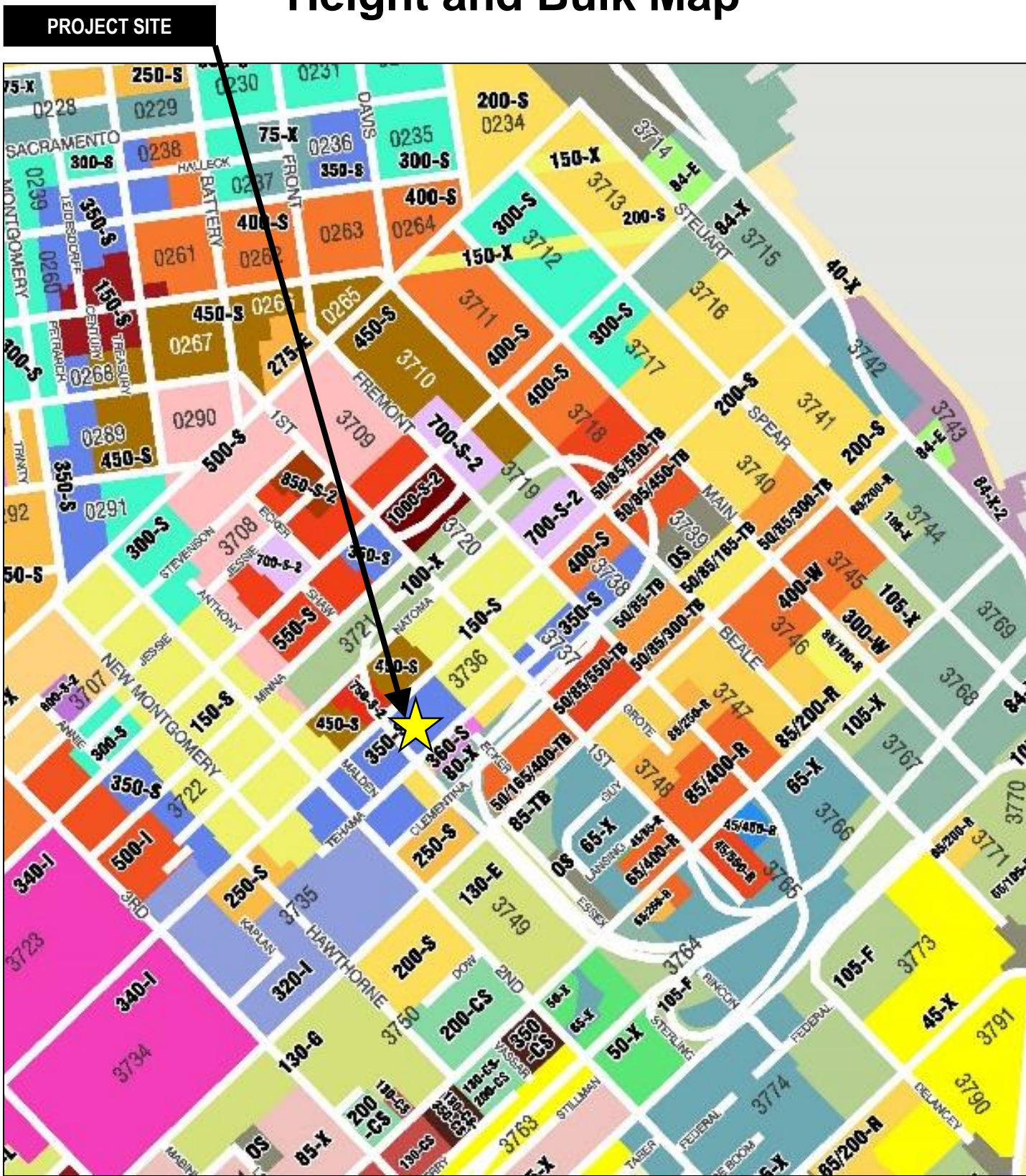
# Zoning Map

**PROJECT SITE**



Downtown Project Authorization  
 Case Number 2019-000494DNX  
 555 Howard Street

# Height and Bulk Map

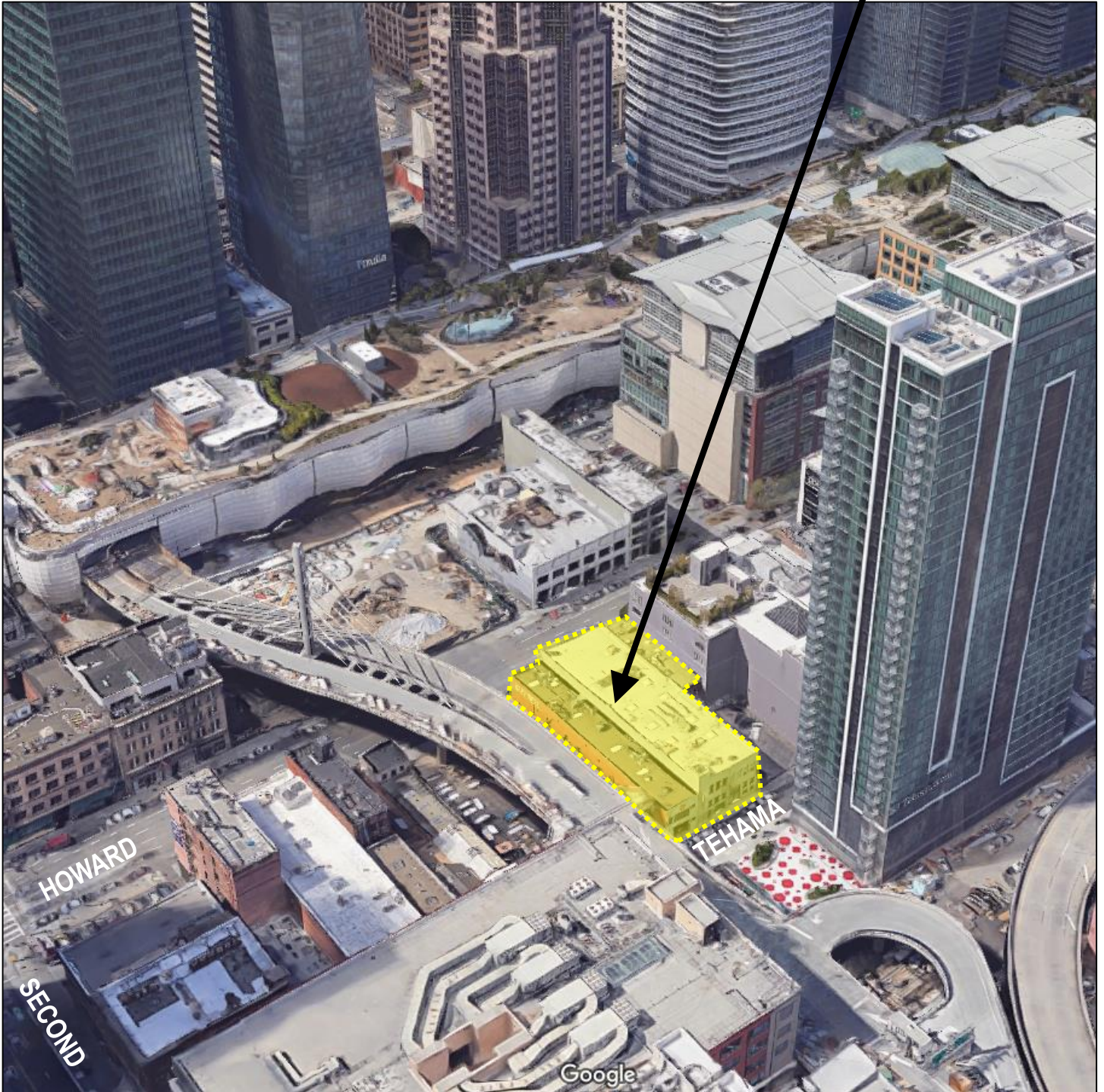


Downtown Project Authorization  
Case Number 2019-000494DNX  
555 Howard Street



# Aerial Photo

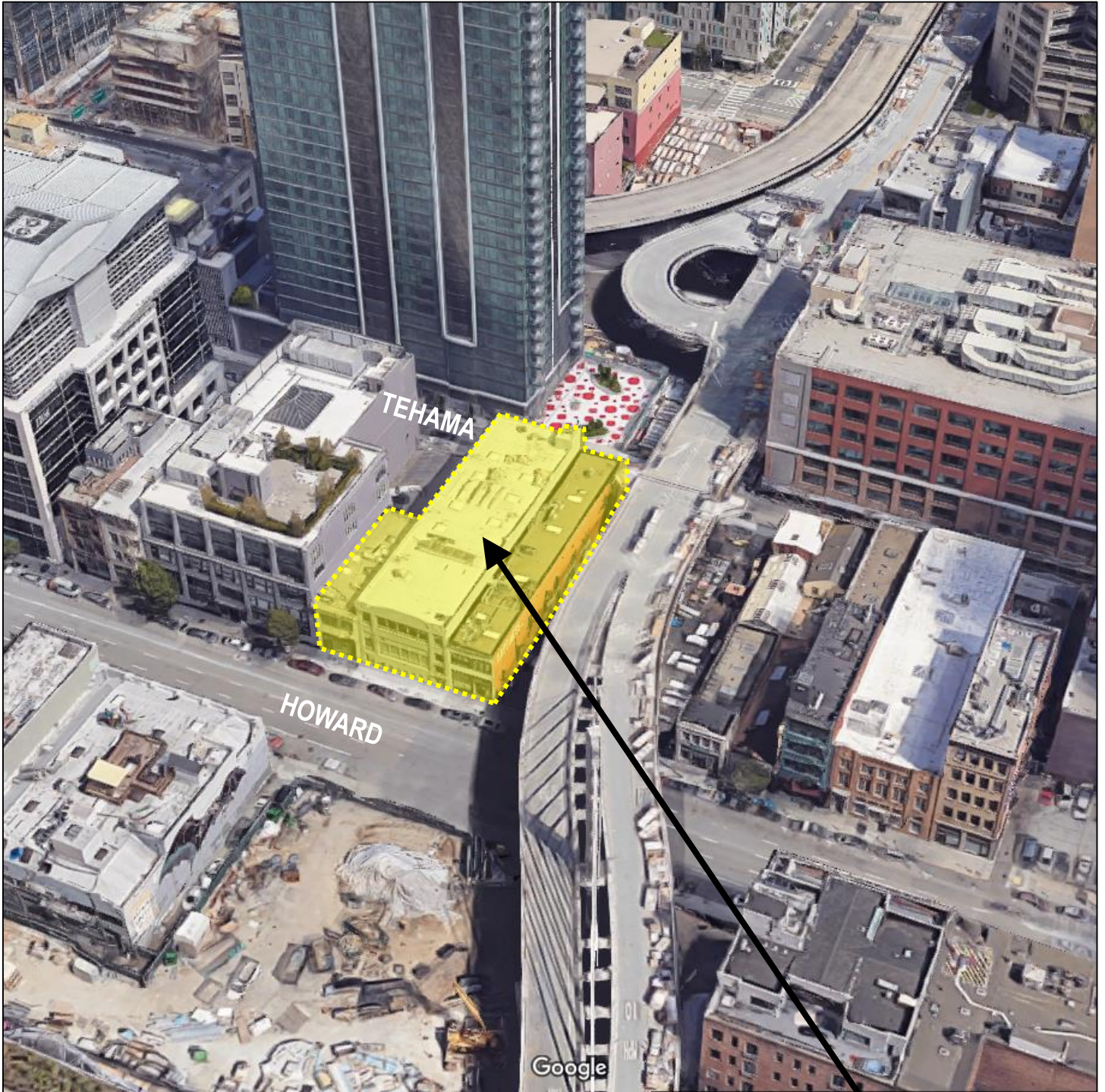
PROJECT SITE



Birds-eye view of Project Site.



# Aerial Photo



Birds-eye view of Project Site.

PROJECT SITE



# Site Photos



View from Howard Street (looking south).



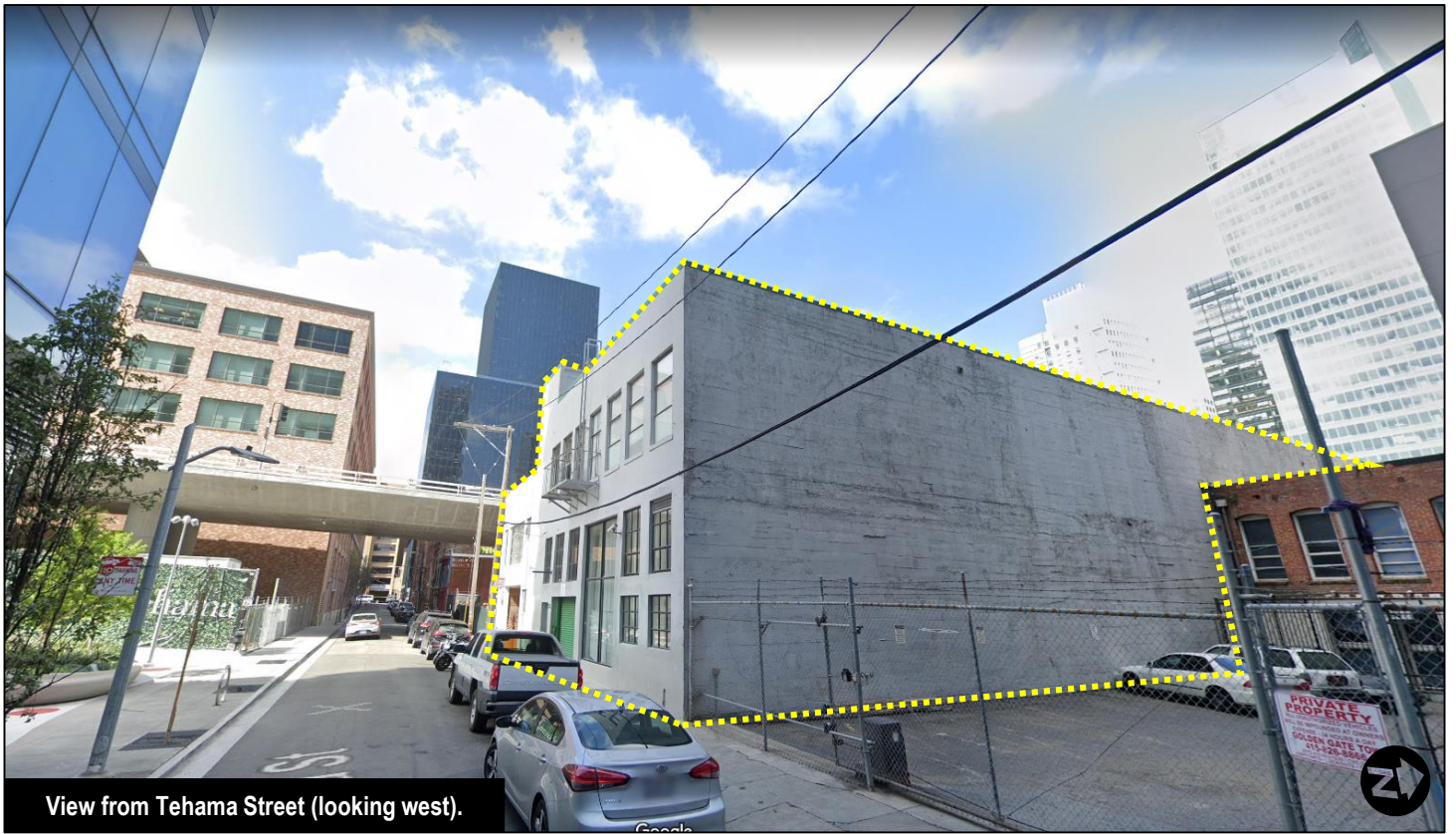
View from Howard Street (looking east).

Downtown Project Authorization  
Case Number 2019-000494DNX  
555 Howard Street

# Site Photos



View from Tehama Street (looking east).



View from Tehama Street (looking west).

Downtown Project Authorization  
Case Number 2019-000494DNX  
555 Howard Street

**EXHIBIT G:**  
**Project Sponsor Brief**



A MEMBER OF GREAT EAGLE GROUP

September 14, 2020

Hon. Joel Koppel,  
President San Francisco,  
Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Re: 555 Howard Street  
Planning Case No. 2019-000494DNXCUAVAR

Dear President Koppel:

Pacific Eagle is pleased to present the revised project located at 555 Howard Street (the “Project”) for your consideration, and respectfully request the Commission’s approval. The Project has been modified from the design (2015-008058DNXCUAVAR) approved the by the Planning Commission on March 2, 2017.

To maximize the efficiency of the building and in line with PEAK’s core business – Langham Hospitality Group, the project was revised to eliminate the residential units and to provide for an additional 146 hotel rooms for a total of 401 rooms. The project would also eliminate all off-street parking and reduces the footprint of the podium thus minimizing site excavation and is more respectful of the historic building to the east. The revised design also eliminated duplicative building systems such as separate elevators, mechanical systems, and core structural components of the building. The previously approved building core would also be reduced in size to accommodate the hotel use and would also allow for a larger on-site privately owned public open space (POPOS) totaling 7,800 gsf. The hotel would also include several ancillary uses that would be open to the public or available for public use, including a full service restaurant, cafe, and bar on the ground floor and a sky bar on Level 35. The Project includes 3 off street loading spaces, 16 Class 1 and 10 Class 2 bicycle parking spaces, with no off street parking provided.

REDEFINE | RELEVANT | RESPONSIBLE

201 CALIFORNIA STREET SUITE 500, CA 94111 • (1) 415 780 7300 • SF@PEAKDPM.COM • PEAKDPM.COM

Transit Center District Plan. The Project is located within the Transit Center District Plan (“TCDP”) area. The plan seeks to maximize development intensity at the few remaining opportunity sites in the City’s core, such as the subject site at 555 Howard. The plan focuses on developing employment uses, diversify and balancing the mix of land uses and maintaining vitality beyond business hours. The TCDP seeks to address traffic congestion and regional sustainability by concentrating growth within an intense, urban context in an area supported by abundant existing and planned transit services, retail, and service amenities. The construction of the subject project containing a 401-guest-room hotel and public serving spaces would allow the ambitious vision set out in the TCDP to become more fully realized. The Proposed Hotel will also be within walking distance of the Moscone Center and various local cultural institutions.

Superior Design. The Sponsor worked collaboratively with Current Planning and City Design Staff. Renzo Piano Building Workshop in collaboration with Mark Cavagnero Associate Architects the Project’s Architects, worked closely with the Planning Department’s design staff through numerous iterations of the Project design. The Project sits immediately to the east of an elevated ramp leading to the Transit Center, where a planned Under Ramp Park is envisioned. Immediately to the east are three low rise, four to five story buildings containing office and industrial uses. Already a tight site, this constraint presented significant design challenges for the building. The Sponsor’s collaboration with Planning’s design staff resulted in elegant solutions to address the unique constraints on the site. The result is a Project that is not only architecturally iconic but is also sensitive to the important position it occupies in the City’s larger urban context.

Public Realm In addition to the distinguished role it will play on the City’s skyline, the Project provides active ground floor uses along Howard and Tehama Streets, including the frontage adjacent to the planned Under Ramp Park leading to the Transit Center, creating a more active and engaging environment for pedestrians. The ground floor will be comprised of clear, non-reflective windows supported by a very minimal cable structure to allow as much transparency and porosity to the ground floor as possible. An interior lobby elevator from will provide direct, public access to the rooftop open space. The interplay between the Project and the public realm will make a lasting positive impact on San Francisco.

Economic Benefits. Aside from the programmatic public benefits described above, the Project will have enormous economic benefits for the City. The Project will create around 450 construction jobs and hotel use will result in 350-400 permanent jobs on the Project Site. The Project will generate \$18.7 Million in impact fees, including TCDP specific impact fees that will be used by the City to implement public improvements within the District.

Sponsor Worked Closely with Stakeholder Groups. Throughout the years long process, the Sponsor has sought to find thoughtful ways for the Project to benefit the community. The Sponsor has worked proactively to conduct broad outreach to stakeholder groups. As a result, the Project has gained the support of a number of community groups, as well as organized labor. We have a signed labor agreement from 2017 that is still in effect.

The Langham San Francisco is not expected to open until 2024, or later depending on approvals, material sourcing, and construction. There are numerous articles, models, and projections relating to when demand for hotel accommodations in the US will return to 2019 levels. At this time, nearly all the models and articles indicate a recovery in 2022-2023 and, in the most stressed cases, 2024. Should market demand recover between 2022 and 2024, as is widely expected, the forecast of demand assessment for the Langham is valid. Additionally, if the development of other planned luxury hotels in San Francisco are abandoned or severely delayed because of the COVID-19 pandemic, the forecast of demand assessment for the Langham could be understated

We look forward to the hearing on September 24. Please do not hesitate to contact me prior to the hearing if I or any of the other members of the Project team can provide additional information or answer questions.

Patricia Yeh



Vice President Development West Coast

PEAK Project Management Limited

Patricia.yeh@peakdpm.com

O: (415) 780-7313

[www.peakdpm.com](http://www.peakdpm.com)



**EXHIBIT H:**  
**Public Correspondence**



235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.392.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

September 15, 2020

Senior Planner Nicholas Foster and San Francisco Planning Commission  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA

Re: Support of 555 Howard Langham Hotel Street Project

Dear Senior Planner Foster and Members of the San Francisco Planning Commission,

The San Francisco Chamber of Commerce strives to advocate for a thriving business community in our merchant corridors for our business owners, employees, and residents of San Francisco. While it is difficult to imagine times beyond COVID-19, by the time this hotel project would be completed in 2024 or later, our City will be in a time of much needed recovery and push for tourism. With this in mind, **we offer our support of the 555 Howard Langham Hotel Street Project.**

The Hotel is located at 555 Howard Street, between 1st and 2nd Streets in the Transbay neighborhood in Downtown San Francisco. This is a prime location to serve both professionals and tourists interested in staying near our many culture institutions.

The hotel provides for 401 guest rooms and several accessory hotel uses that would be open to the public, and it is anticipated that this project will result in over 460 construction jobs and nearly 350-400 permanent jobs. In addition to the transit occupancy taxes, this project will provide for \$18.7 million in impact fees to the City.

As San Francisco begins to contemplate the slow, difficult process of economic recovery, it is more important than ever to focus on opportunities for employment and tourism opportunities in the City. This large project will provide many jobs during the construction phase, and will permanently employ hundreds of San Franciscans upon its opening.

The San Francisco Chamber of Commerce believes that this project will provide tourism opportunities, city income generation, and jobs at a time when San Francisco needs them most. Please do not delay in approving this project.

Respectfully,

Emily Abraham  
Public Policy Manager  
San Francisco Chamber of Commerce



Sept 15, 2020

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

Attn: Nicholas Foster (Nicholas.Foster@sfgov.org)

RE: The Langham Hotel at 555 Howard Street

Dear Planning Commissioners:

On behalf of the Hotel Council of San Francisco and our Board of Directors, I would like to express support for the proposed hotel project at 555 Howard Street scheduled to be heard on September 24, 2020.

The Hotel, designed by the world famous, Renzo Piano, will be at the center of the thriving Transbay neighborhood that is adjacent to the Transbay Transit Center, walking distance of the Moscone Center and various local cultural institutions. The location is also excellent for capturing the future growth of commercial demand in the city. The Transbay neighborhood is the epicenter for new office development and is a positive factor in supporting future growth in hotel demand.

The Langham San Francisco is not expected to open until 2024, or later depending on approvals, material sourcing, and construction. Presently, nearly all the economic models indicate a recovery in 2022-2023 and, in the most stressed cases, 2024. Should market demand recover between 2022 and 2024, as is widely expected, the forecast of demand for Langham makes it reasonable to seek entitlements now. Additionally, if the development of other planned luxury hotels in San Francisco are abandoned or severely delayed because of the COVID-19 pandemic, the forecast of demand assessment for the Langham could be understated. It is anticipated that this project will result in over 460 construction jobs and nearly 350-400 permanent jobs. There is already a signed labor agreement in place as of 2017. In addition to the transit occupancy taxes, this project will provide for \$18.7 million in impact fees to the City. The economic benefits of this project are indeed significant and very much needed during this difficult time for San Francisco.

The elimination of the residential portion not only provides for a more efficient building but would also allow for a larger on-site privately owned public open space. The revised design is also in line with PEAK's core business – Langham Hospitality Group and will provide a more focused level of service to this category of hotel.

We thank you for this Commission's attention to supporting hotel construction and encourage your approval.

Sincerely,

A handwritten signature in black ink that reads "Kevin Carroll".

Kevin Carroll

President & CEO



September 16, 2020

Nicholas Foster  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Mr. Foster:

On behalf of San Francisco Travel, which represents over 1,000 Bay Area business partners, I am writing to express our support for the proposed Langham Hotel located at 555 Howard Street. San Francisco welcomes visitors from all over the world and our city needs accommodations that meet and exceed those visitors' expectations.

The proposed Renzo Piano-designed full-service, luxury hotel would feature 401 guest rooms, 7,800 gsf of privately-owned public open space (POPOS) located on the rooftop, and a full-service restaurant and bar on the ground floor and a sky bar/lounge on the 35<sup>th</sup> floor, which are open to the public.

Prior to the pandemic, San Francisco welcomed over 25 million visitors who spent \$10 Billion during their stay. This generated over \$771 Million in taxes and fees for San Francisco's General Fund. By 2021, San Francisco expects to see visitor volume recover to 18.4 million and total spending to improve to \$5.5 billion with continued increases in visitation and spending over time.

Developing new hotels will contribute to San Francisco's economy help San Francisco remain an attractive and compelling destination for visitors seeking new experiences.

Sincerely,

Joe D'Alessandro  
President and CEO



# THE EAST CUT

September 15, 2020

Joel Koppel, President  
San Francisco Planning Commission  
425 Mission Street, Suite 250  
San Francisco, California 94105

Dear President Koppel,

On behalf of The East Cut Community Benefit District (The East Cut CBD), I write in support of the 555 Howard Street hotel development project.

The East Cut neighborhood has evolved and transformed in ways both faster and greater than anyone could have imagined just 10 years ago. Decades of planning and community investment have resulted in San Francisco's fastest-growing, densest, and most transit-rich neighborhood. The proposed Langham Hotel at 555 Howard Street will only add to this transformation, and improve and enhance the vibrancy of the neighborhood.

The proposed project fits within the neighborhood context and significantly improves the Howard streetscape. The Langham will also serve as a gateway to the future Under Ramp Park (URP), a long-awaited neighborhood-serving park that will provide much needed recreation opportunities to the thousands of new residents in the neighborhood, as well as hotel guests. The hotel's connection to the park will be part of its success, and we hope that a more generous fenestration can be considered to further improve the hotel's park link.

The project team attended the June meeting of The East Cut CBD Board of Directors to provide details on the project and respond to questions from our directors. Its location, connection to URP, and added placemaking to the neighborhood all make it a positive project.

Finally, the hotel team has also pledged to partner with The East Cut CBD on its fundraising efforts for URP's operating budget to ensure a vital piece of the neighborhood comes to fruition.

Please let me know if you have questions or need additional information.

Yours truly,

Andrew Robinson  
Executive Director

160 Spear Street  
Suite 415  
San Francisco  
CA 94105

415 536 5880  
info@theeastcut.org  
theeastcut.org

## Foster, Nicholas (CPC)

---

**From:** Marina Bianchi <marinab100@gmail.com>  
**Sent:** Wednesday, September 16, 2020 4:41 PM  
**To:** CTYPLN - COMMISSION SECRETARY  
**Cc:** Foster, Nicholas (CPC); Asbagh, Claudine (CPC)  
**Subject:** 555 Howard public comment  
**Attachments:** 555 Howard Street Project.pdf; 2 Point 2.MOV

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Commission Secretary,

Here are my comments on the public hearing regarding **Case No. 2019-000494DNXCUAVAR**.

I am attaching a document containing 4 photographs. I had 2 short videos but I have not found the right technology to attach it to the document.

I have not put my name on the document at this time.

Lmk if anything is not received correctly or if you'd rather have a different format.

Thank you in advance for your time and consideration.

Regards,

Marina Bianchi

415.595.0777



**Case No. 2019-000494DNXCUAVAR.**

I would like to submit comments regarding the item at 555 Howard Street, *Code-compliant Variant*, and especially considerations of item 1c: – 1) Request for Variance to permit relief from the strict limits of the Planning Code related to off-street loading entrances.

By reading the proposals and the plans for the new hotel, I have questions, and I have serious concerns related to practical aspects, as well as to ideological ones.

This comment might seem overwhelming and bring up a plethora of issues, but I hope you will read it in its entirety, because its length is exactly the point.

**PRACTICAL ASPECTS**

**Loading dock area**

I am a resident of 33 Tehama Street, a very fine residential building, with its main entrance graced by the beautiful sculpture plaza –the first ever created by Yayoy Kusama in the US.

Today the VAR 1c.: *Code-compliant Variant* is meant to address a request for variance and allowing a mitigation for the hotel parking/loading zone, that is, by removing some more parking spots on the alley, by allowing trucks backing in and heading out, and mitigating the inconvenience and the loss of safety for pedestrians, by the measures highlighted in it. I won't quote it here as it is on the agenda.

For those who are not familiar with it, Tehama is a 21 feet wide alley. It allows one row of cars to park on one side, and one lane of traffic. The sidewalks are 7 feet wide, lined with small trees and electrical poles. Two people can hardly walk side by side.

Because the alley is very narrow, delivery trucks such as USPS and larger moving trucks have to park half on the sidewalk in order to allow cars behind them to go by while they unload. See *images 1-2*



1. USPS truck on sidewalk.  
The black car would be the site of the loading dock



2. Delivery truck on sidewalk



3b.



3b. One of the loading docks and the trash bins would be where the white car is parked. Second loading dock approx where the dark car is. I am standing between the sculpture to my left and the front door to the right. The 2-point maneuvers to get into the dock would have trucks involve the little tree.

Other trucks with longer duties, like smaller moving trucks, back up into the loading dock of the building. This is a mitigation to code that was allowed to 33 Tehama --the mitigation included removing three parking spaces across the alley and marking them yellow to allow for that backing-in maneuver.

The docking, trash, and loading/unloading area of the planned hotel are designed to be exactly at the same height of the front entrance of 33 Tehama. ([See Image 3 a/b](#), [and Plan here](#))



I am concerned that this will affect in many ways the pedestrian flow at the main entrance, along the alley, at the sculptural plaza, as well as create an exceedingly annoying (and insurmountable) traffic flow fiasco in the whole street.

It will also permanently change the desirable nature of the alley as highlighted in the OCII from a pedestrian area to a service lane. **(From the [OCII Redevelopment plan for TRPA](#) - A7. *Maintain existing alleys and walkways and create new pedestrian alleys and walkways to create a continuous network to connect streets, open spaces, and other activity centers, and B8. Minimize interference to transit from vehicular access to buildings and truck loading zones.*).**

The trash bins would be an undesirable daily street feature, and albeit necessary, their location is completely ill-planned.

In addition, the hotel foresees having several events, in this size, which would increase the truck traffic exponentially even after construction:

large events could take place approximately 10 times per year with a maximum attendance of approximately 350 persons; medium events, such as small conferences or galas, could take place approximately 50 times per year

The TCDP PEIR in its assessment concluded that the development of the large projects proposed in the Plan area, as well as lack of capacity to accommodate loading demands, would create potentially hazardous conditions for pedestrians, bicycles, traffic, and transit, resulting in significant and unavoidable impacts.

### **Shadow**

Another very visible impact on the residences at 33 Tehama will be that all the apartments facing Tehama street would lose any direct natural light. Those apartments receive sunlight roughly in the mid- to late afternoon, with sun rays coming from the west. Because of the close proximity and the location, the proposed hotel would totally block this natural resource. direct light would never enter the apartments.

Page 29 and 30 of the Commission package show impact of the shadow onto 33 Tehama.

Many more questions come to mind by reading the proposal, the environmental impact studies, the plans, and the FEIM certification. The Land Use and Land Use Planning section, the construction impacts, or the general planning never mention the existence of the 33 Tehama building, and how the hotel and its construction will impact the residence/residents at 33 Tehama. (Only reference that I found is the name on a site plan [image 3], from 9/2019, that includes 33 Tehama.)

In fact, the application is false and misleading, and not a true representation of the impact of the Project.

[The CUA, point 2](#), requests that

*such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity,*

The answer provided on page 5/14 of the CUA, signed and dated 12.17.18, by the planners is VERBATIM:

***The size, shape and arrangement of the structure will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.***

This is simply not truthful, and cannot be, because

**THE BUILDING AT 41 TEHAMA STREET (“33 TEHAMA”), AND ITS RESIDENTS ARE NEVER TAKEN INTO CONSIDERATION BY ANY STUDY OR DOCUMENT AT ANY PLANNING STAGE.**

This seems too gross an oversight.

So, by missing the inclusion of a significant element in the plans, now I am questioning the scrupulousness and accuracy of the studies that should have addressed the presence of a residential building with about 400 units, or 1000 residents and workers.

These studies are therefore **not a true representation of the Project, and the oversight cannot disguise the fact that the planned hotel is simply too close for comfort.**

### **Separations of Towers**

Pge 5 of 33 Tehama plan declares:

*In order to preserve the openness of the street to the sky and to provide light and air between structures, buildings within "S" Bulk District must adhere to setbacks from interior property lines. Along interior property lines, buildings must provide a minimum setback of 15 feet above the base, with the setback increasing along a sloping line for building heights above 300 feet. The Project encroaches within this setback along the southerly property line, as well as along the Tehama Street frontage for the portion of the building above 331 feet in height. However, an exception may be granted by the Commission if **it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will impair access to light and air or the appearance of separation between buildings.***

**THE EQUIVALENT REQUIREMENT IS MISSING FROM THE HOTEL PROJECT.**

### **Traffic Study**

Two main issues:

1. The 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* used for the hotel proposal is now 20 years old, because the city and especially this neighborhood is growing at a much faster rate than the regulation can provide. The VMT has to have changed considerably in the years from 2016 to 2020 (excluding covid-related statistics), considering that the Salesforce Tower and Transit Park, Slack, LinkedIn all moved in in 2017 with the construction ending in 2016.
2. There is no study for the change in traffic pattern now that residents cars, delivery trucks and passenger cars as Lyft and Uber regularly populate Tehama street.

In fact, there is no mention of the impact on the residents at 33 Tehama of the traffic that would be caused by the loading docks.

Conversely, the [COMMISSION PAPERS FOR 41 TEHAMA](#) orders that:

*ensure that recurring vehicle queues do not occur on the public right-of-way*

## **CONSTRUCTION IMPACTS**

### **Vibrations**

Page 28 of the proposal states that neighboring structures would not be impacted by the high vibration machinery necessary to demolish the buildings. There is no mention of 33 Tehama St apartments.

### **Geology and soil**

I am wondering about Environmental topic 6 of the Project Application, "Geology and soil study".

It states: A geotechnical report mqv also be required for other circumstances as determined by Environmental staff.

Seeing the lack of thoroughness on all the other aspects of the proposal, I would like to make sure that all the appropriate studies are done, as the Project proposes 3-4 floors of underground excavation in a sand-compacted soil 20 feet away from where I live.

I am concerned for my safety.

### **Noise and traffic**

Imagine the impact of 30+ months of planned construction time, with heavy machinery, contractors' 4x4s, and trucks with construction materials beeping in reverse and taking over the alley on all the Work From Home tech workers resident of 33 Tehama.

### **Compounded Wind Factor**

A mitigation is in place for 33 Tehama. The wind factor mitigation for the hotel would likely compound to it. Again, there is no mention of the effects created by taking into consideration the vicinity with 33 Tehama.

## **NEIGHBORHOOD CREATION AND IDEOLOGICAL ASPECTS**

### **Purpose of the neighborhood- a livable urban community**

The hotel project is counterproductive to the creation of a livable neighborhood-- deactivating the pedestrian character of the neighborhood. It would adversely impact what the planning division and the East Cut CBD has imagined for this area, and worked towards, that is, an addition that would create vitality outside of business hours.

### **Community values**

The housing including affordable housing initially planned has been scrapped off the plan.

Also, the upcoming public [UNDERPASS PARK](#) plan: has it been postponed until the hotel is ready, or will it be dug up/gutted again during the construction?

The **Economic Impact** addressed in point 5 of the Application, declares:

*The Project creates numerous opportunities for a new hotel workforce as well as other service sector employment opportunities.*

My comment is that the tooted 300 permanent hotel related hotel jobs would be predominantly and unfortunately low-wage ones, servers, cleaners, restaurant workers etc. This is a hard comparison with the permanent 500+ already existing Work From Home tech industry positions held by current residents of 33 Tehama. The advantages and benefits of living in this particular building would be nixed by the impact of the construction of the planned hotel. The neighboring high rise building would be very happy to catch the displaced millennials and families living here.

### **PEIR assessment**

*PEIR concluded that the significant adverse impacts on certain local intersections and transit, pedestrian, loading, and construction impacts would not be fully mitigated, and these impacts were identified as significant and unavoidable.*

Also:

*The TCDP PEIR identified significant impacts related to aesthetics, cultural and paleontological resources, transportation, noise, air quality, shadow, wind, biological resources, and hazardous materials. Additionally, the PEIR identified significant cumulative impacts related to aesthetics, cultural and paleontological resources, noise, air quality, shadow, and wind. Mitigation measures were identified for the above impacts and reduced all impacts however, certain impacts related to aesthetics, cultural resources, transportation, noise, air quality, and shadow were determined to be significant and unavoidable. (Mitigation measures page 21)*

### **The Zoning**

According to the zoning, the Transit Center area is an exception for development of certain structures. The plan appeals to those regulations, and to others that maintain that a new hotel will be well served by the nearness of Transbay terminal.

This would be easily accomplished with *Parcel F*, the other extremely large hotel planned right across Howard street in the Zone C3, which construction would likely not affect or impact as much the residents, since the even numbered side of Howard Street has no residential dwelling.

It also makes one wonder about the priority in building two giant hotels across one another. This neighborhood will soon see the rise of new residences, including low- and mixed-income dwellings. Yet, there are virtually no groceries stores or facilities, except for an exceedingly expensive--and for good reason since it is the only one in the neighborhood--and a small corner store at Harrison and Main. There used to be another corner store at Howard and Spear, but the landlord raised the rent during the SIP. The storekeeper could not afford to renew the lease, so it closed..

### **Historical significance of the block**

Point 7 of the Application states:

*7. That landmarks and historic buildings be preserved; and  
No existing buildings at the site are designated landmark buildings or rated historic and  
the site is not located within an historic district.*

I understand that this is a iffy one, in that until 2012 the buildings to be demolished on the 500 block of Howard street were deemed historically relevant and contributing, describing this neighborhood as:

*What ties this area together is what comes between: a swath of intact three-to seven-story masonry commercial loft buildings that line much of 2nd, Mission and Howard Streets. The New Montgomery, Mission and Second Historic District appears eligible for listing in the California Register under Criterion 3 as the largest and most intact concentration of masonry commercial loft buildings in San Francisco.*

[See the original ordinance by the BOS here.](#)

After demolition of the several 100+ year old buildings on this block, except for 1-2, there won't be any architecturally different left.

A whole swathe of glass and metal buildings will turn a promising neighborhood into another Financial District pedestrian desert-- a neighborhood alien to residents and that empties at night.

In conclusion, I am urging the commission to look at the plan as a whole.

I can see how this building, planned by uber-famous architect Renzo Piano, could conceivably be a good Leed certified building (if not a little conventional in its shape, and surface treatment, if you allow my personal comment) but definitely not in its currently planned location. At the moment it too heavily impacts on neighboring residents, and overwhelmingly affects the feel, vitality, community values and style of an entire neighborhood in this unique city.

**EXHIBIT I:**  
**First Source**  
**Hiring Affidavit**



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

## Administrative Code

### Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

#### Section 1: Project Information

PROJECT ADDRESS 555 Howard Street		BLOCK/LOT(S) 3736/ 086, 107,101	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE) 2019-000494DNXCUIAVAR	MOTION NO. (IF APPLICABLE)	
PROJECT SPONSOR Pacific Howard Corporation	MAIN CONTACT Patricia Yeh	PHONE (415) 780-7300	
ADDRESS 201 California Street, Suite 500			
CITY, STATE, ZIP San Francisco, CA 94111		EMAIL patricia.yeh@peakdpm.com	
ESTIMATED RESIDENTIAL UNITS N/A	ESTIMATED SQ FT COMMERCIAL SPACE 374,000 sf	ESTIMATED HEIGHT/FLOORS 385 ft / 35 story	ESTIMATED CONSTRUCTION COST Not yet known
ANTICIPATED START DATE Q2 2021			

#### Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT

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 gross commercial floor area.

C: Neither 1A nor 1B 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@stg.gov](mailto:CityBuild@stg.gov) 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.

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

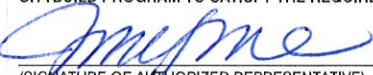
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer				Laborer	57.34	10	40
Boilermaker	86.13	1	5	Operating Engineer	84.88	0	8
Bricklayer	70.35	2	10	Painter	76.65	5	30
Carpenter	80.99	5	40	Pile Driver			
Cement Mason	63.41	2	15	Plasterer	74.34	1	4
Drywall/Latherer	82.13	10	60	Plumber and Pipefitter	117.70	5	30
Electrician	111.01	8	40	Roofer/Water proofer	63.87	2	15
Elevator Constructor	110.63	1	8	Sheet Metal Worker	107.64	4	25
Floor Coverer	79.32	2	10	Sprinkler Fitter	98.88	2	8
Glazier	81.55	3	20	Taper	82.13	5	30
Heat & Frost Insulator				Tile Layer/ Finisher	70.06	4	20
Ironworker	75.21	6	45	Other:			
		<b>TOTAL:</b>	<b>253</b>			<b>TOTAL:</b>	<b>210</b>

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

Section 4: Declaration of Sponsor of Principal Project

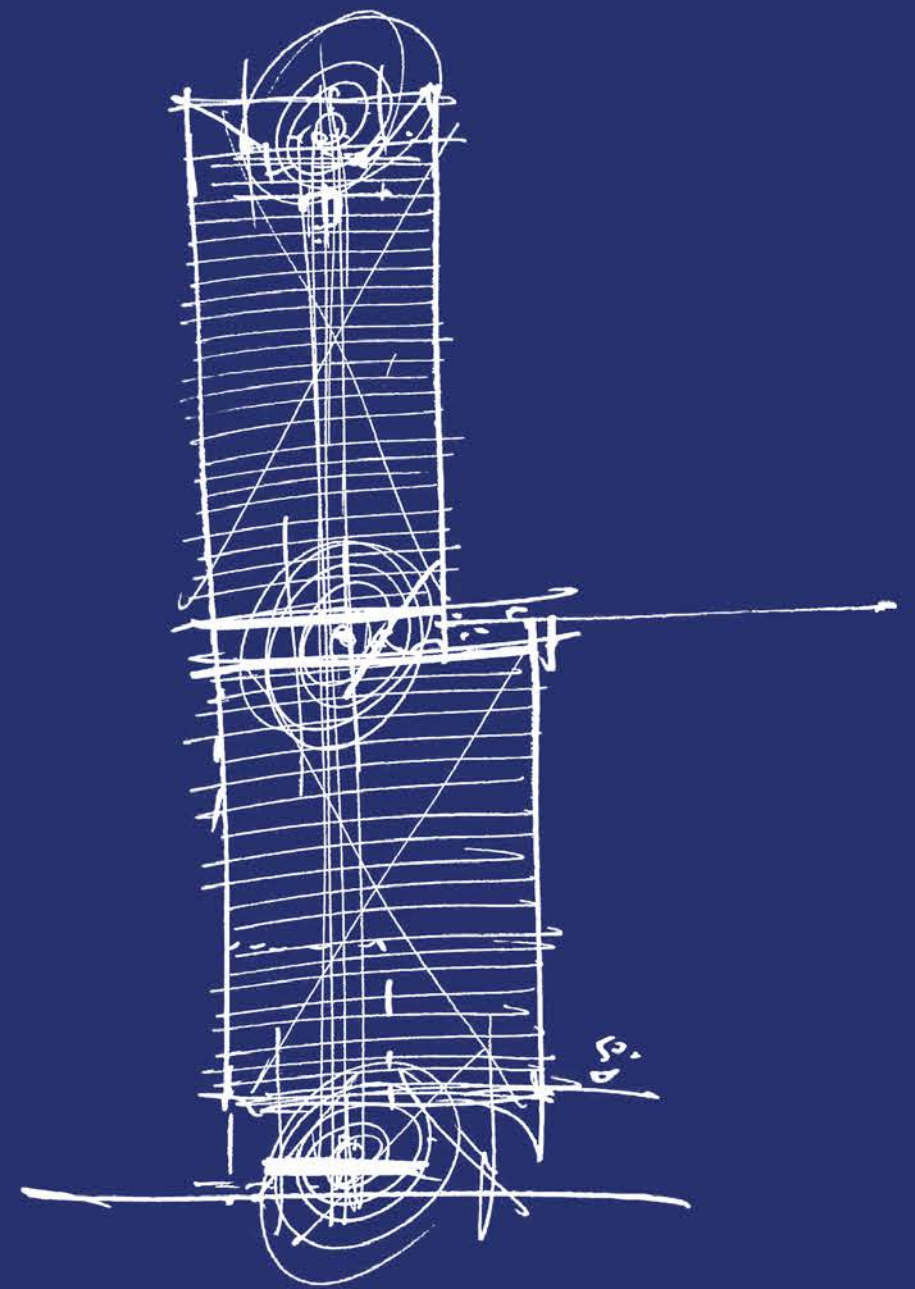
PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Joyce Yonce / Assistant Secretary	jyonce@paceagle.com	(415) 780-7300
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		8/11/20 (DATE)

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

Cc: Office of Economic and Workforce Development, CityBuild  
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848  
 Website: www.workforcedevelopmentstf.org Email: CityBuild@sfgov.org

**EXHIBIT B:**  
**Plans**





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**555 Howard - Project Summary**

**Site Summary**

Zoning:	C-3-0 (SD)		
Site Area:	14,505	square feet	
Gross Floor Area (per Section 102)	381,063	square feet (Hotel)	FAR: Gross Floor Area/Site Area 26.3

**Uses**

	<i>Existing Uses</i>	<i>Existing Uses Retained</i>	<i>New Construction</i>
Hotel Rooms	0	0	401
Parking Spaces	0	0	0
Loading Spaces	0	0	(1) 35 ft + (2) Van Loading Spaces
Number of Buildings	3	0	1
Number of Stories	2	0	35 + 4 Basements
Bicycle Spaces	0	0	16 Class 1, 10 Class 2

**Gross Floor Areas (square feet)**

	<i>Existing Uses</i>	<i>Existing Uses Retained</i>	<i>New Construction</i>
Retail	11,000	0	0
Office	31,255	0	0
Industrial/PDR	0	0	0
Restaurant/Bar	0	0	0
Hotel	0	0	381,063
<b>Total</b>	<b>42,255</b>	<b>0</b>	<b>381,063</b>

**Exempt Floor Areas (square feet)**

MEP/Support			39,583
Loading			1,489
Ground Floor Restaurant			4,749
Hotel Lobby			1,736
<b>Total</b>			<b>47,557</b>

**Bulk Controls**

	<i>Maximum Allowed</i>	<i>Maximum Allowed</i>
Base (Ground to Level 10)	No Limit	
Lower Tower Floor Plate (Level 10 to Level 21)	20,000 SF (17,000 SF average)	11,566 SF
Upper Tower Floor Plate (Level 22 to Level 36)	17,000 SF (12,000 SF average)	9,468 SF
Lower Tower Diagonal Dimension (Level 10 to Level 21)	190'-0"	183'-5 1/4"
Upper Tower Diagonal Dimension (Level 22 to Level 37)	160'-0"	152'-7 3/4"

**Building Height**

	<i>Maximum Allowed</i>	<i>Maximum Allowed</i>
Height to Roof	385'-0" via Sec. 263.9	385'-0"
Roof Top Elements	405'-0" via Sec. 260	405'-0"
Top of Elevator Overrun per Section 260(b)(1)(B)		418'-10"
Bottom Level of Basement		-58'-4"

**Open Space**

	<i>Required</i>	<i>Provided</i>
Privately Owned Public Open Space per Section 138	7,621 SF	7,744 SF

**Non-Residential Bicycle Parking**

	<i>Required</i>	<i>Provided</i>
Class 1 Spaces:	13	16
Class 2 Spaces	20	10
		in lieu fee for 10 spaces per Section 155.2

Floor Level	GSF (construction with roof terraces)	GSF (enclosed)	Intermediate Floor MEP Areas	Intermediate Floor MEP Exempt per 102 (b)(4)(B)	Total MEP/Support (Exempt)	Loading (Exempt)	Ground Floor Restaurant (Exempt)	Hotel Lobby (Exempt)	Restaurant/Bar (Non-exempt)	Hotel Guest Room Floors (Non-exempt)	Meeting/Ballroom (Non-exempt)	Hotel (Non-exempt)	Total Exempt	Total Gross Floor Area (Non-exempt)
Roof	9,441	-	-	-	-	-	-	-	-	-	-	-	-	-
35	9,441	9,441	198	309	198	-	-	-	2,217	-	2,877	4,149	198	9,243
34	9,441	9,441	378	309	309	-	-	-	-	9,132	-	-	309	9,132
33	9,441	9,441	415	309	309	-	-	-	-	9,132	-	-	309	9,132
32	9,441	9,441	415	309	309	-	-	-	-	9,132	-	-	309	9,132
31	9,441	9,441	427	309	309	-	-	-	-	9,132	-	-	309	9,132
30	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
29	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
28	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
27	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
26	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
25	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
24	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
23	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
22	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
21	11,525	9,441	335	309	309	-	-	-	-	4,384	-	4,748	309	9,132
20	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
19	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
18	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
17	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
16	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
15	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
14	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
13	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
12	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
11	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
10	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
9	11,525	11,525	488	309	309	-	-	-	-	11,216	-	-	309	11,216
8	11,525	11,525	481	309	309	-	-	-	-	11,216	-	-	309	11,216
7	11,525	11,525	481	309	309	-	-	-	-	11,216	-	-	309	11,216
6	11,981	11,981	937	309	309	-	-	-	-	-	-	11,672	309	11,672
5	8,822	8,822	1,007	309	309	-	-	-	-	-	1,813	6,700	309	8,513
4	13,715	12,130	536	309	309	-	-	-	-	-	4,474	7,347	309	11,821
3	9,419	9,419	570	309	309	-	-	-	-	-	1,388	7,722	309	9,110
2	11,457	11,457	550	309	420	-	-	-	-	-	4,087	6,950	420	11,037
1.5	6,182	6,182	-	-	518	1,489	1,854	-	-	-	-	2,321	3,861	2,321
1	8,654	8,654	-	-	2,306	-	2,895	1,736	-	-	-	1,717	6,937	1,717
B0.5	6,210	6,210	-	-	419	-	-	-	-	-	-	5,791	419	5,791
B1	13,930	13,930	-	-	5,382	-	-	-	-	-	-	8,548	5,382	8,548
B2	12,290	12,290	-	-	4,120	-	-	-	-	-	-	8,170	4,120	8,170
B3	12,290	12,290	-	-	4,054	-	-	-	-	-	-	8,236	4,054	8,236
B4	12,290	12,290	-	-	12,290	-	-	-	-	-	-	-	12,290	-
	441,730	428,620	16,162	10,493	39,583	1,489	4,749	1,736	2,217	280,134	14,639	84,073	47,557	381,063



Howard Looking South



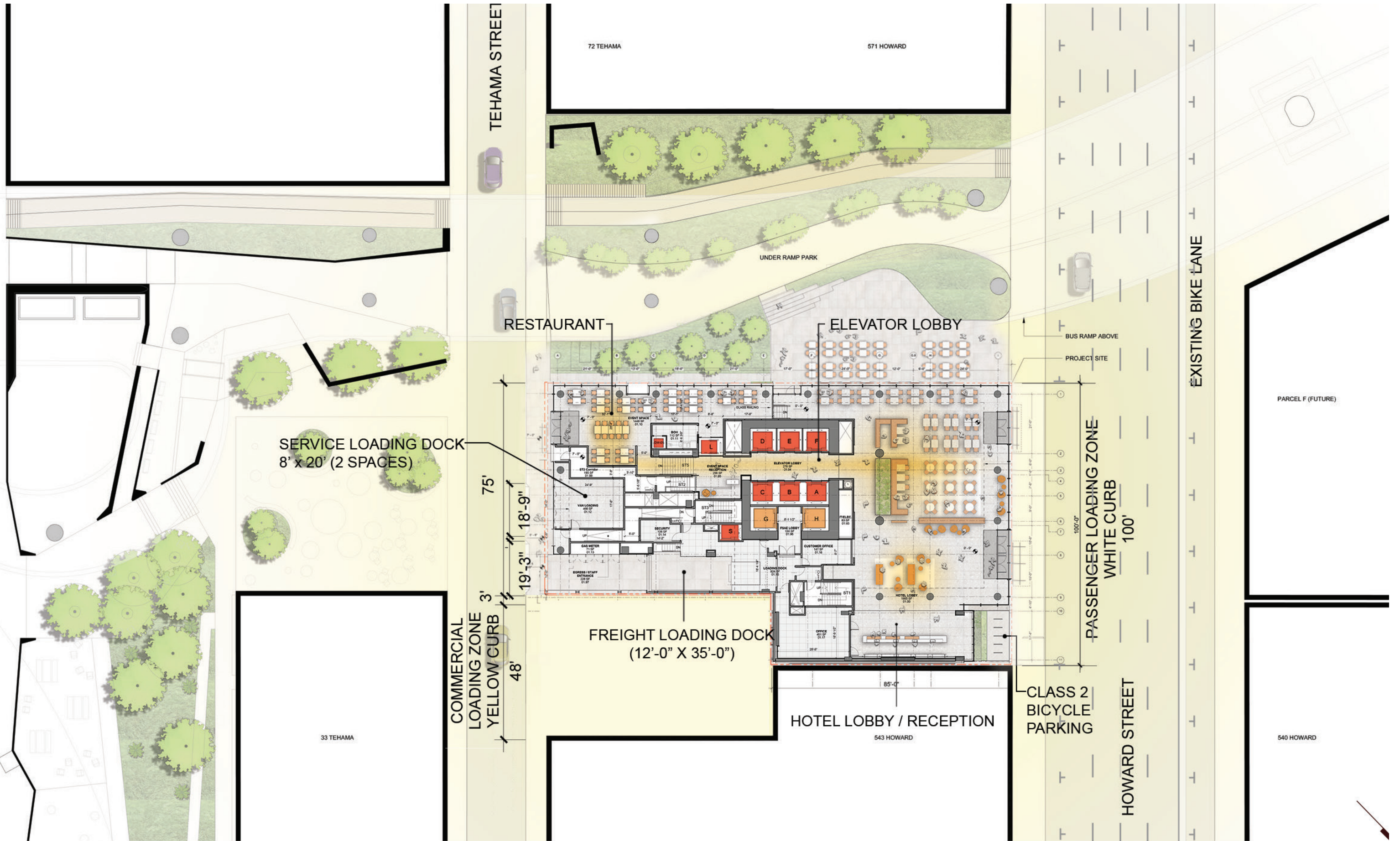
Howard Looking North



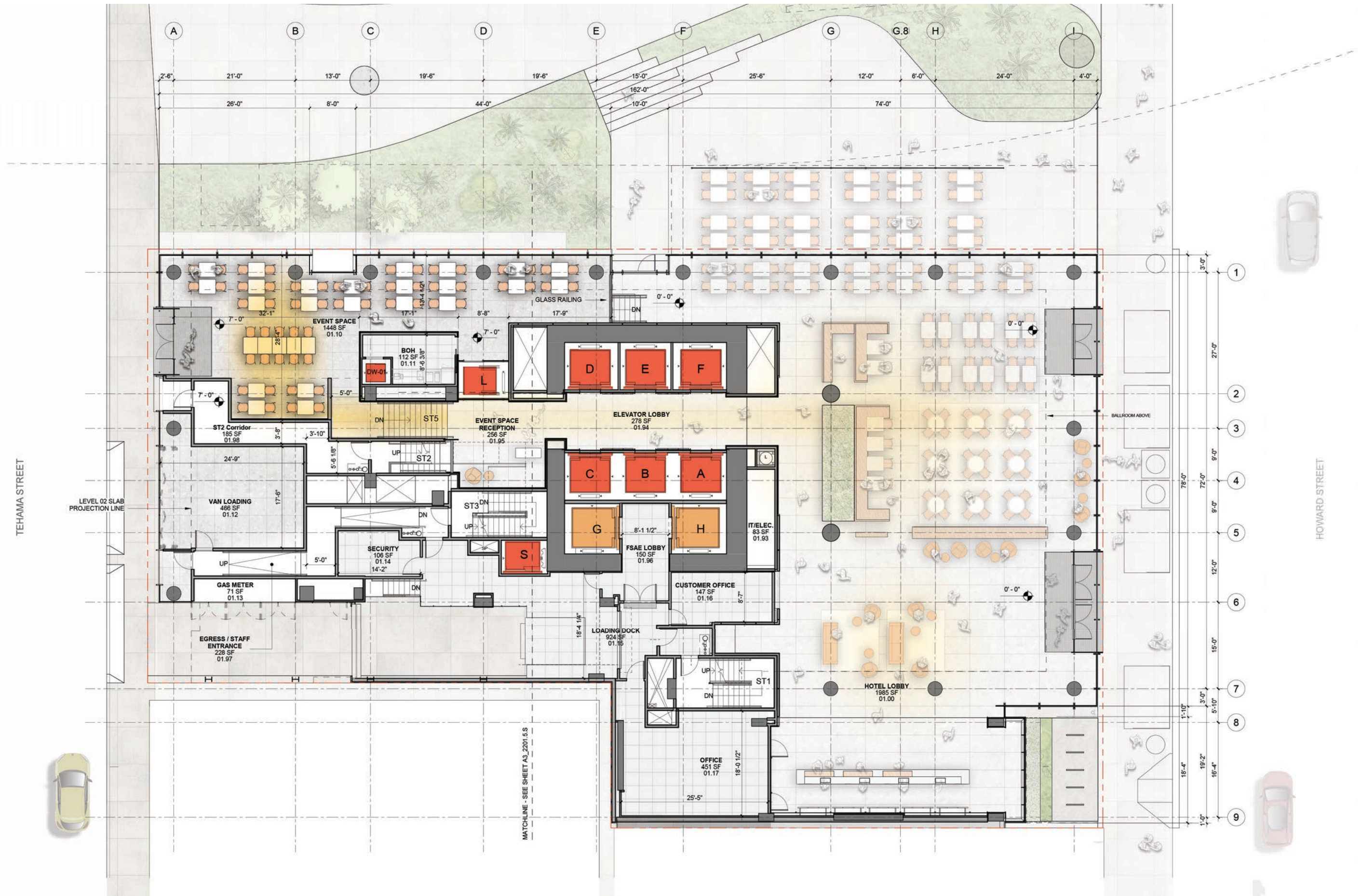
Tehama Looking South



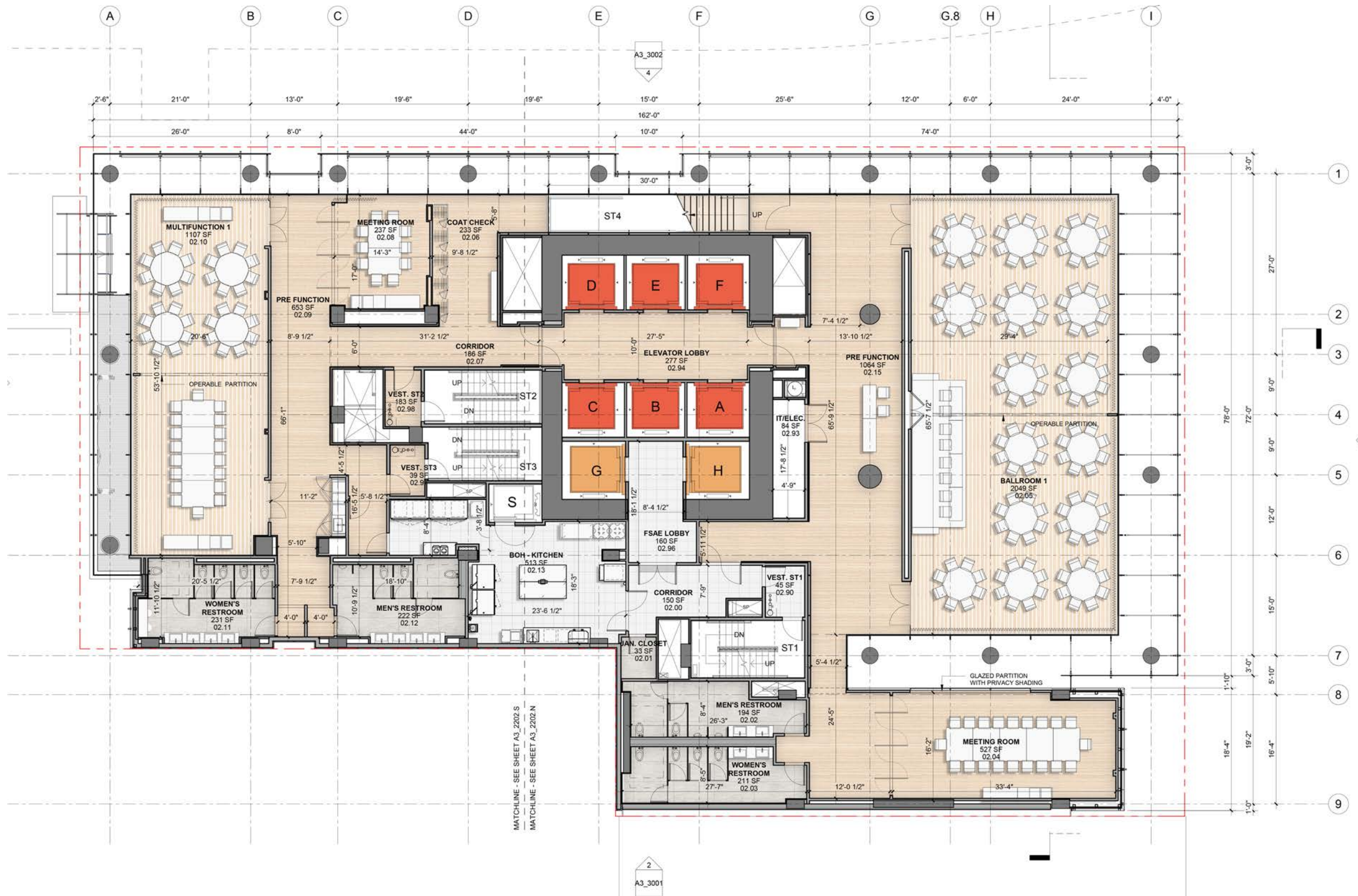
Tehama Looking North

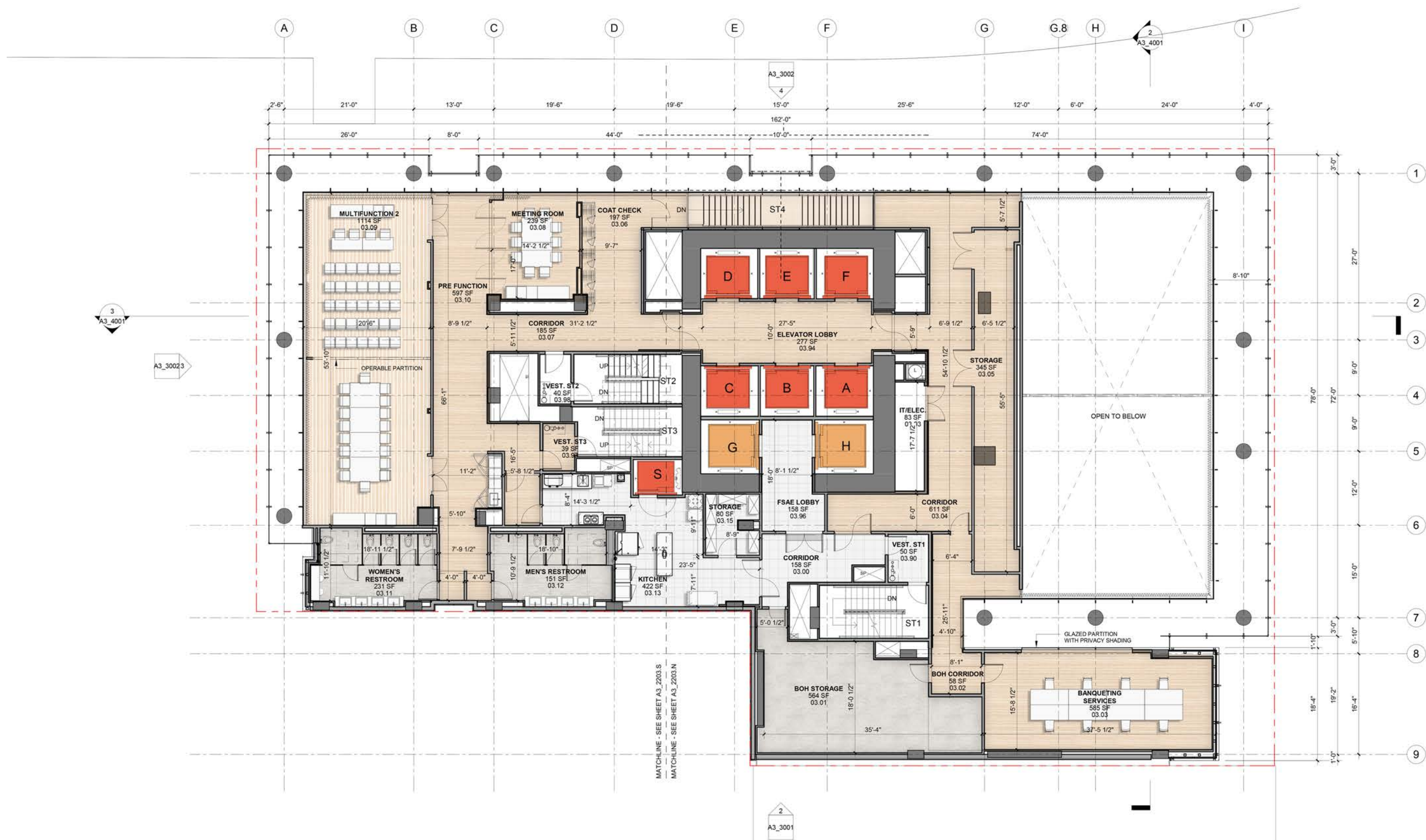






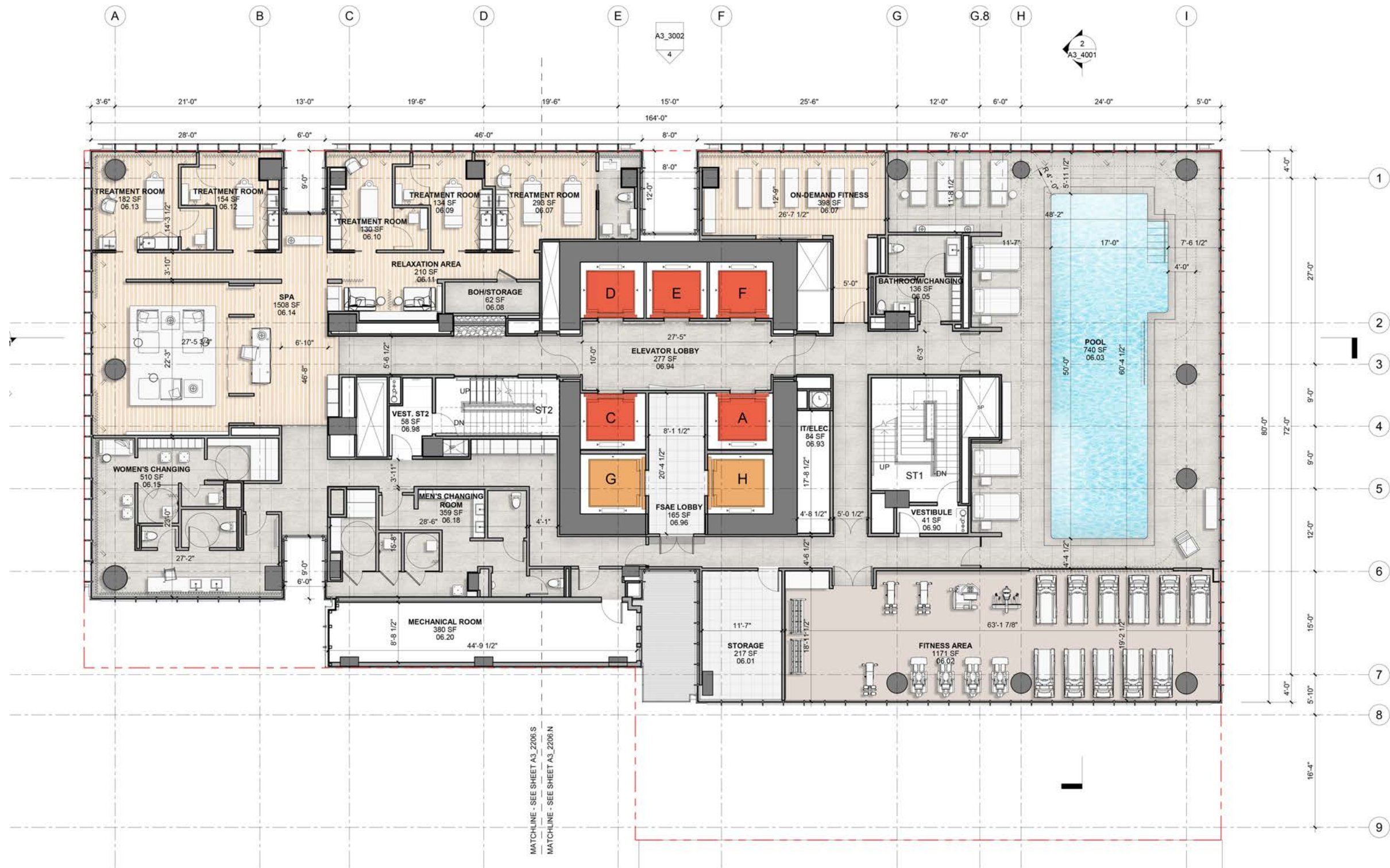










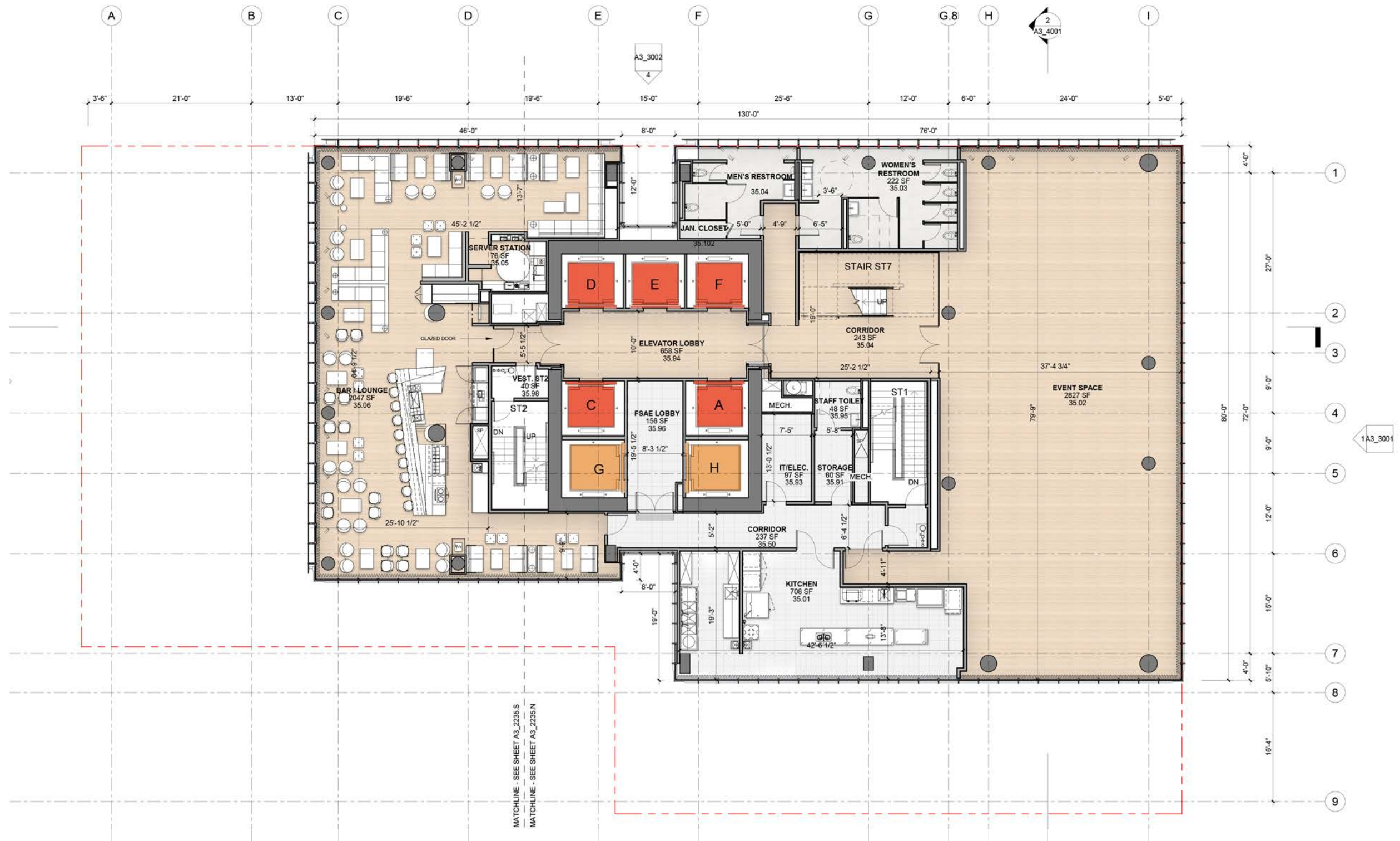


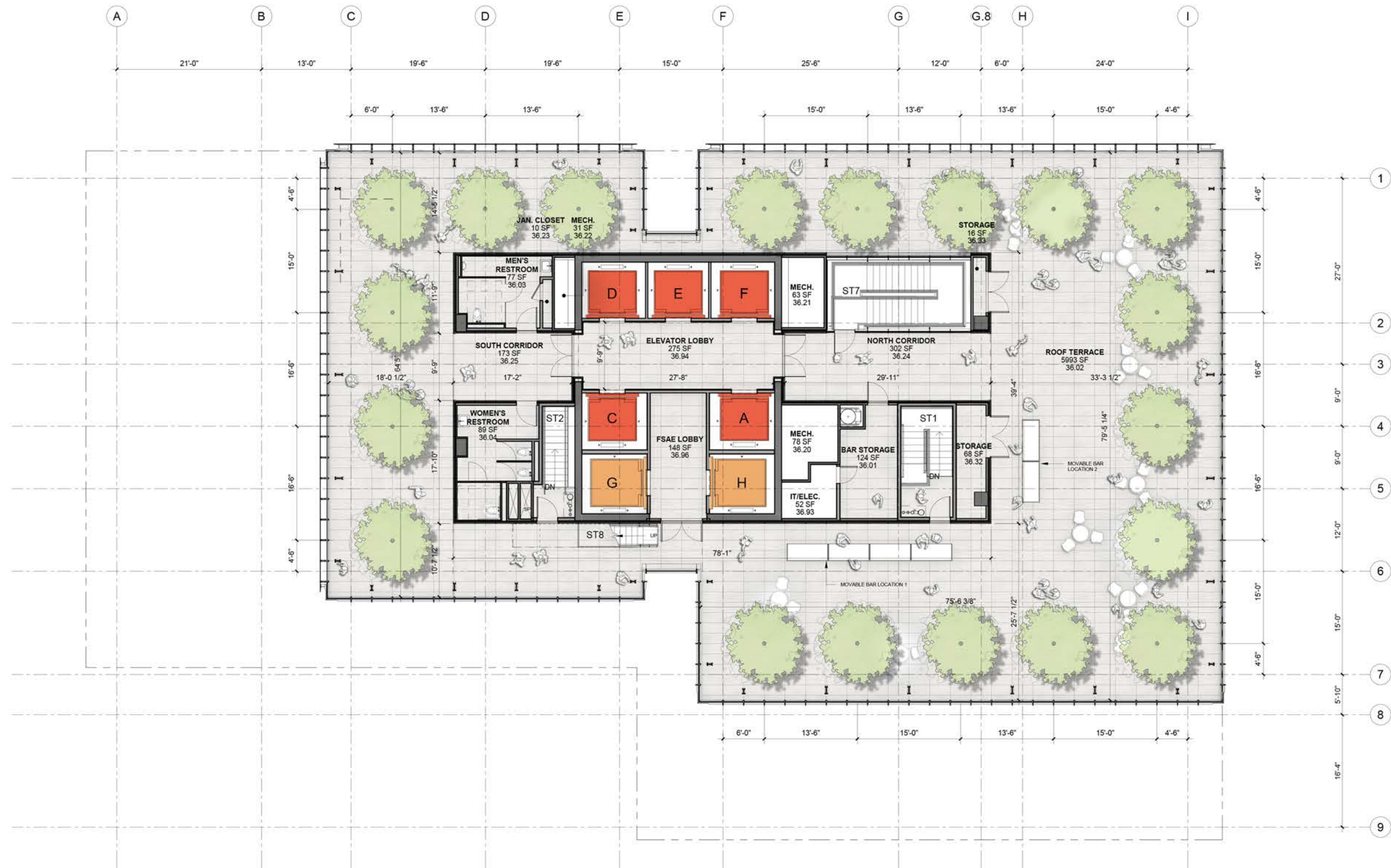


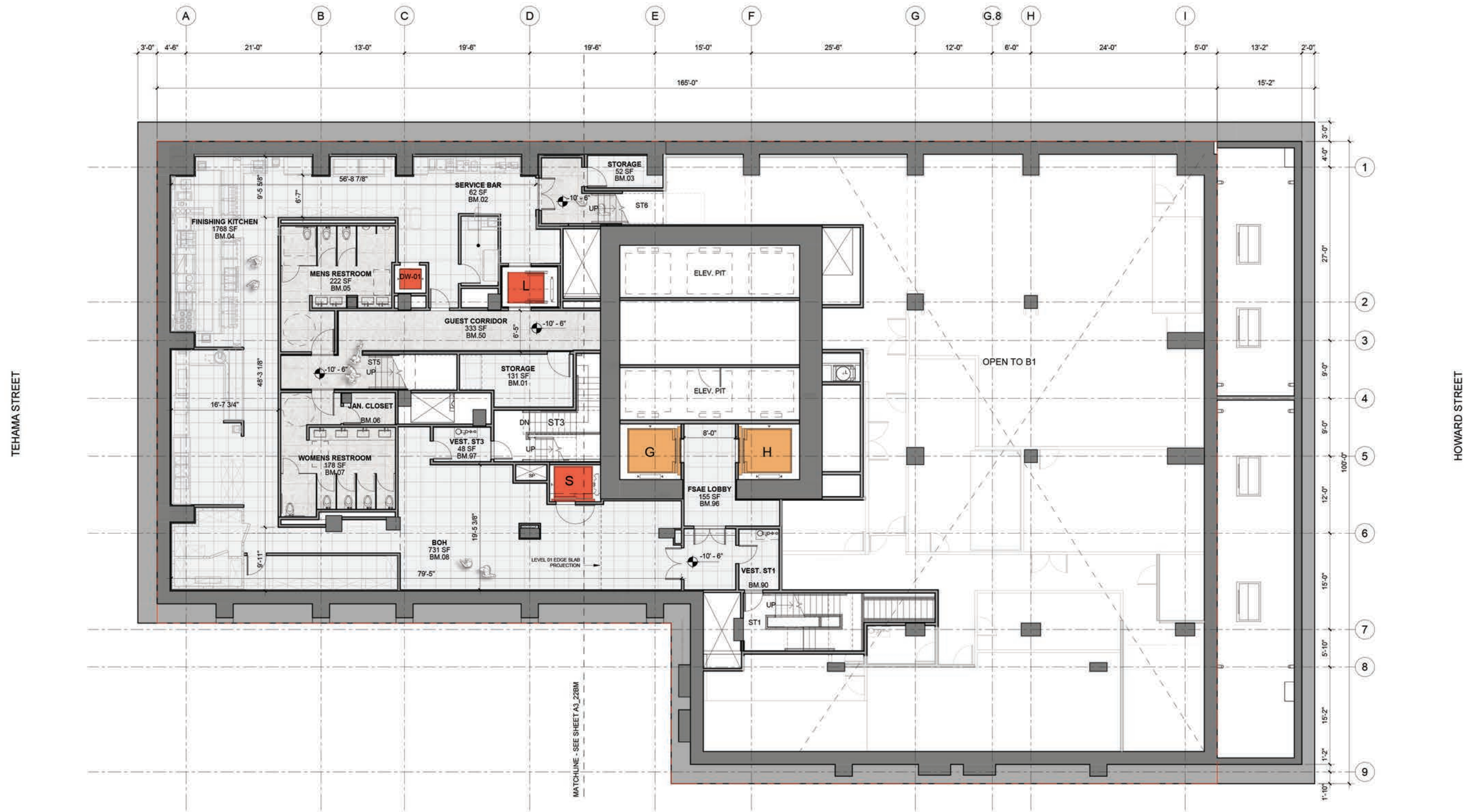


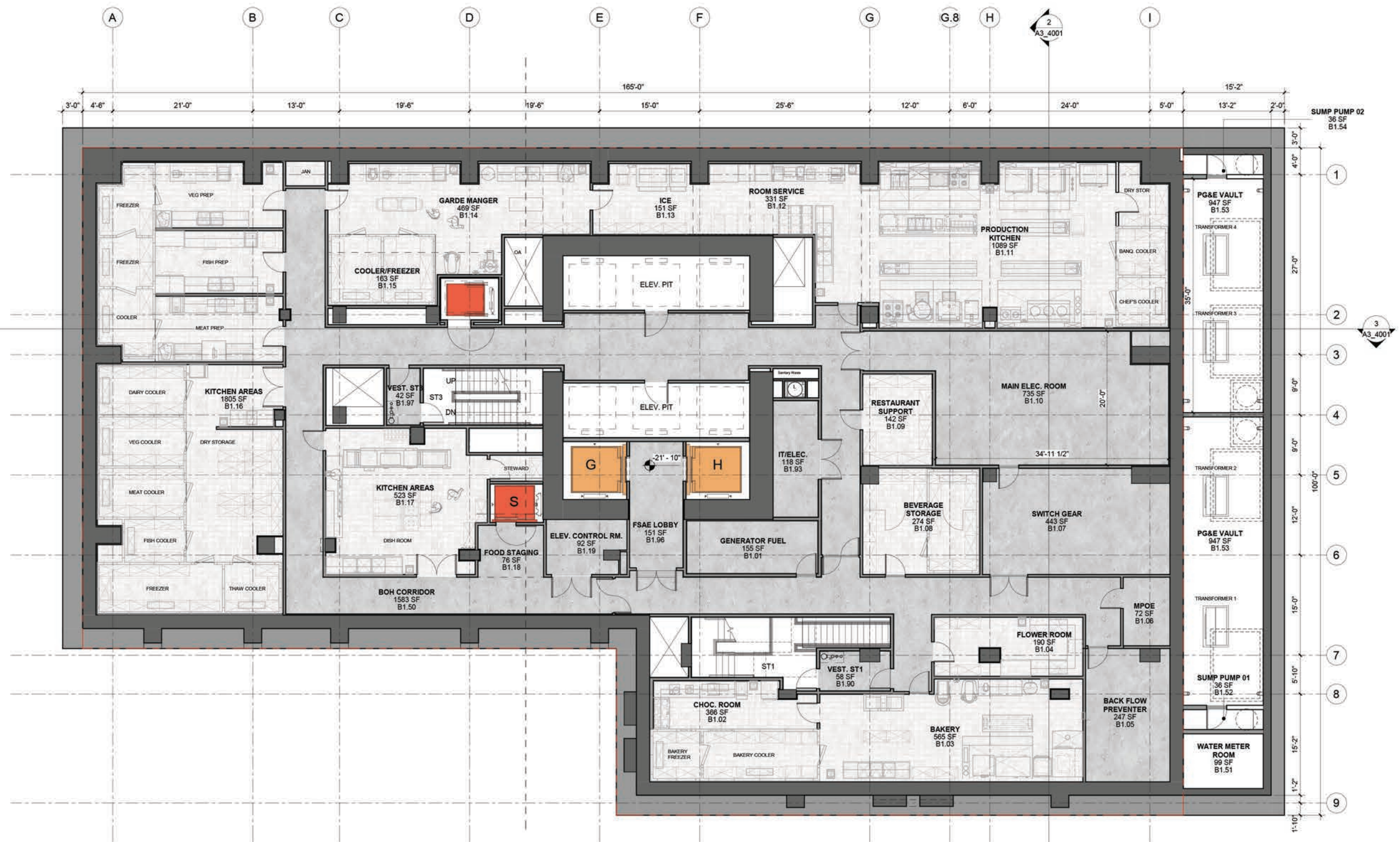


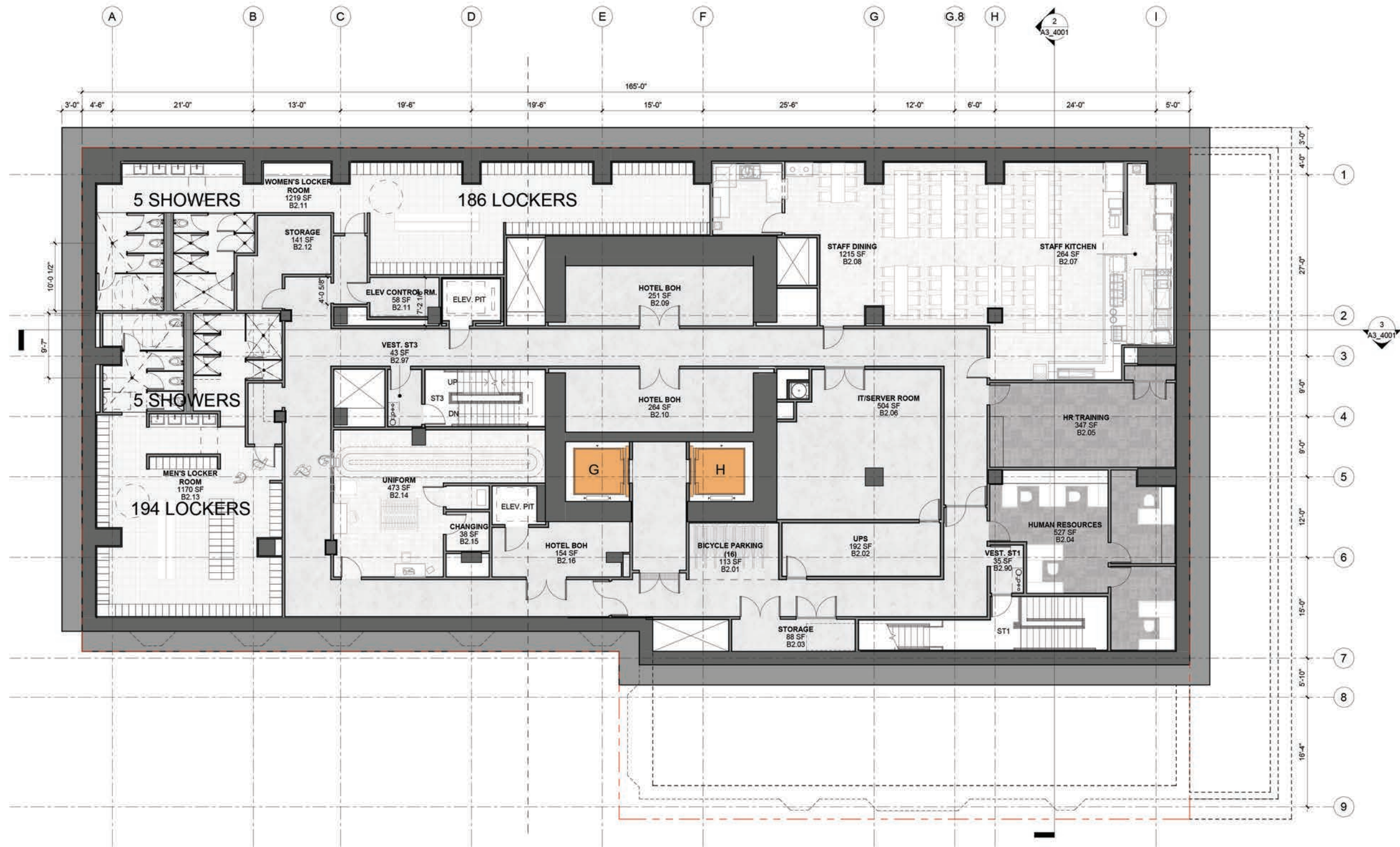


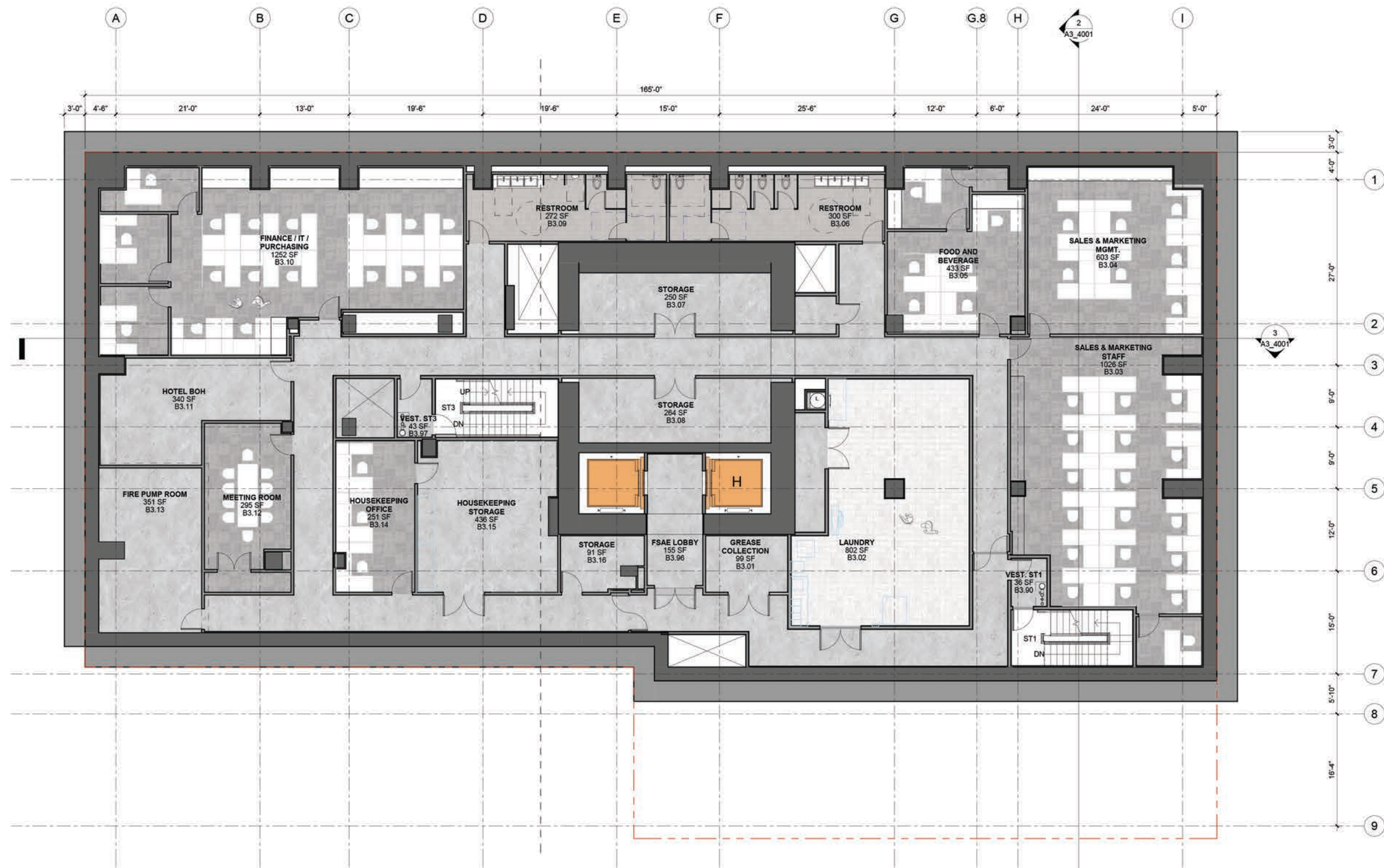


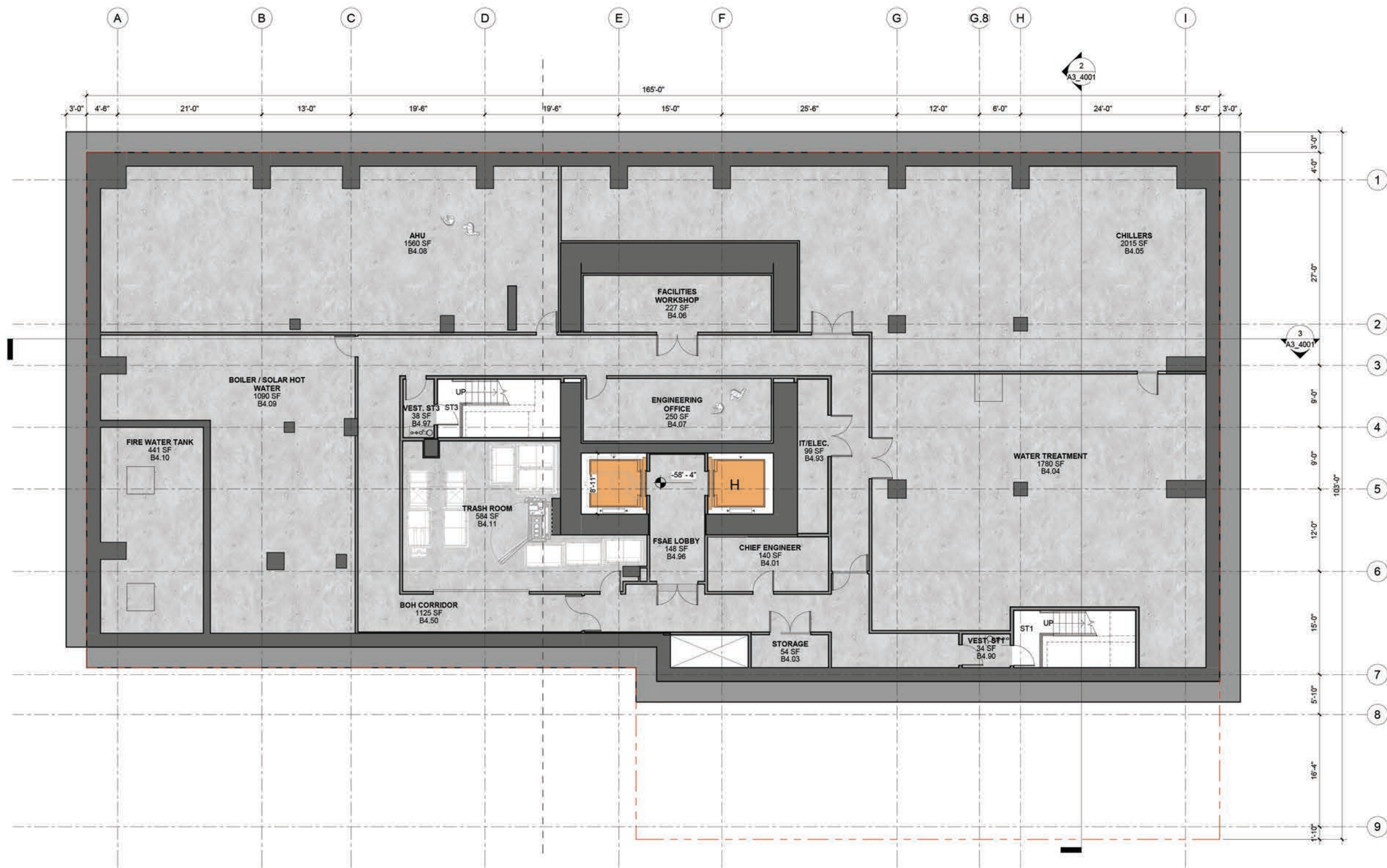


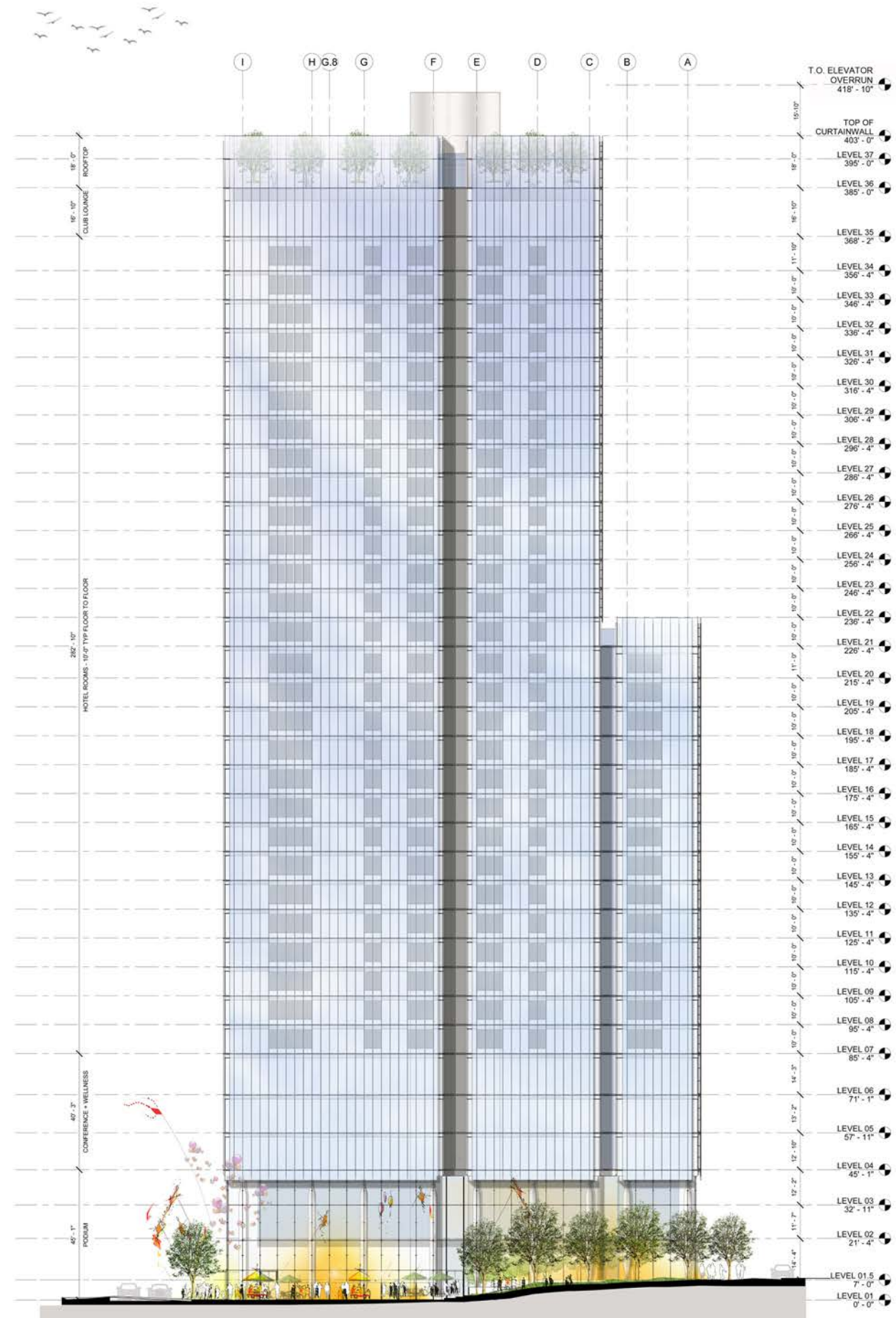
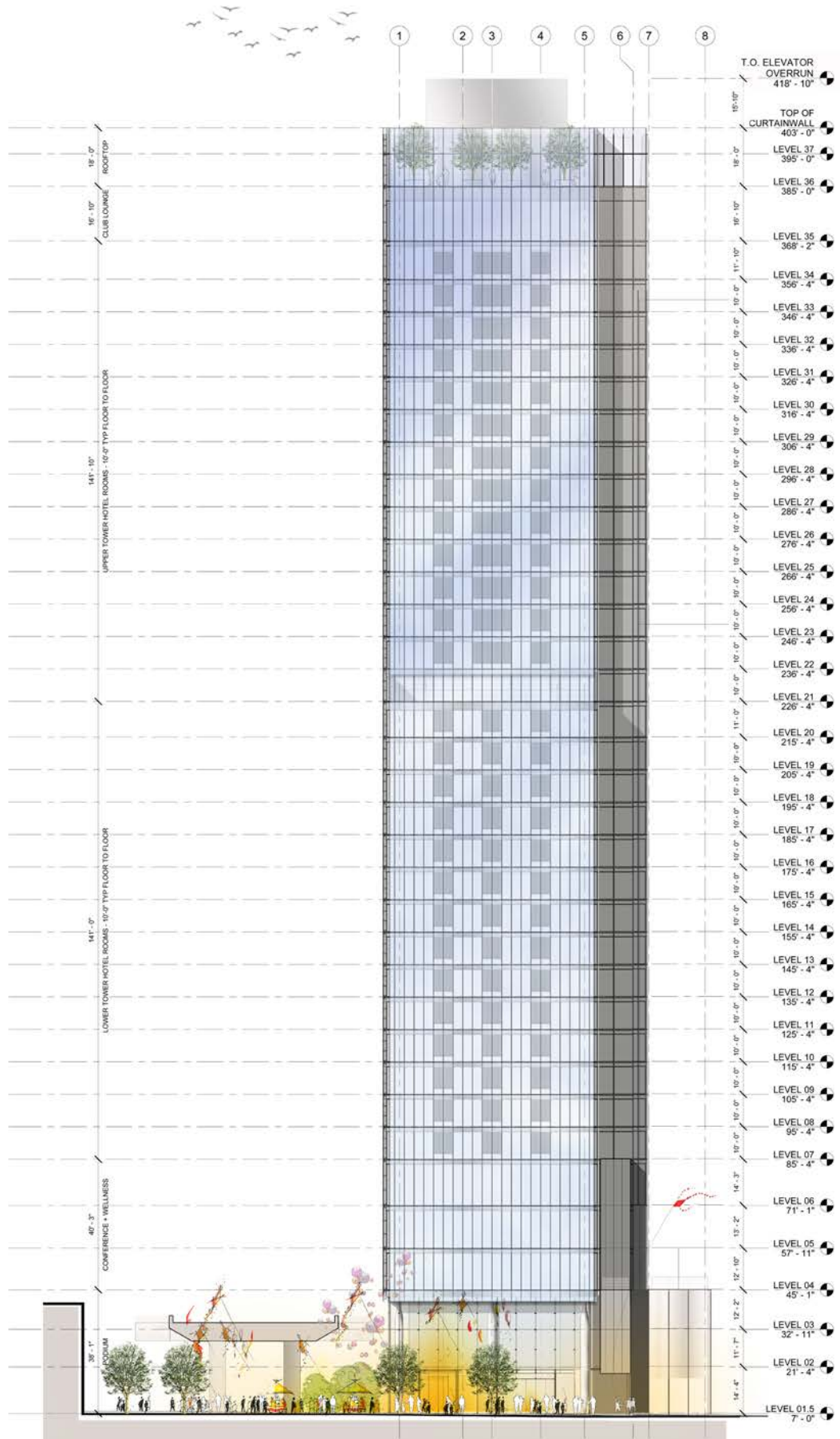




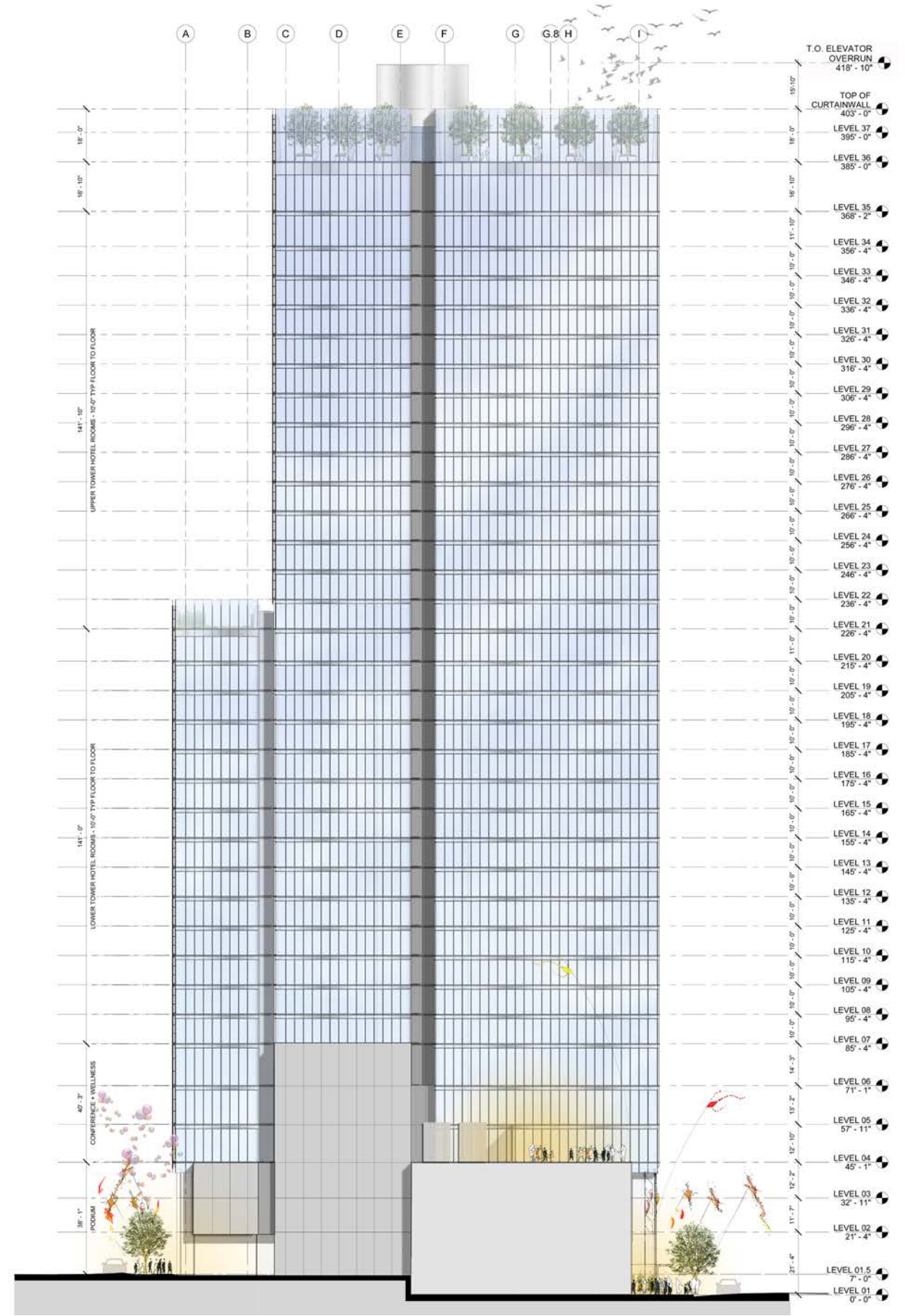
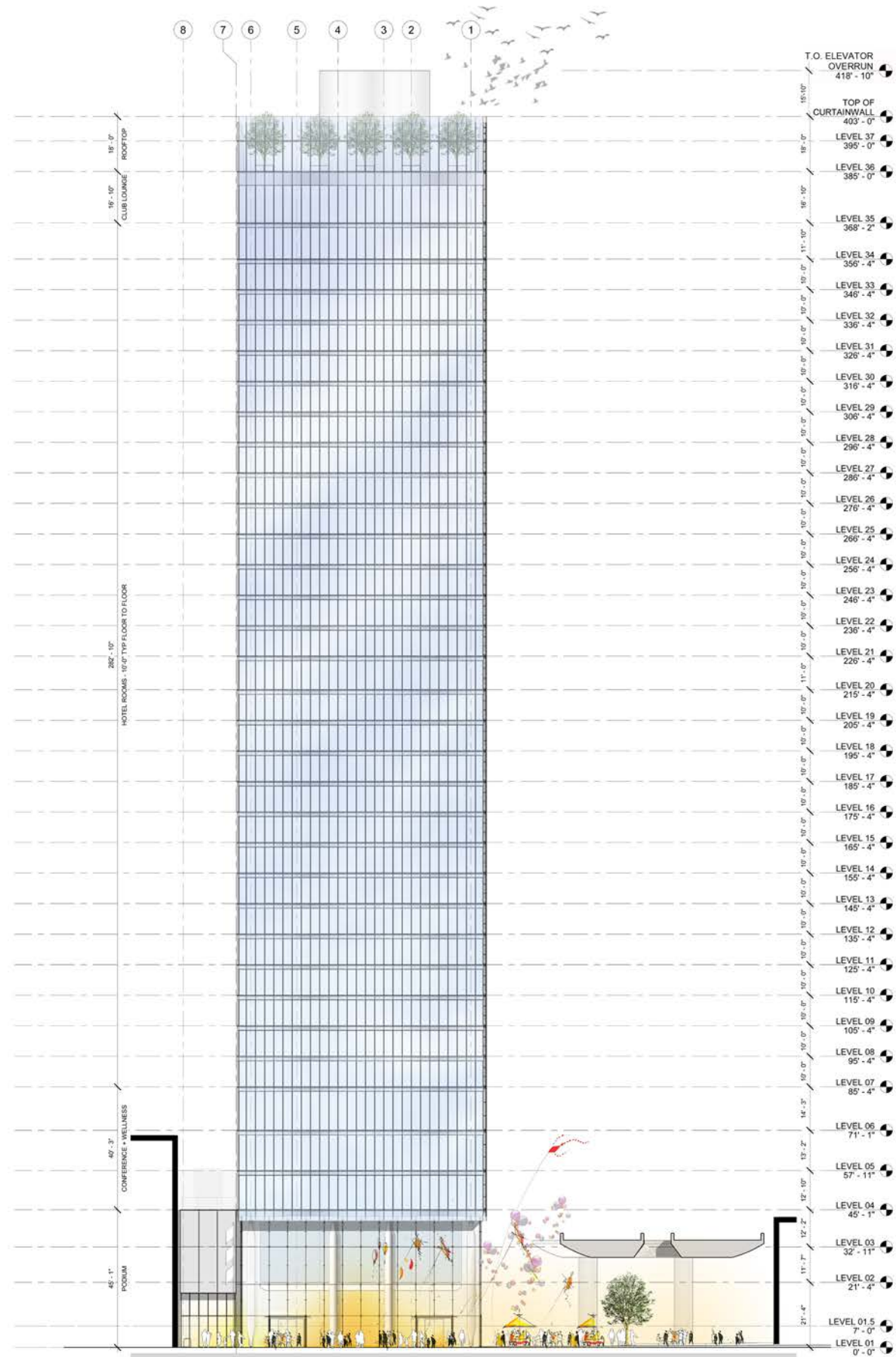


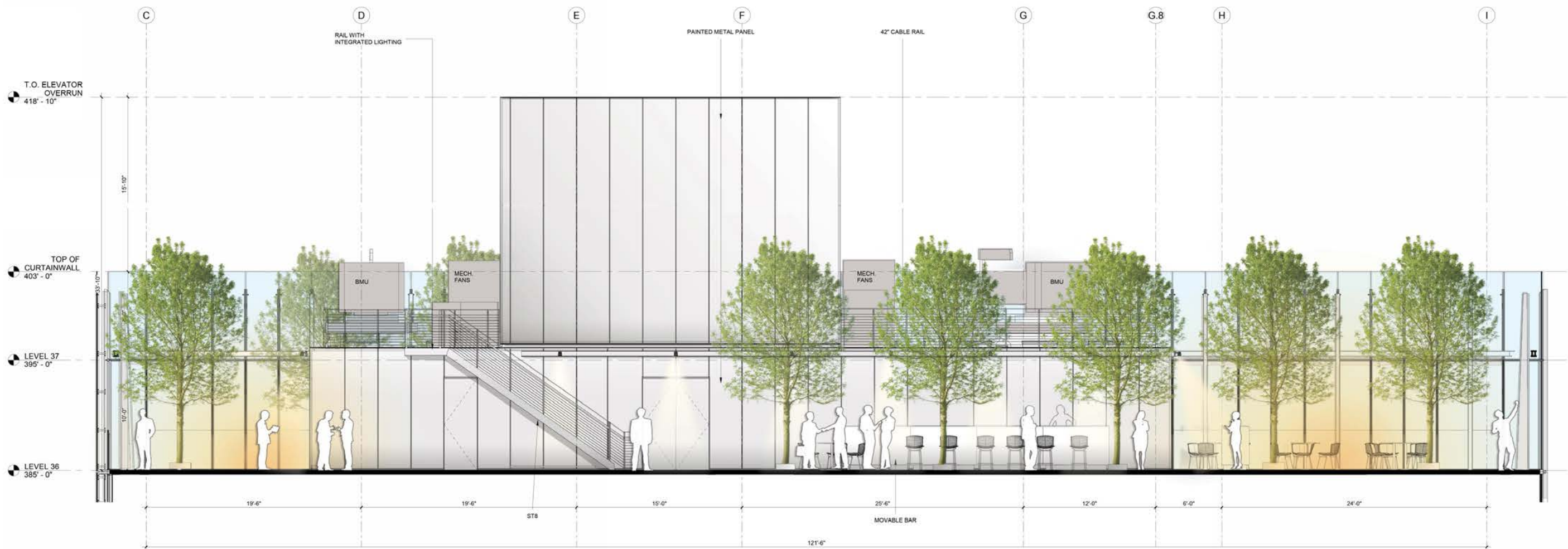


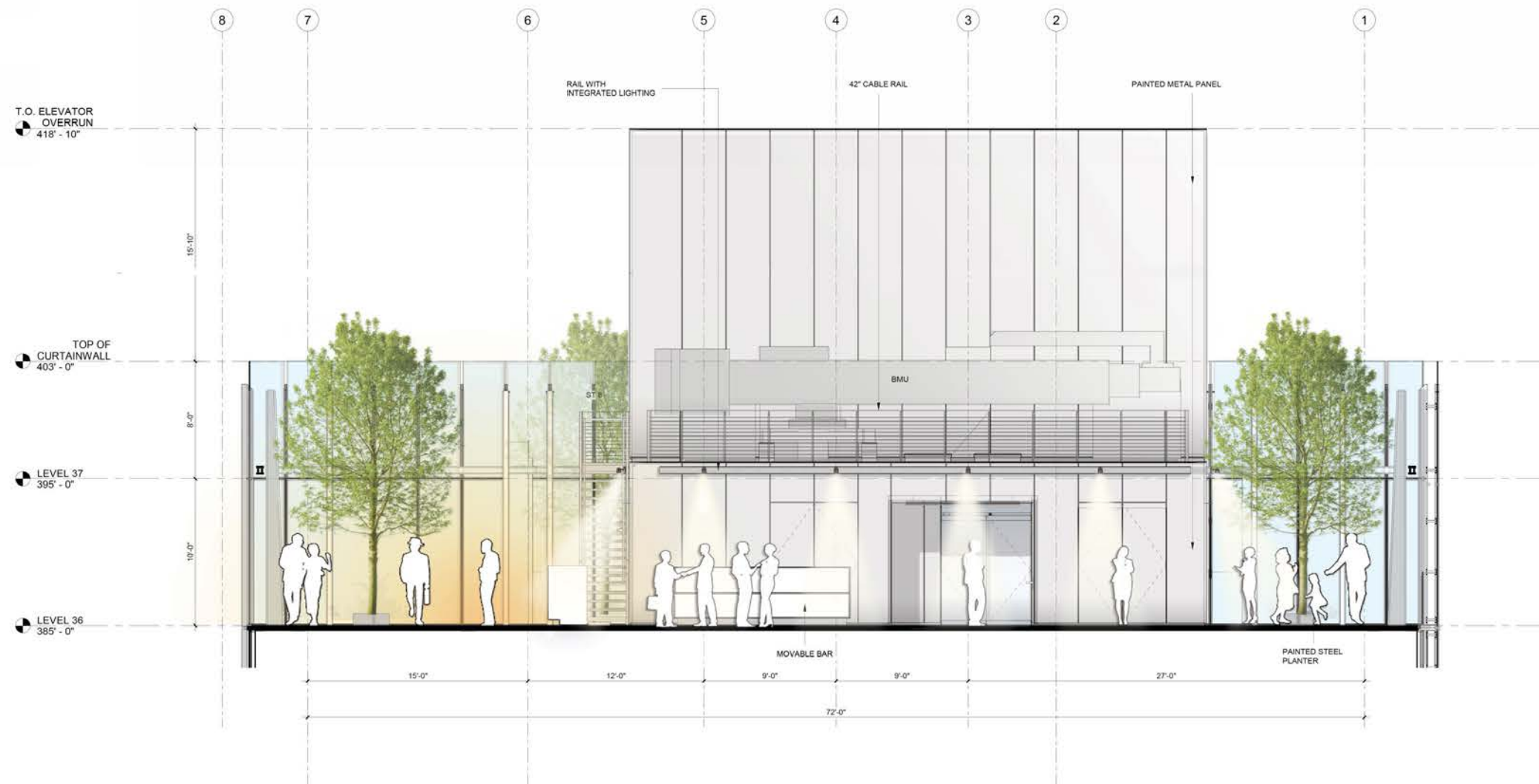


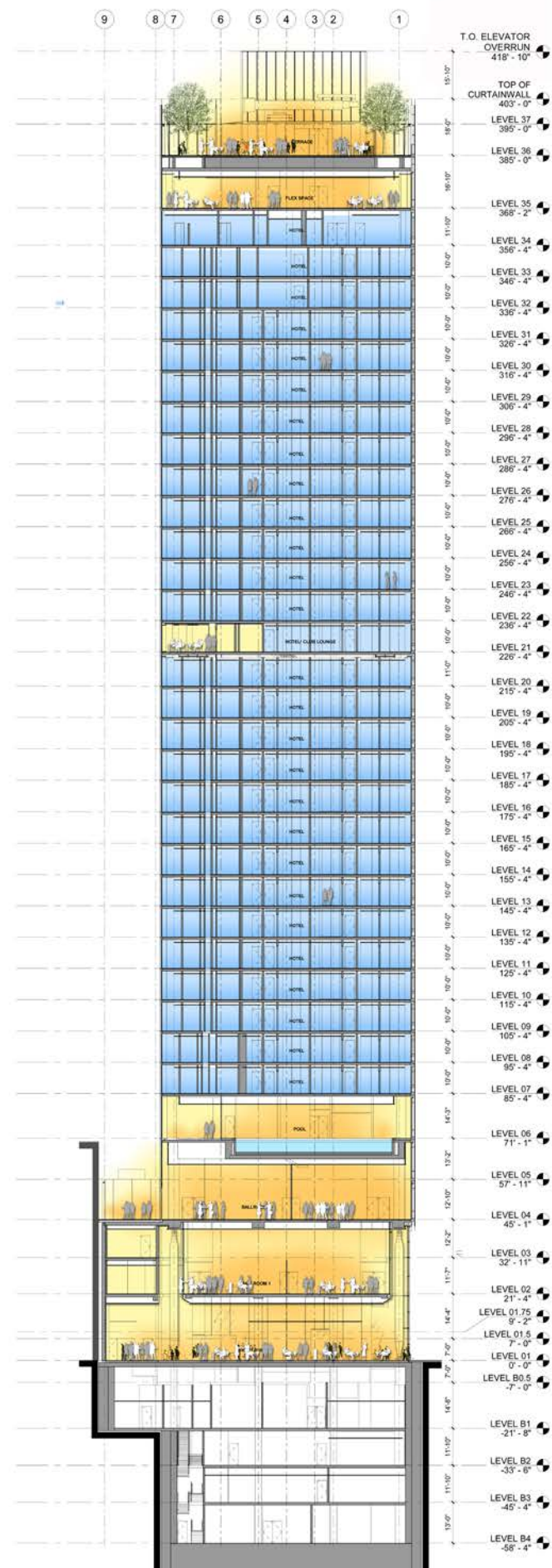






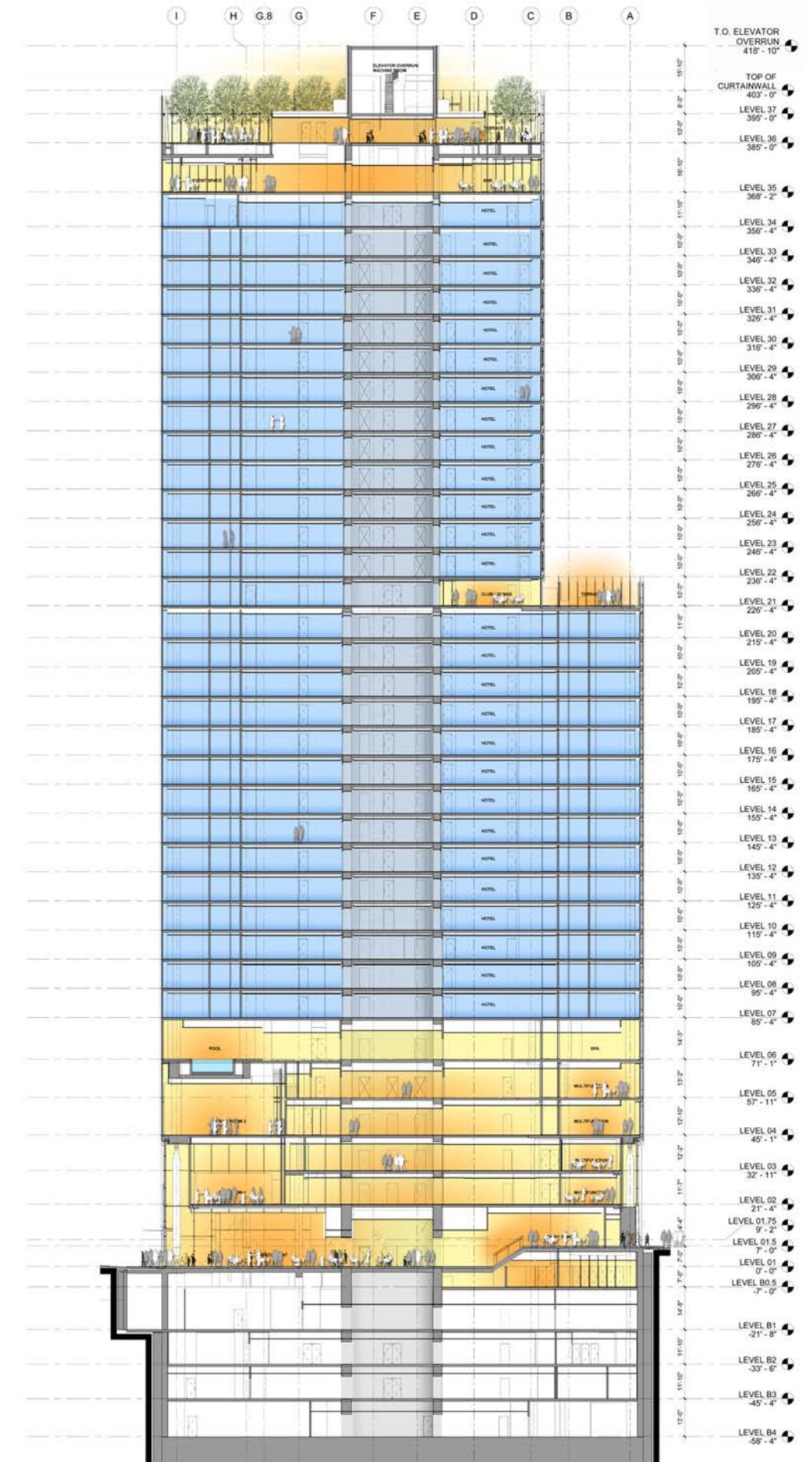






LEGEND

- Hotel Guest Room
- Public/Amenity Space



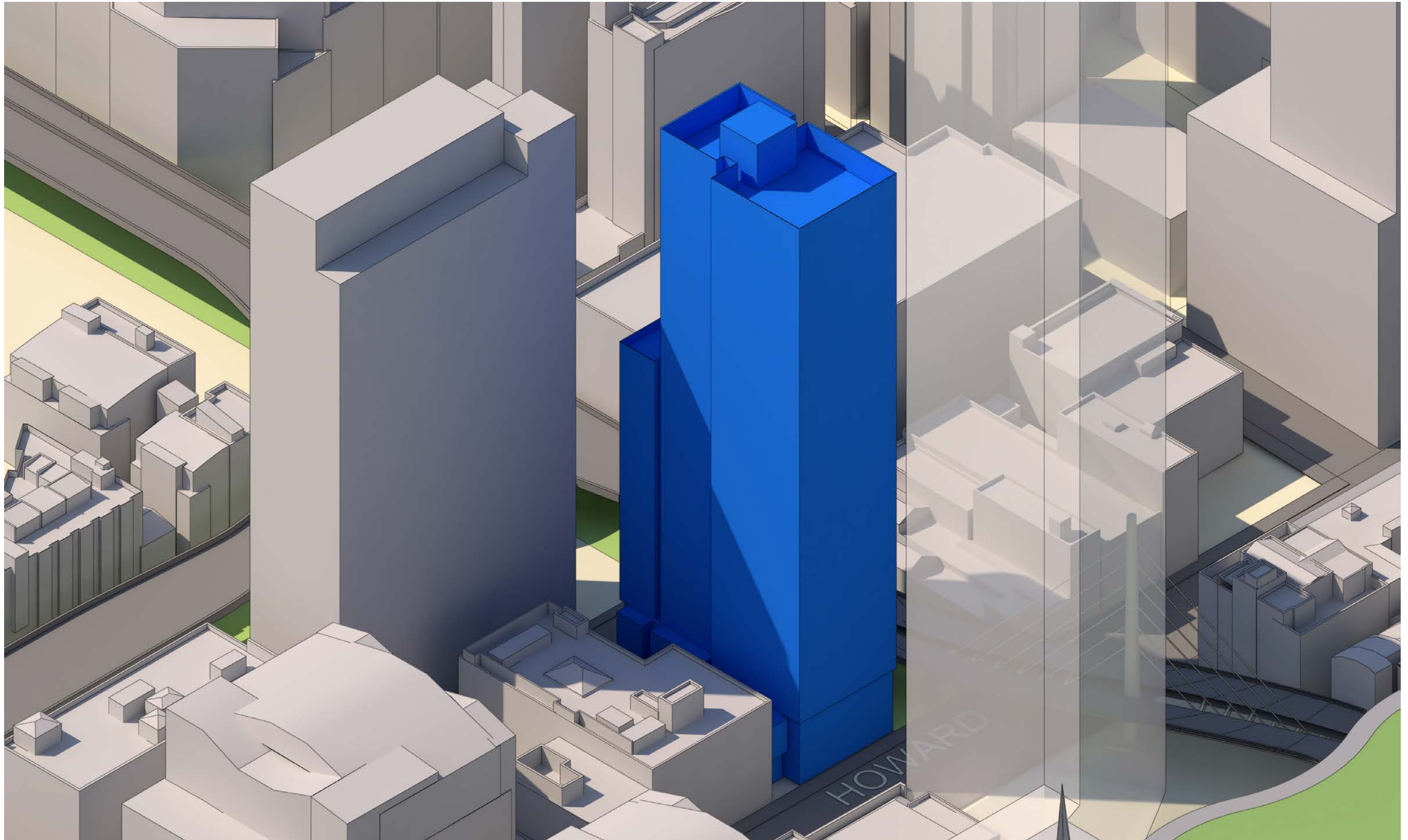
VIEW TERRACE - PUBLIC RESTROOMS

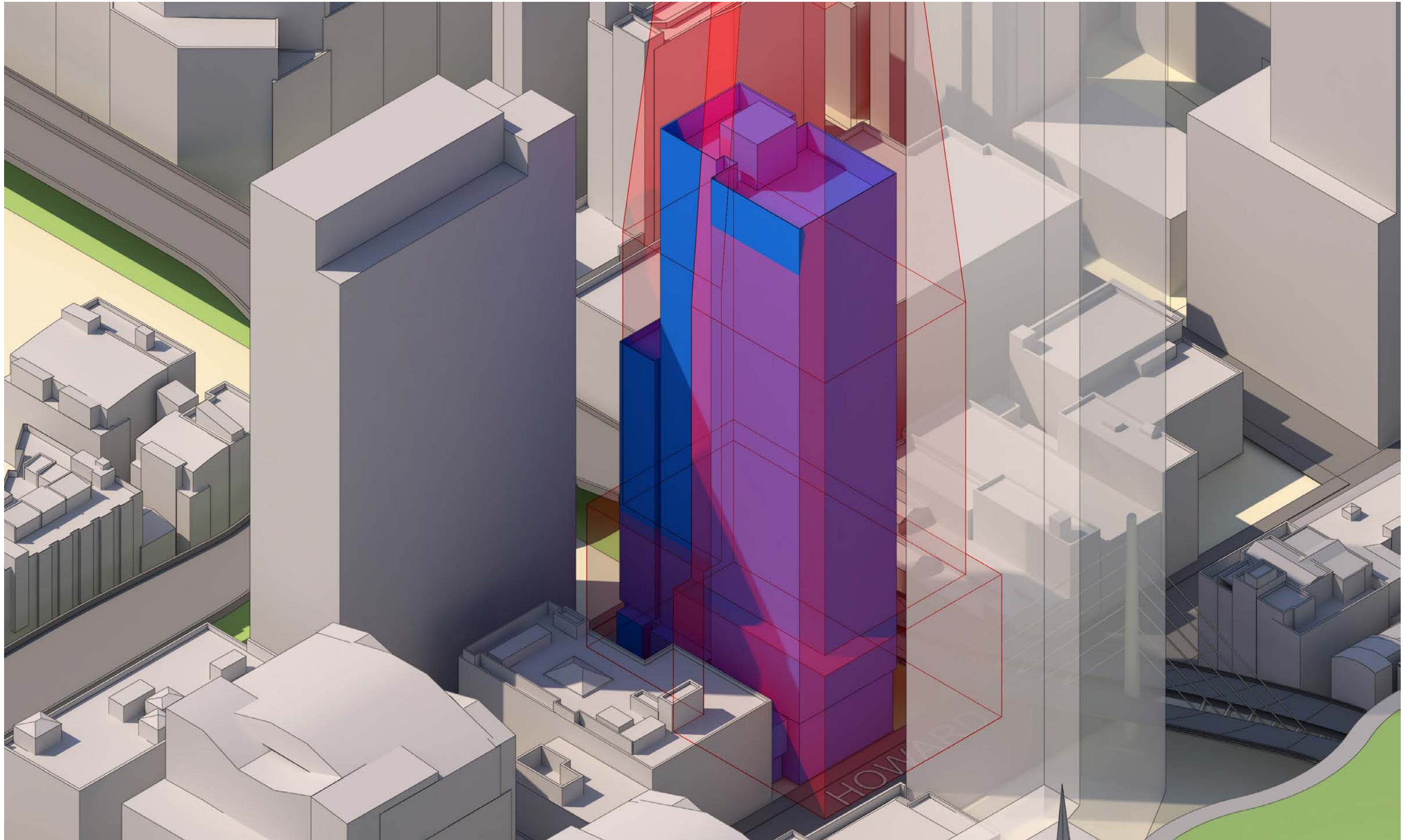


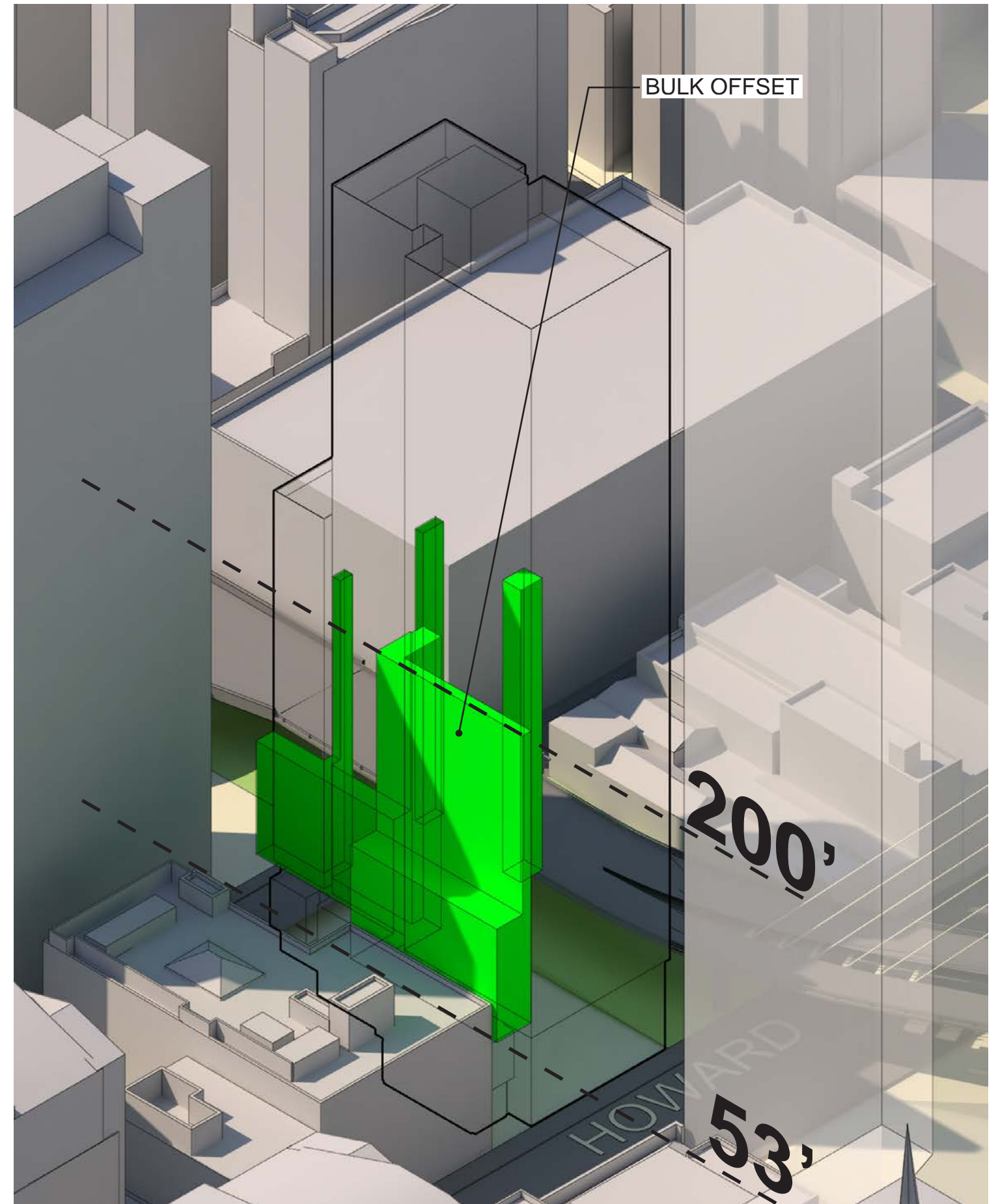
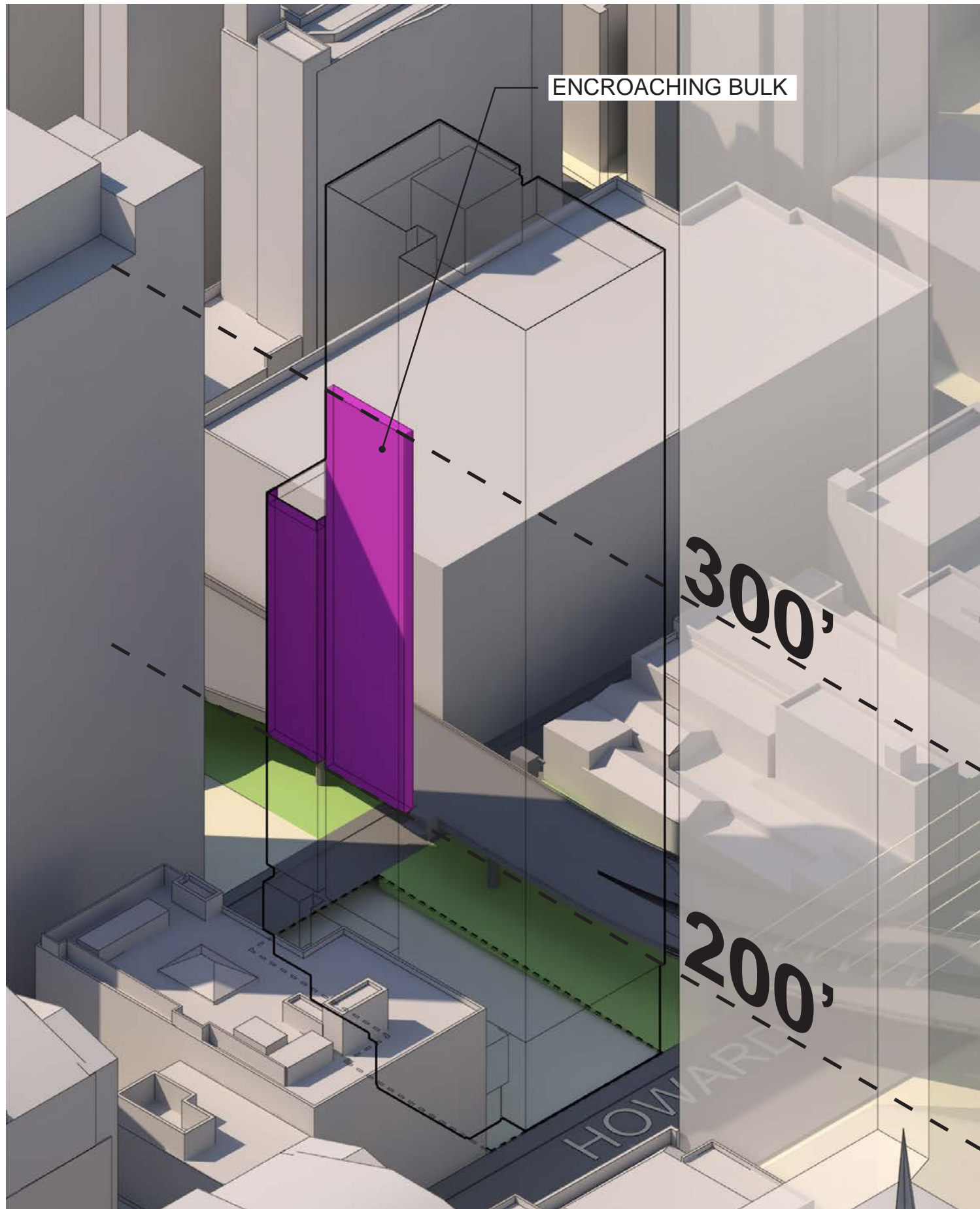
VIEW TERRACE - ROOF

VIEW TERRACE - PUBLIC ELEVATOR LOBBY

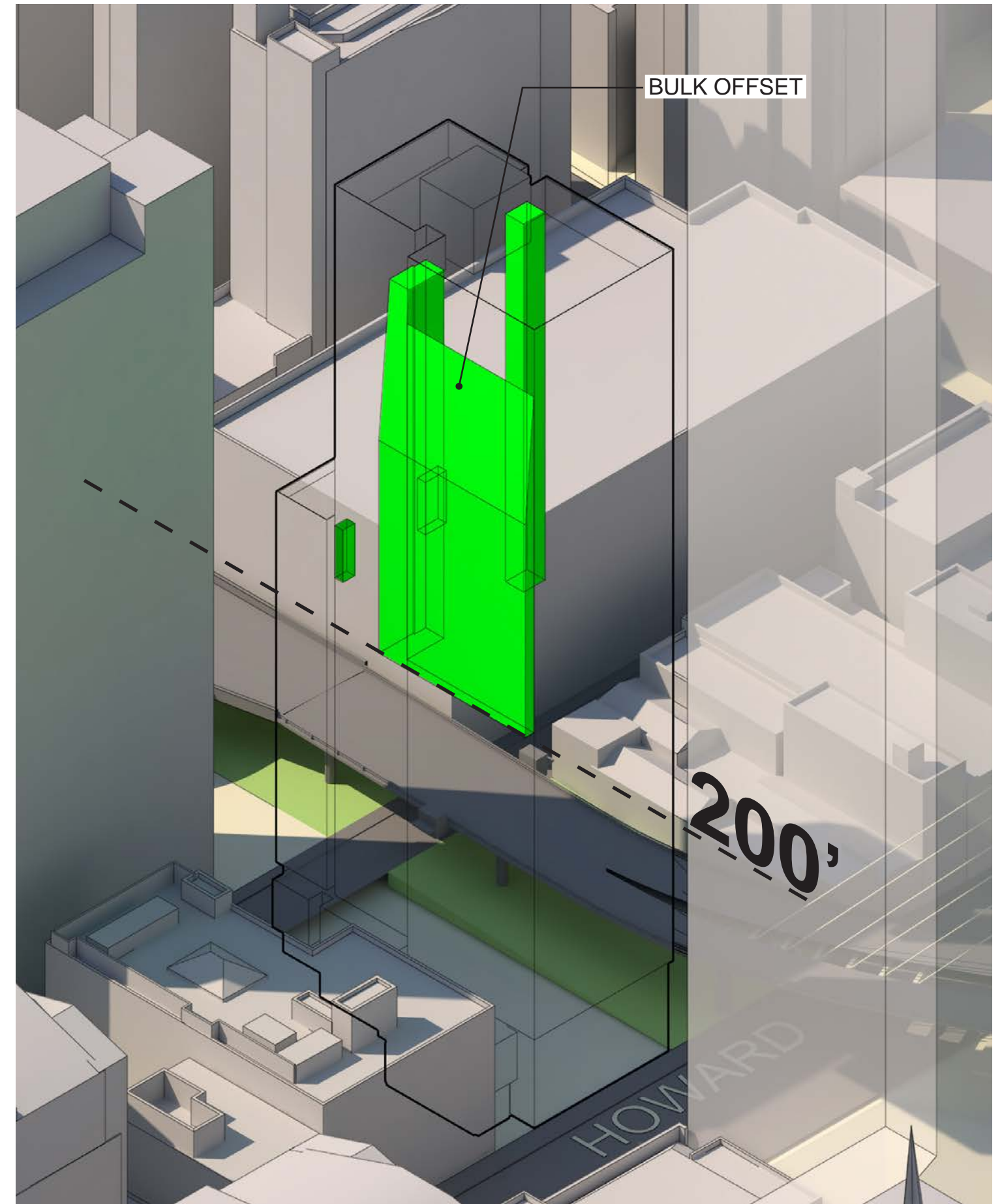
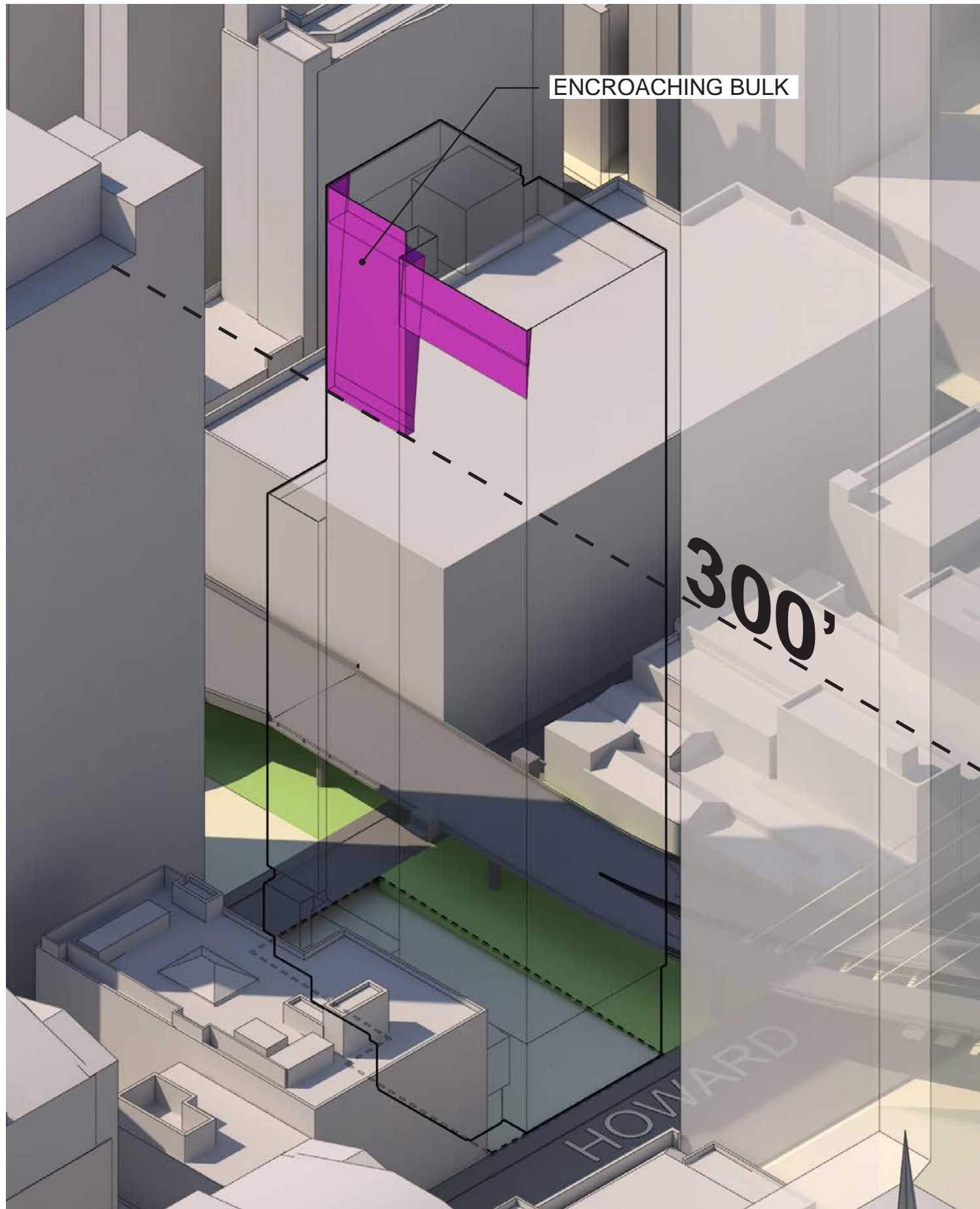
Floor Level	Non-Residential GFA	POPOS Required	POPOS Provided
Roof	-	-	7,744
36	9,243	185	-
34	9,132	183	-
33	9,132	183	-
32	9,132	183	-
31	9,132	183	-
30	9,132	183	-
29	9,132	183	-
28	9,132	183	-
27	9,132	183	-
26	9,132	183	-
25	9,132	183	-
24	9,132	183	-
23	9,132	183	-
22	9,132	183	-
21	9,132	183	-
20	11,216	224	-
19	11,216	224	-
18	11,216	224	-
17	11,216	224	-
16	11,216	224	-
15	11,216	224	-
14	11,216	224	-
13	11,216	224	-
12	11,216	224	-
11	11,216	224	-
10	11,216	224	-
9	11,216	224	-
8	11,216	224	-
7	11,216	224	-
6	11,672	233	-
5	8,513	170	-
4	11,821	236	-
3	9,110	182	-
2	11,037	221	-
1.5	2,321	46	-
1	1,717	34	-
B0.5	5,791	116	-
B1	8,548	171	-
B2	8,170	163	-
B3	8,236	165	-
B4	-	-	-
Sub-Total			7,744
<b>Total</b>	<b>381,063</b>	<b>7,621</b>	<b>7,744</b>











### Tower Volume Analysis

All Hotel Program					
	Non-Compliant Volume (cubic feet)		Volume Offset (cubic feet)		Net (cubic feet)
103'-300'	61,315	53'-200'	248,340		187,024
+300'	32,350	+200'	128,269		95,919



View from 1st Street



View from 2nd Street















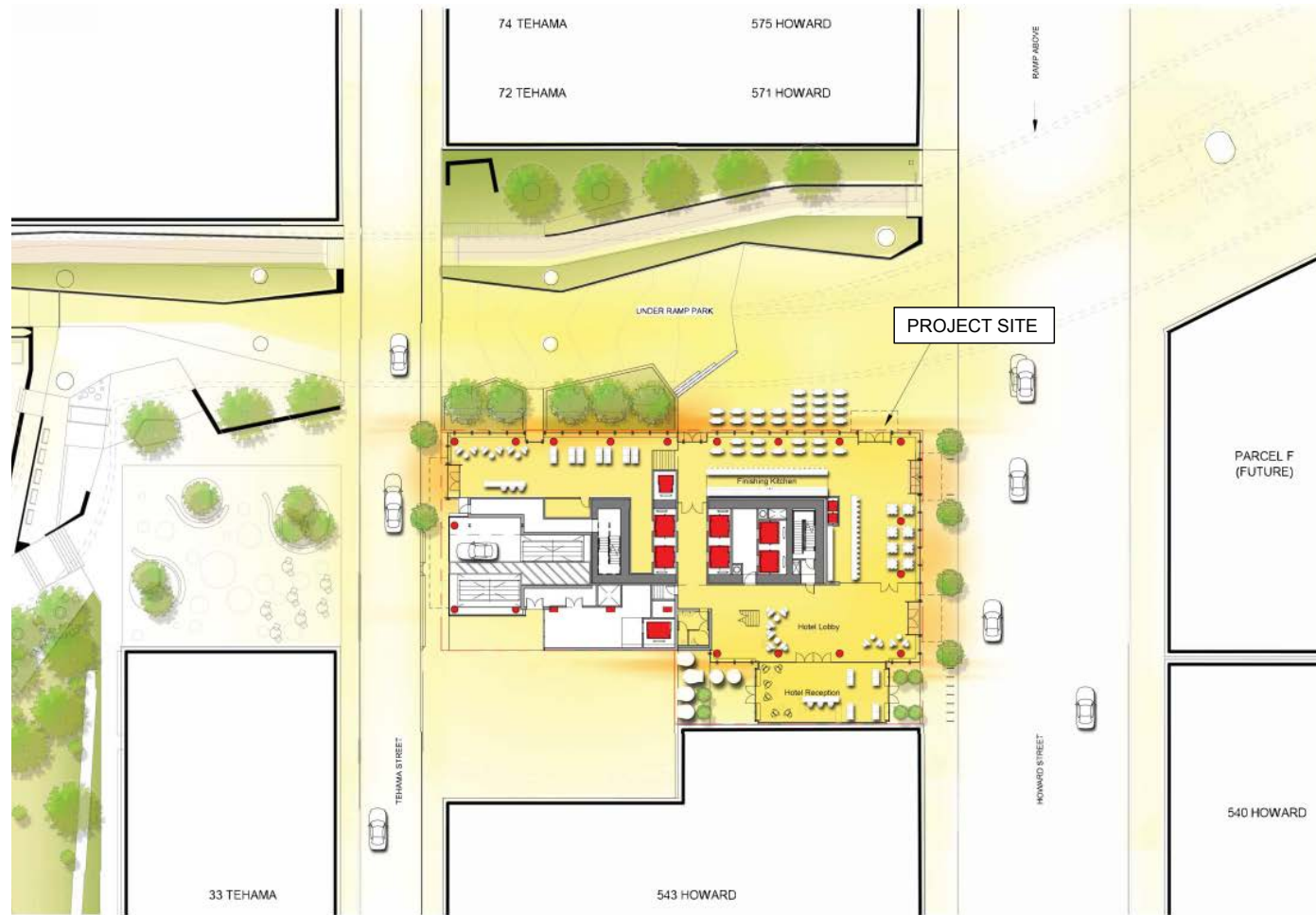
Park design for illustrative purposes only.



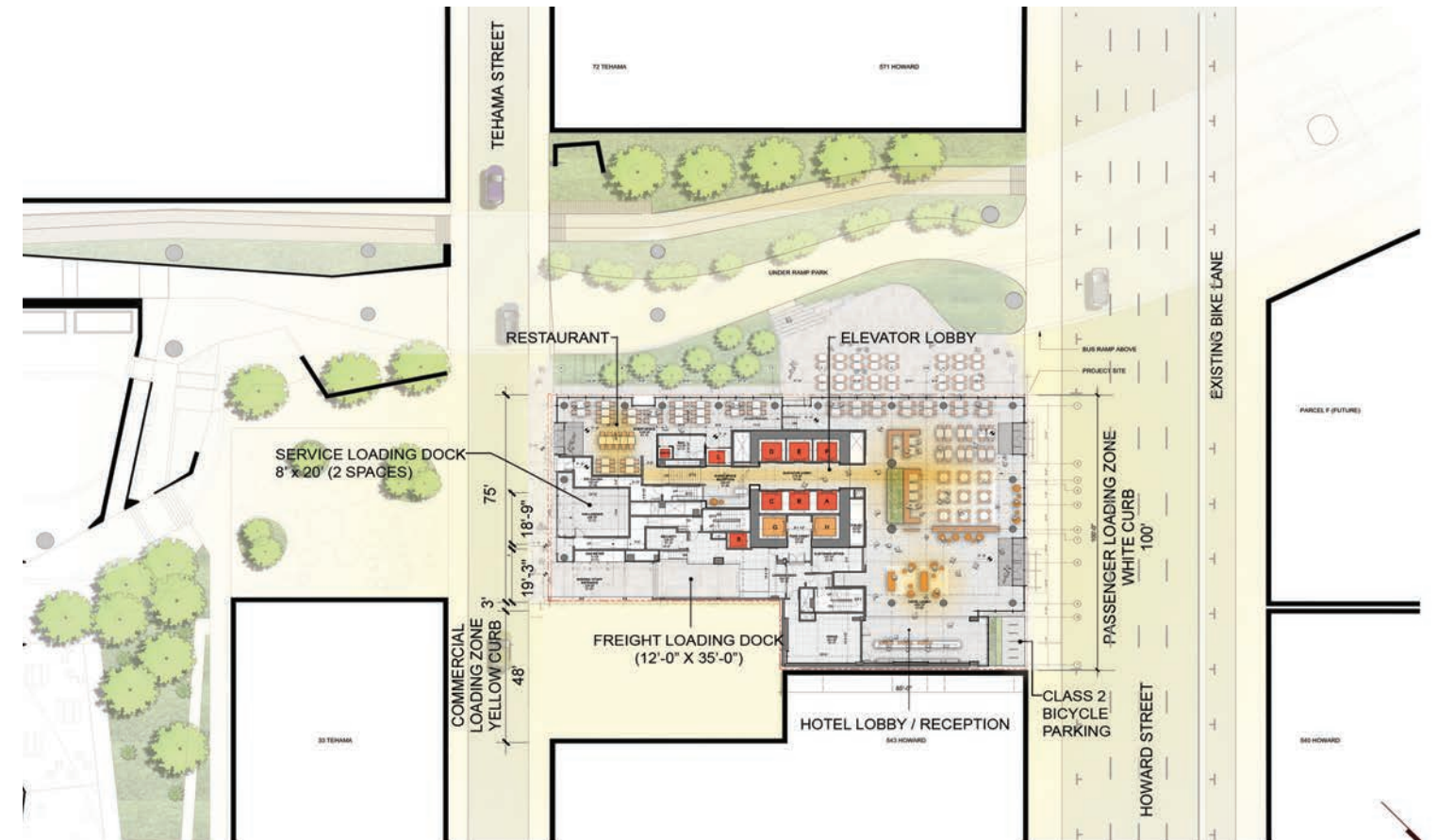


Comparison to Previously Approved Project

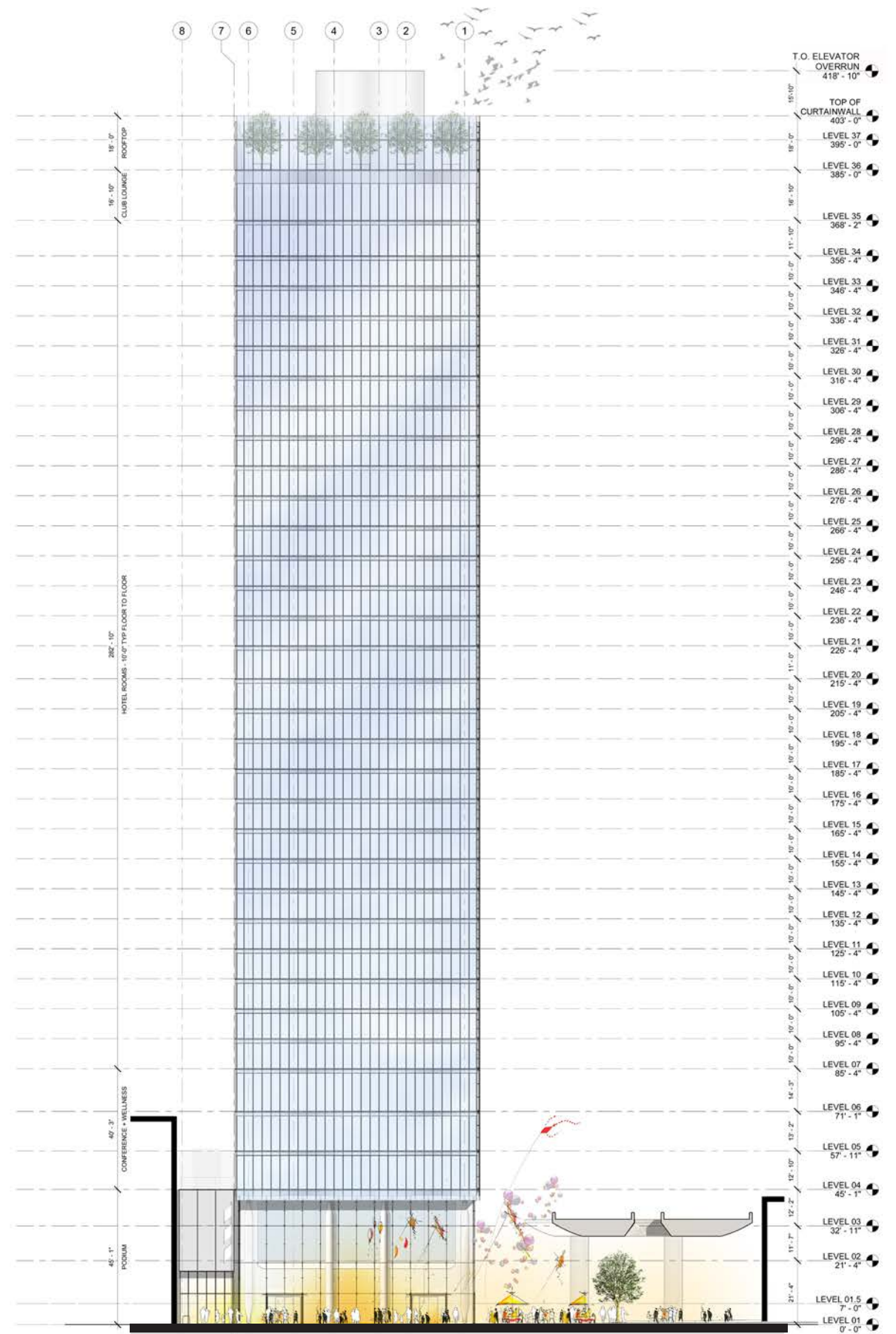
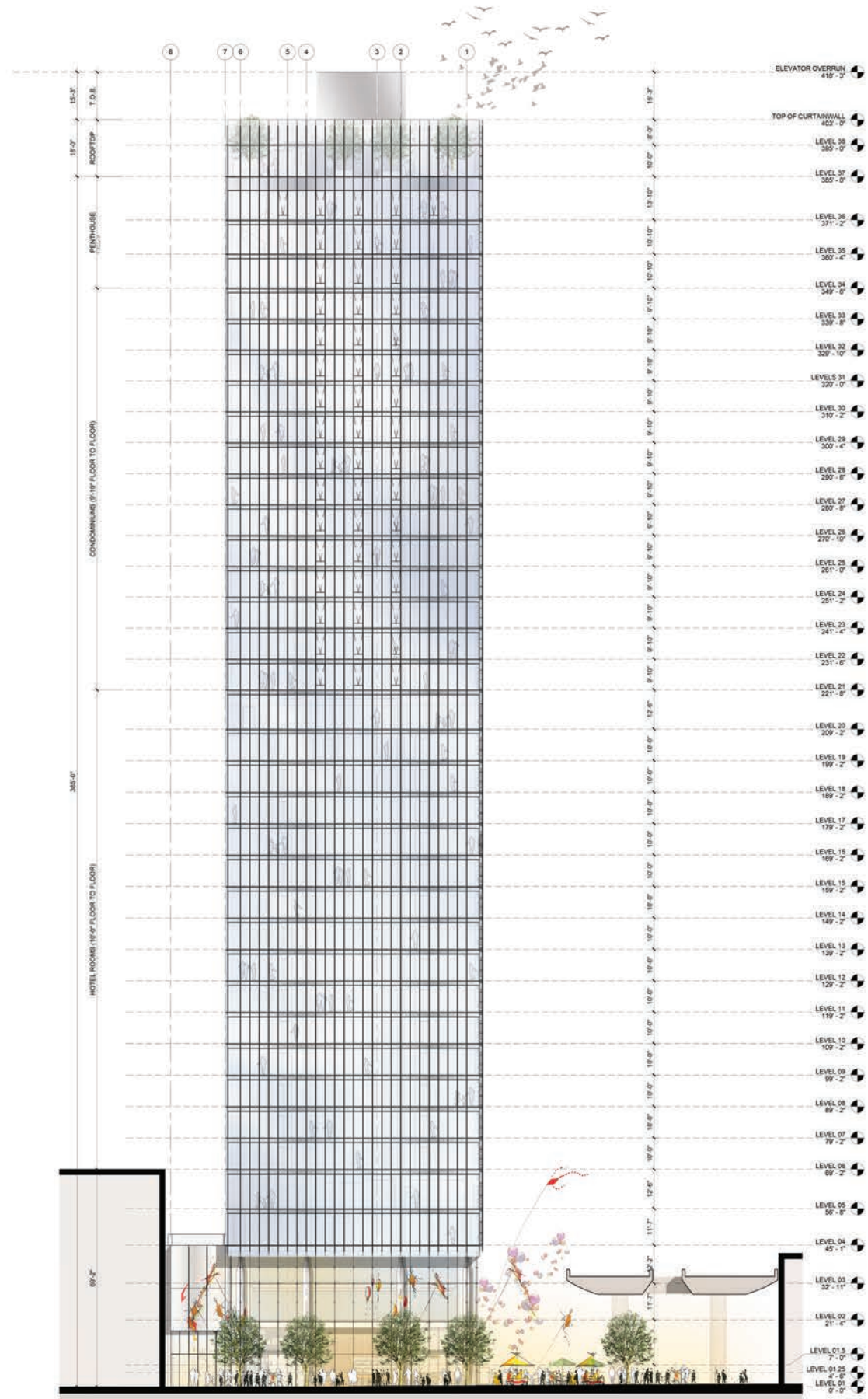
555 Howard - Mixed-Use vs All-Hotel Summary			
	Approved Site Permit (2016.12275918)	Proposed Design	Notes
<b>Site Summary</b>			
Zoning		C-3-O (SD)	
Site Area (sf)		14,505	
Gross Floor Area (per Section 102) (sf)	430,000	381,063	
FAR: Gross Floor Area / Site Area	29.6	26.3	
<b>Program Summary</b>			
Dwelling Units	69	0	
Hotel Rooms	255	401	
Parking Spaces	68 + 2 Car Share	0	
Loading Spaces:			
35' Truck Loading	1	1	
20' Van Loading	0	2	
Number of Buildings	1	1	
Number of Stories	36 + 4 Basement	35 + 4 Basement	
Bicycle Parking Stalls:			
Class 1	95	16	
Class 2	25	10	
<b>Gross Floor Area (per Section 102)</b>			
Residential (sf)	150,275	0	
Retail (sf)	0	0	
Office (sf)	0	0	
Industrial/PDR (sf)	0	0	
Restaurant/Bar (sf)	1,763	0	
Hotel (sf)	206,562	381,063	
Totals (sf)	358,600	381,063	
<b>Areas Exempt (per Section 102)</b>			
MEP/Support (sf)	57,780	39,583	
Parking / Loading (sf)	13,319	1,489	
Restaurant/Bar (sf)	2,581	4,749	
Hotel Lobby (sf)	3,279	1,736	
Residential Lobby (sf)	1,692	0	
Totals (sf)	78,651	47,557	
<b>Bulk Controls</b>			
Lower Tower Floor Plate (L10 to L21) (sf)	11,465	11,566	(Maximum Allowed = 20,000 sf)
Upper Tower Floor Plate (L22 to L36) (sf)	9,330	9,468	(Maximum Allowed = 17,000 sf)
Lower Tower Diagonal Dimension (L10 to L21)		183'-5 1/4"	(Maximum Allowed = 190'-0")
Upper Tower Diagonal Dimension (L22 to L36)		152'-7 3/4"	(Maximum Allowed = 160'-0")
<b>Building Height</b>			
Height to Roof		385'-0"	(Maximum Allowed = 385'-0" via Section 263.9)
Roof Top Elements	405'-0"	405'-0"	(Maximum Allowed = 405'-0" via Section 260)
Elevator Overrun	418'-3"	418'-10"	(With ZA approval)
Bottom level of Basement		-58'-4"	
<b>Open Space Requirements</b>			
Common Open Space per Section 135 (sf)	7,081	0	(Required = 0)
Public Open Space per Section 138 (sf)	5,047	7,744	(Required = 7,621)
<b>Residential Bike Parking Requirements</b>			
Class 1 Bike Stalls	80	0	(Required = 0)
Class 2 Bike Stalls	4	0	(Required = 0)
<b>Non-Residential Bike Parking Requirements</b>			
Class 1 Bike Stalls	15	16	13.4 required
Class 2 Bike Stalls	21	10	20.3 required
<b>Parking Requirements (per Section 151, 166)</b>			
Non-Residential Parking (sf)	1,176	0	(83,499 SF Commercial GFA x 3.5% = 2,923 SF allowed)
Hotel Parking	16	0	(410 Guestrooms x (1/16) Stall = 25.6 allowed)
Residential Parking	35	0	
Carshare Parking	2	0	
<b>Residential Unit Mix</b>			
Market Rate Units:			
1-Bedroom	19	0	
2-Bedroom	26	0	
3-Bedroom	14	0	
Subtotal	59	0	
Inclusionary Housing Units:			
1-Bedroom	3	0	
2-Bedroom	5	0	
3-Bedroom	2	0	
Subtotal	10	0	
Totals	69	0	

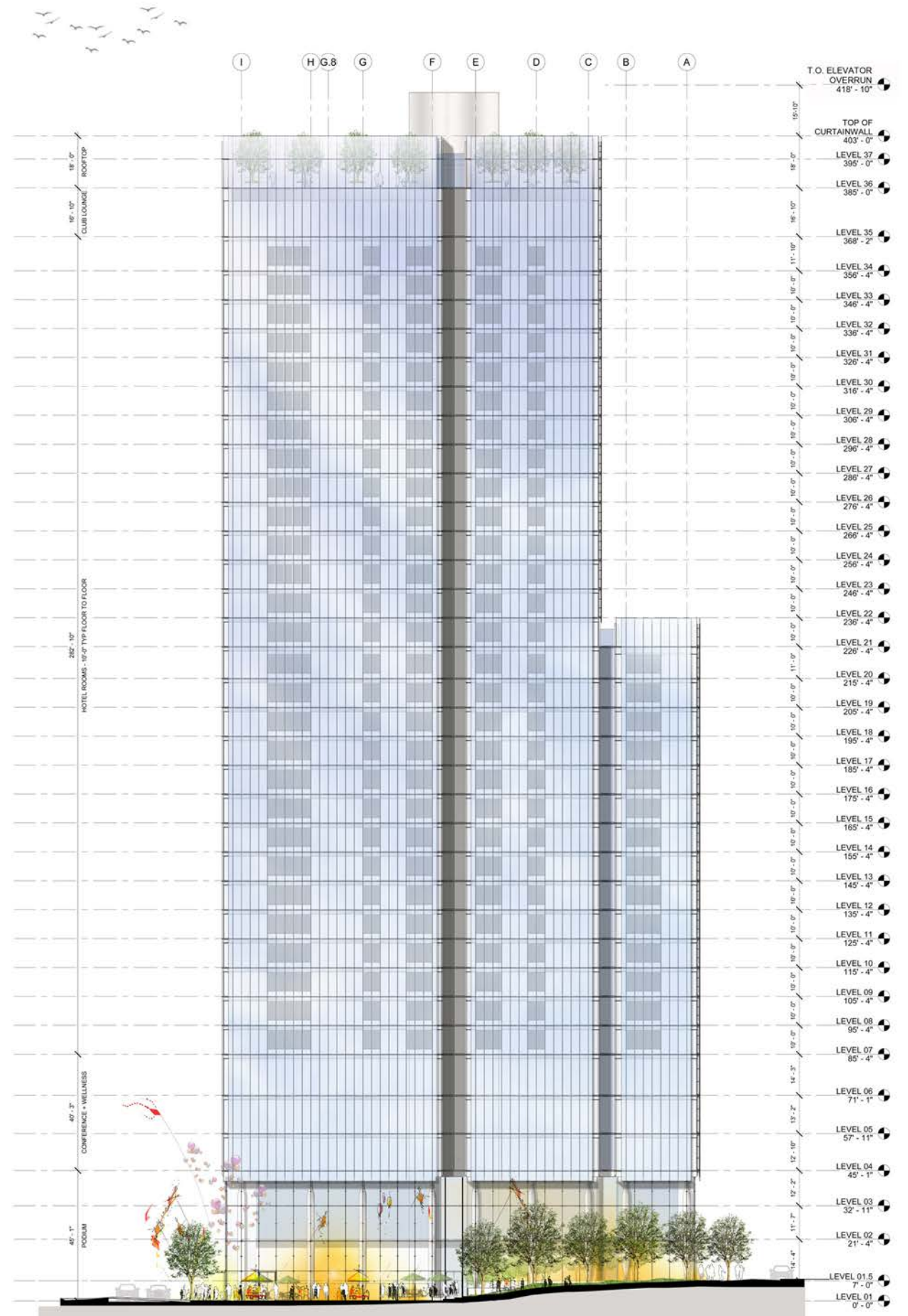
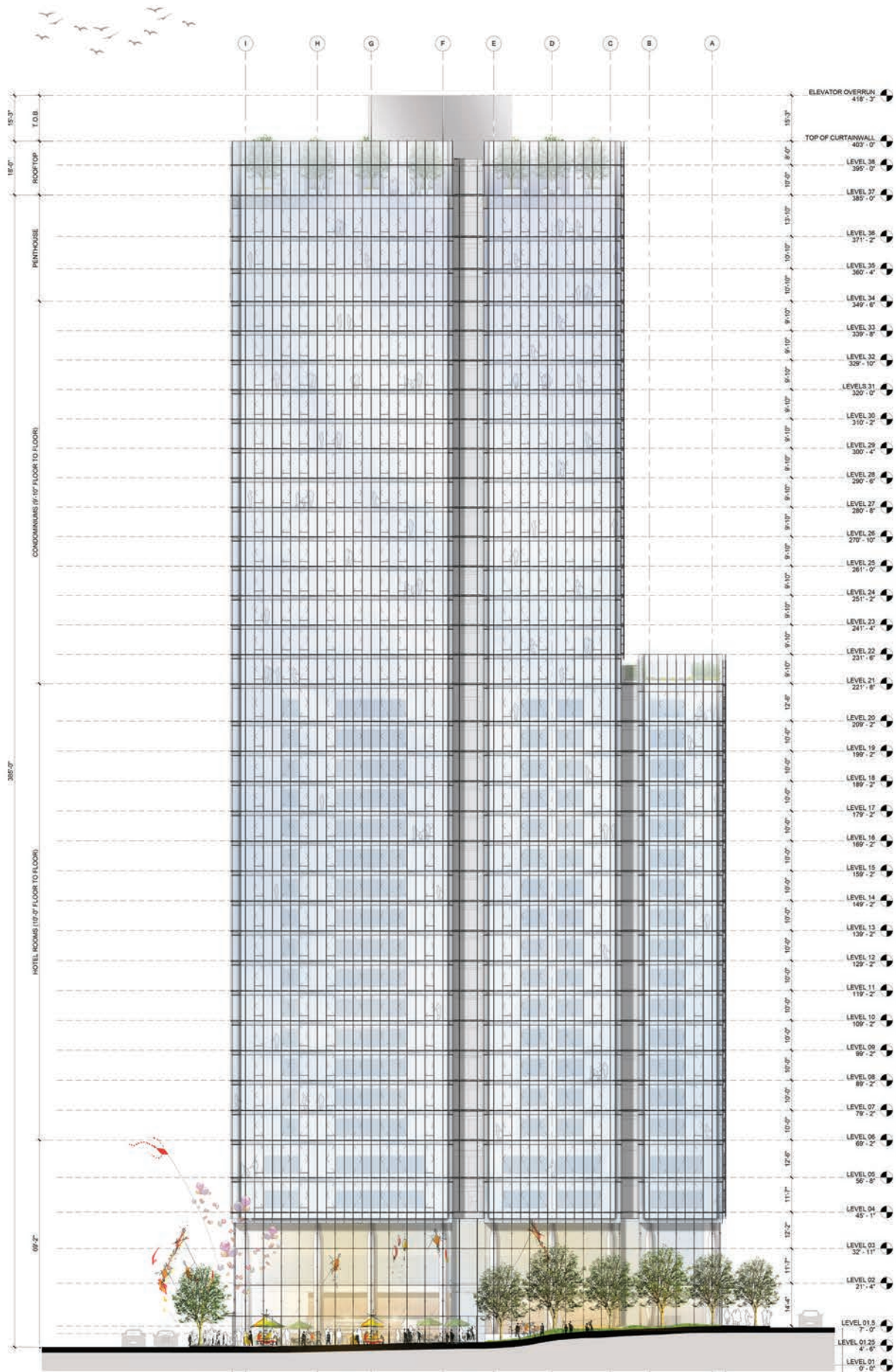


Site Plan - Approved Design

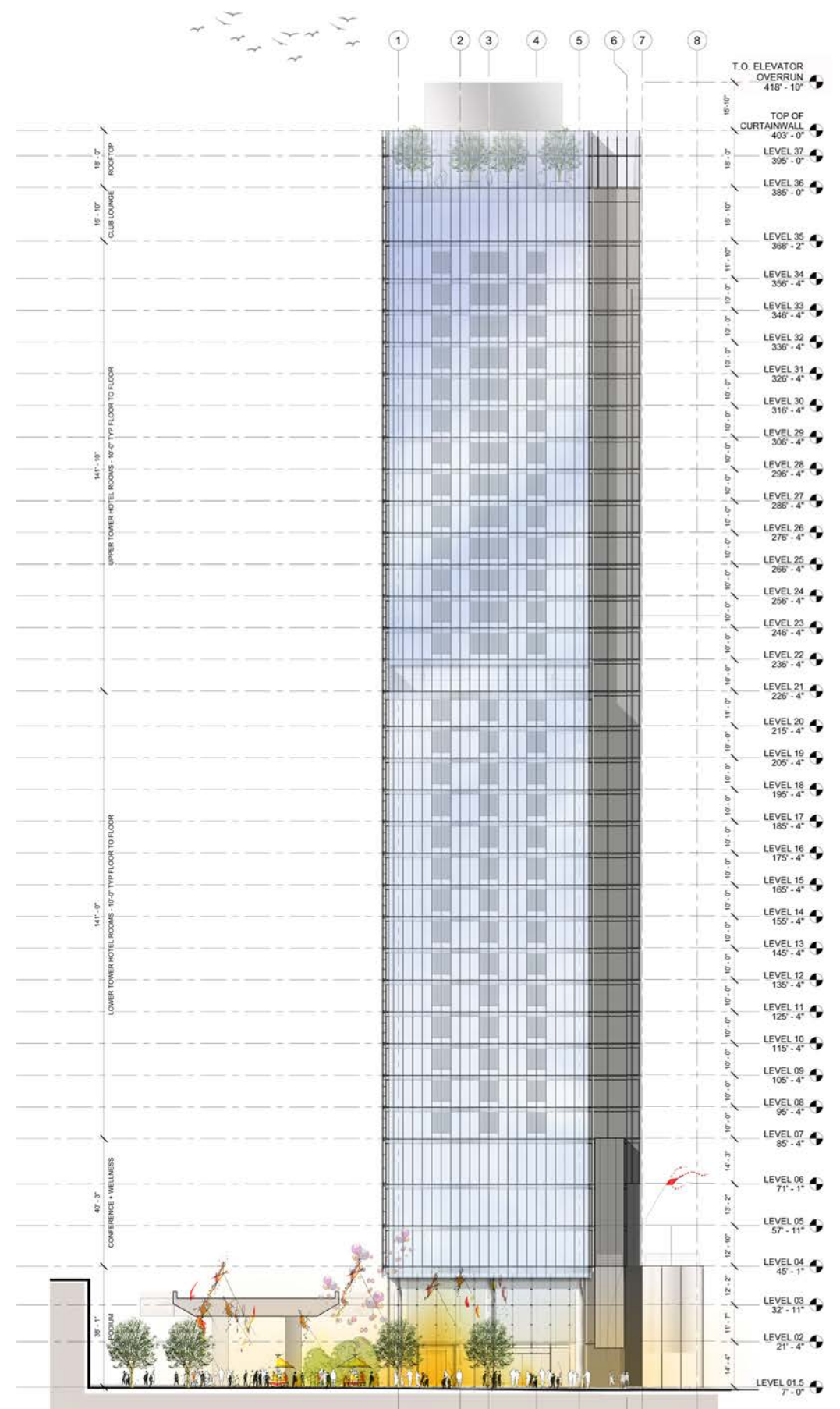
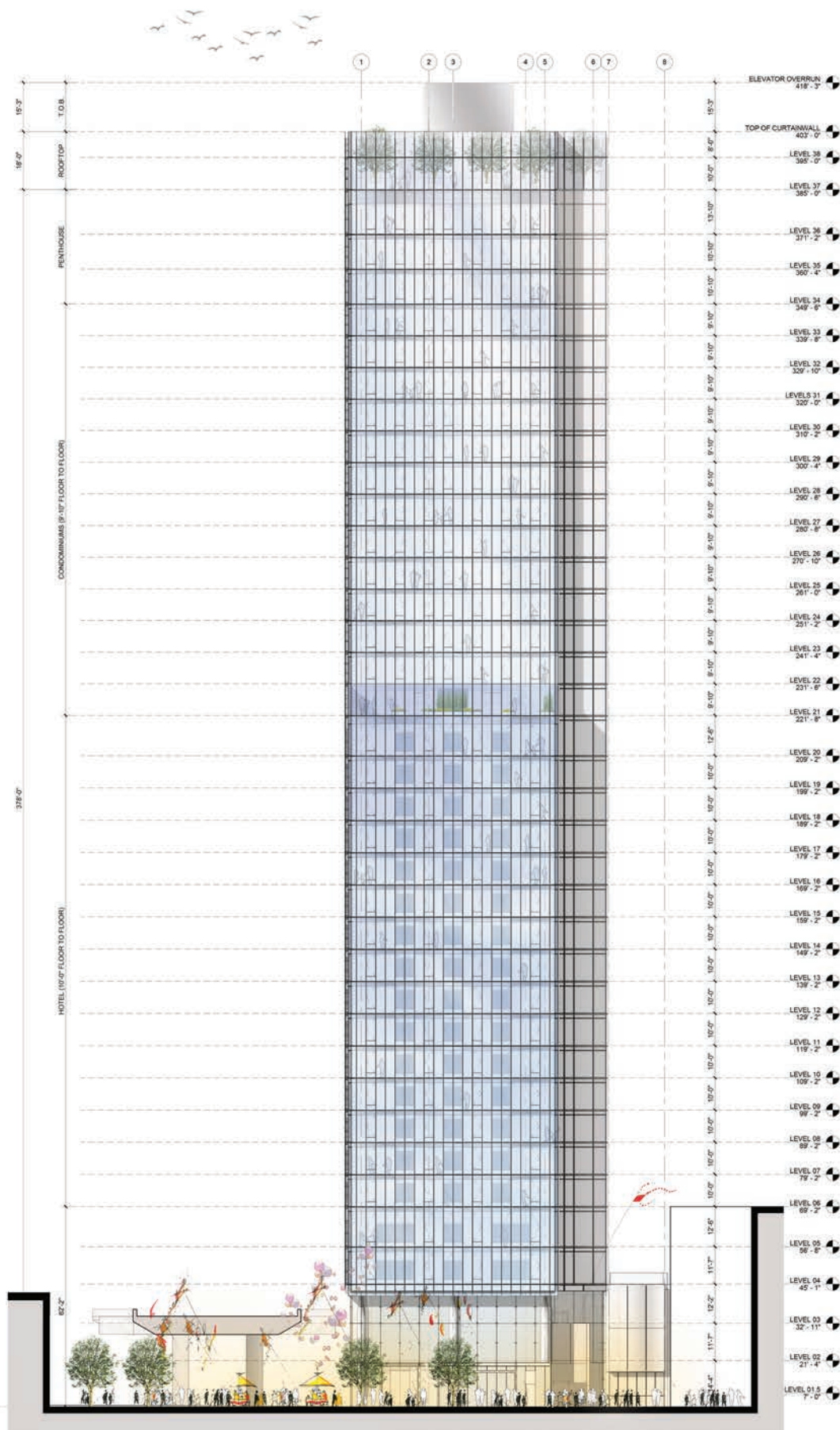


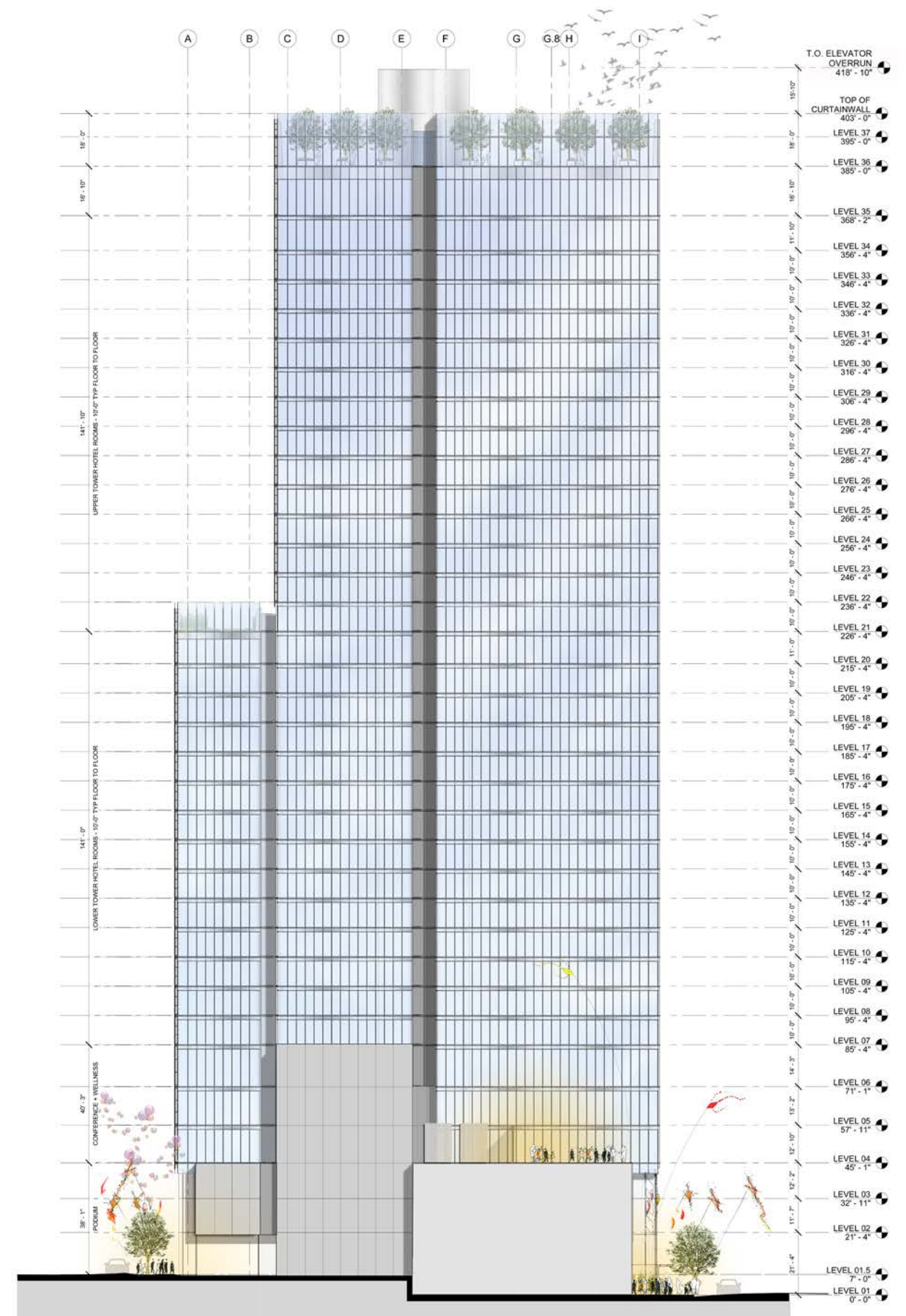
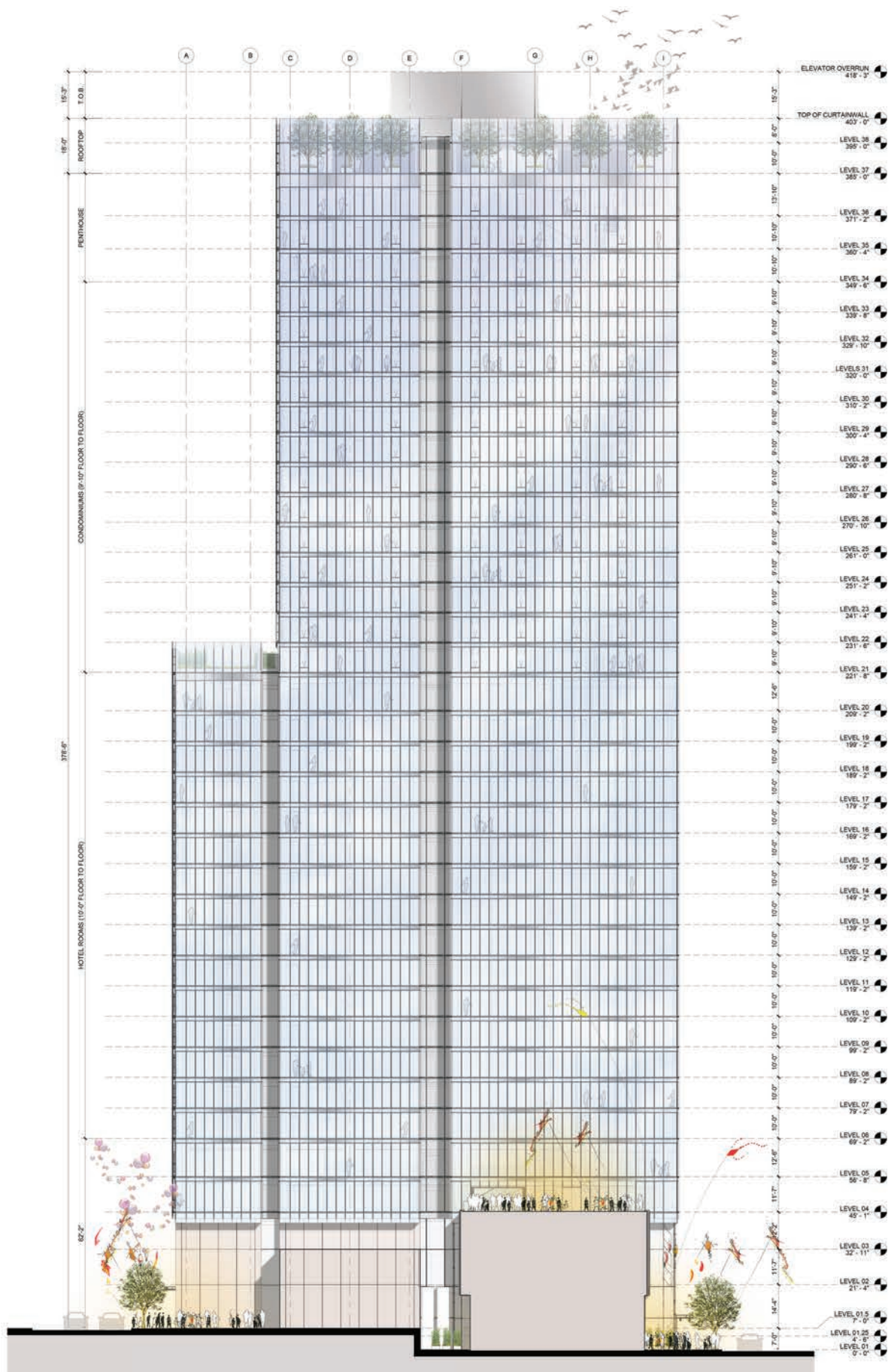
Site Plan - Proposed Design

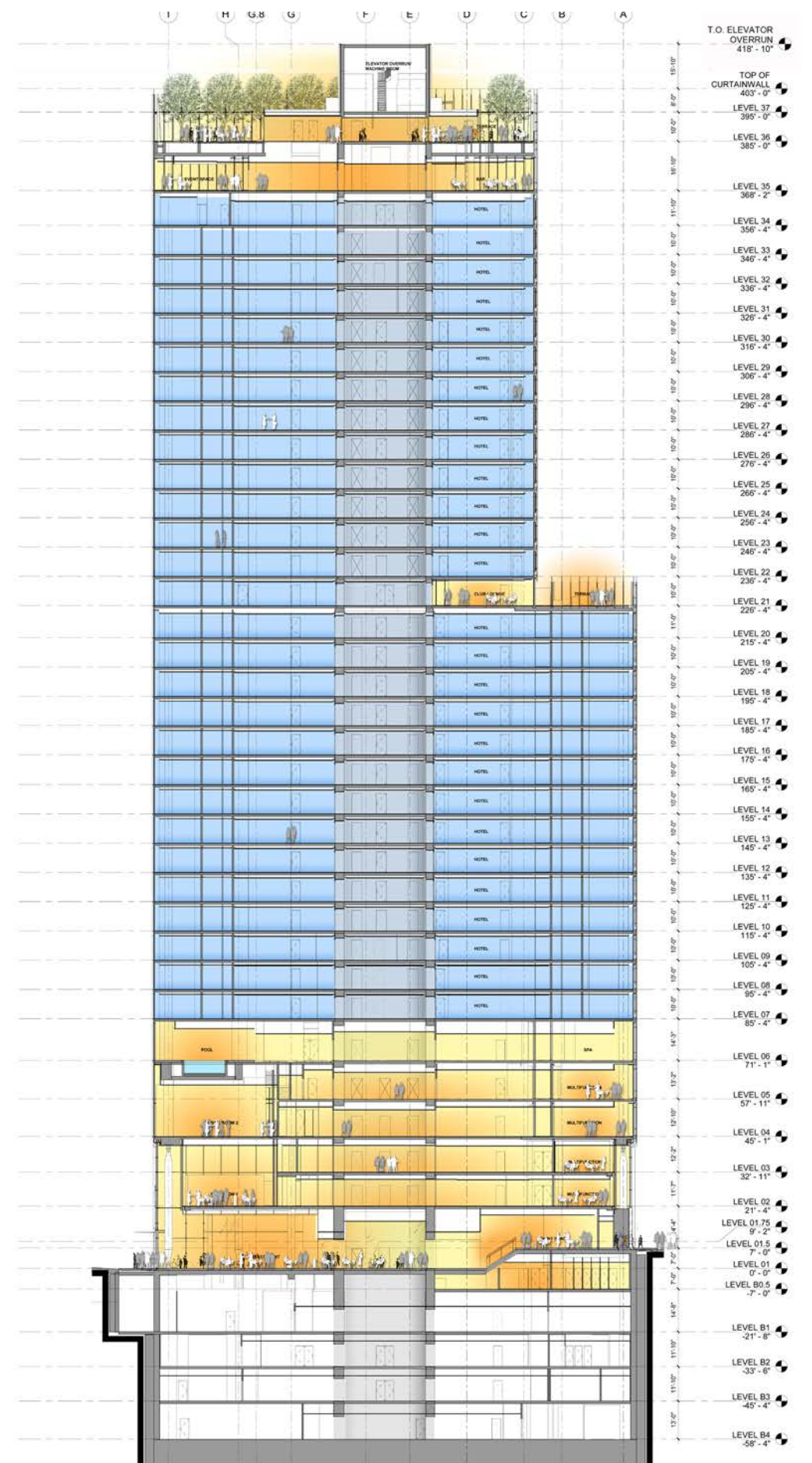
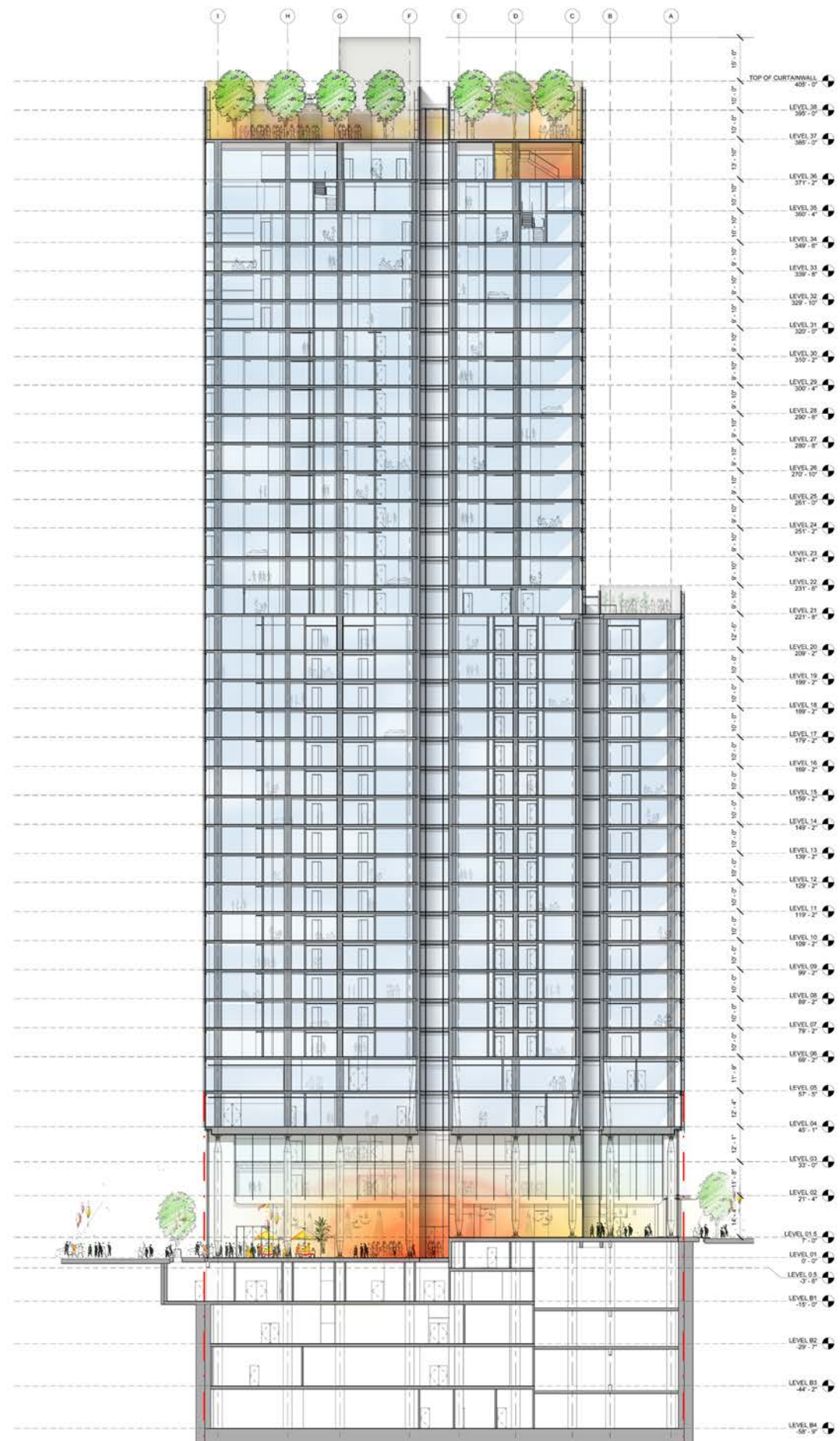


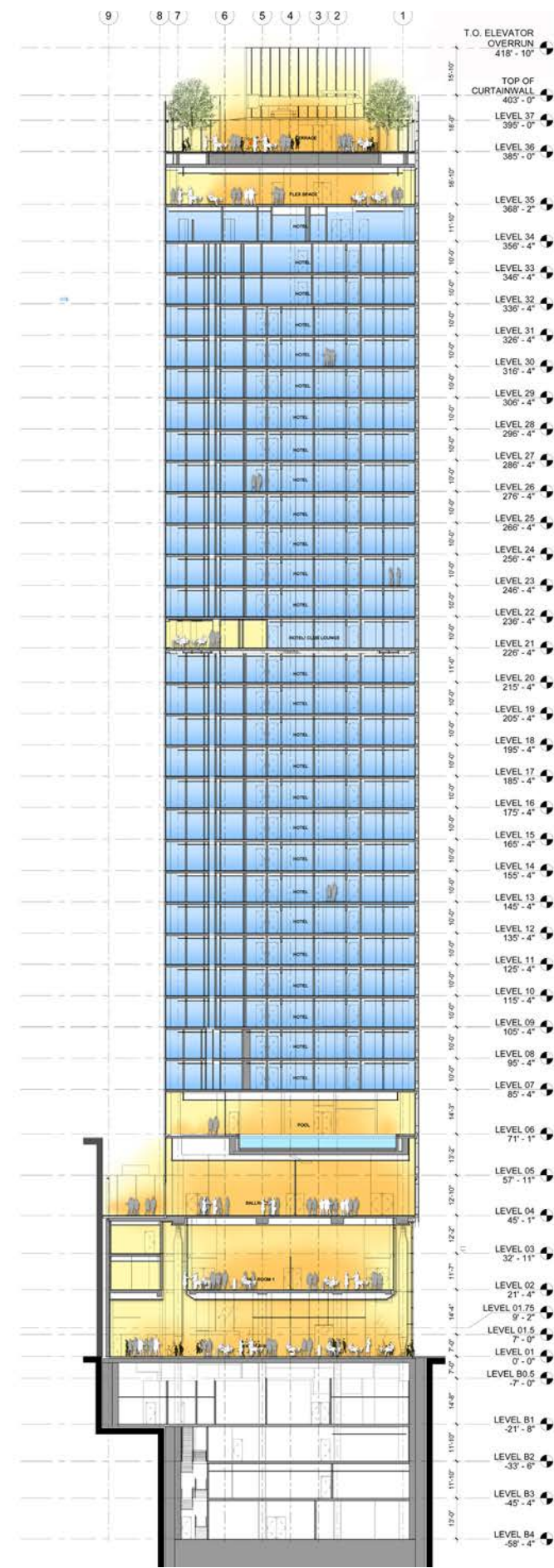
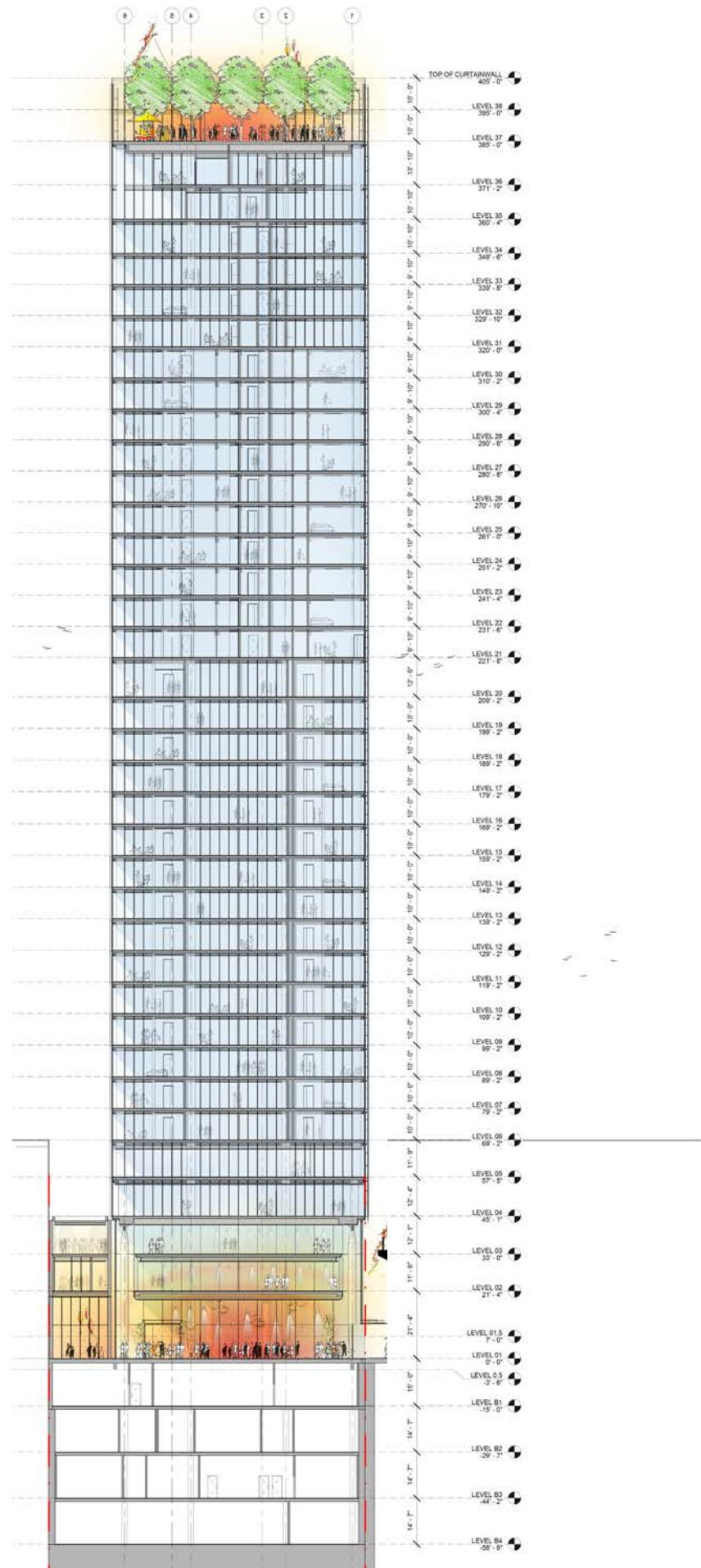


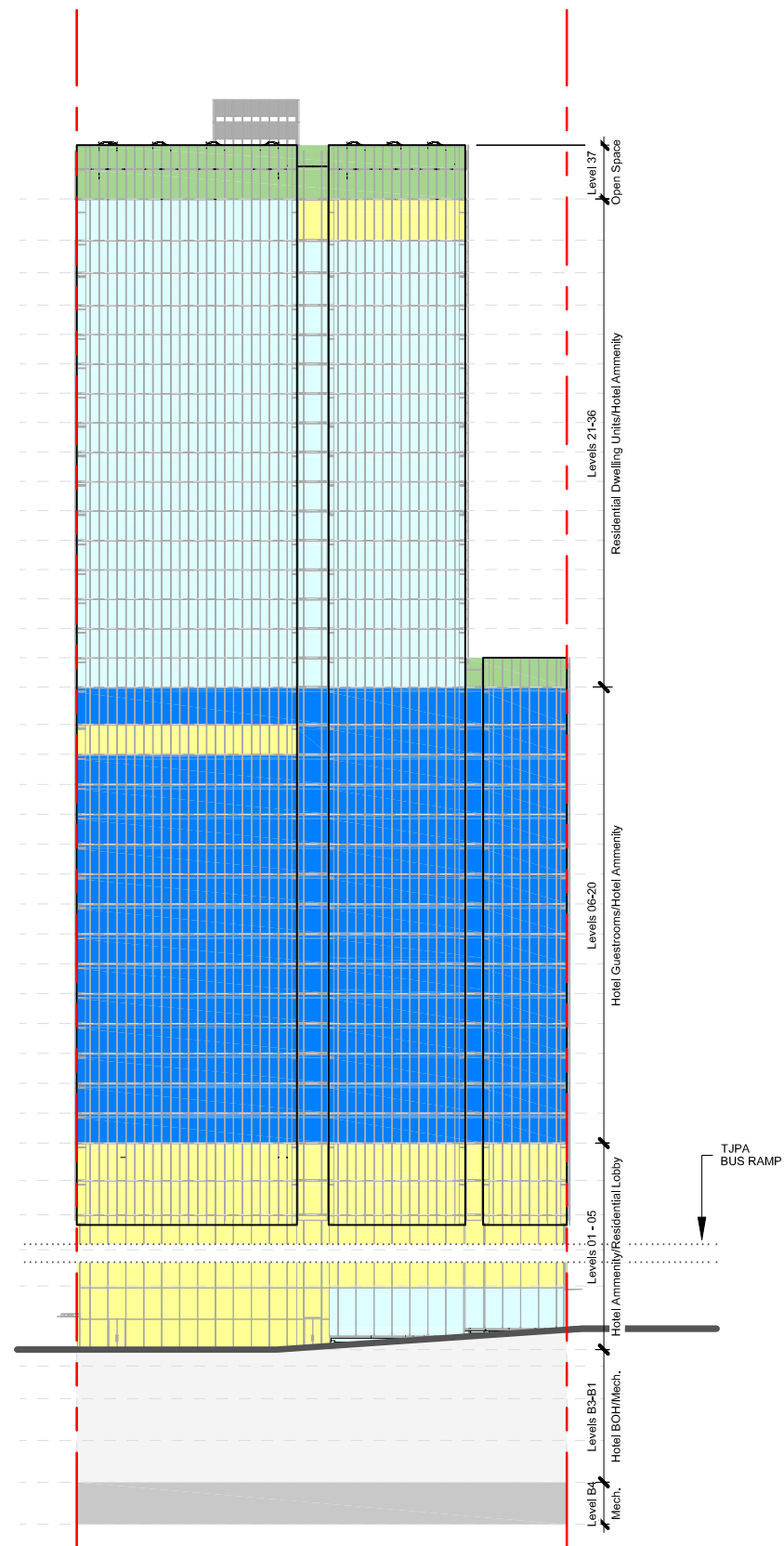




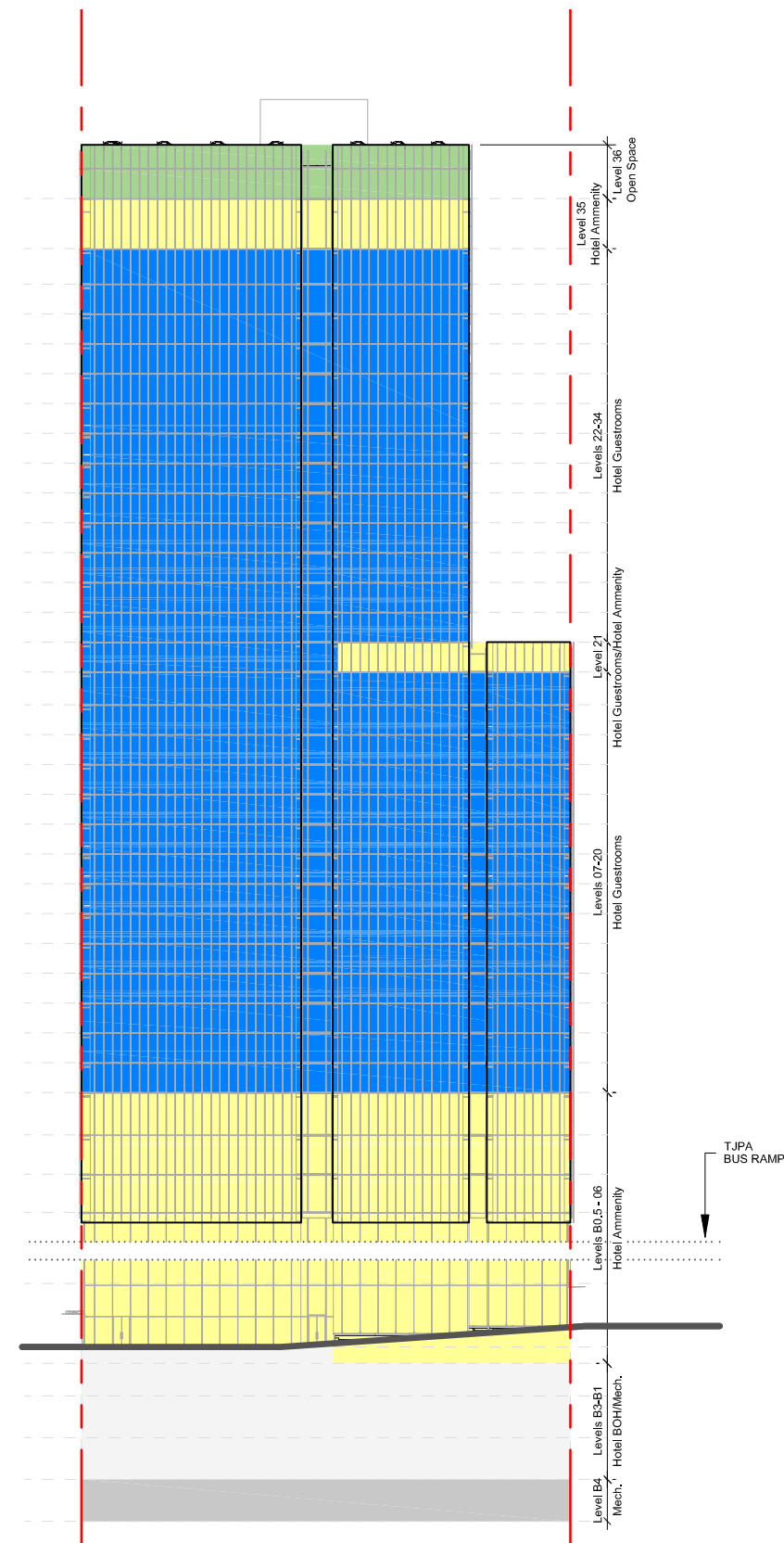




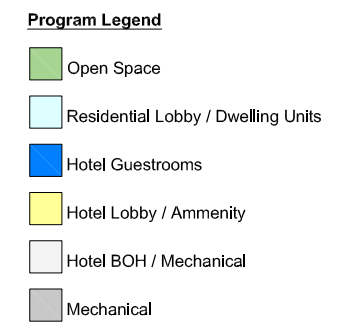


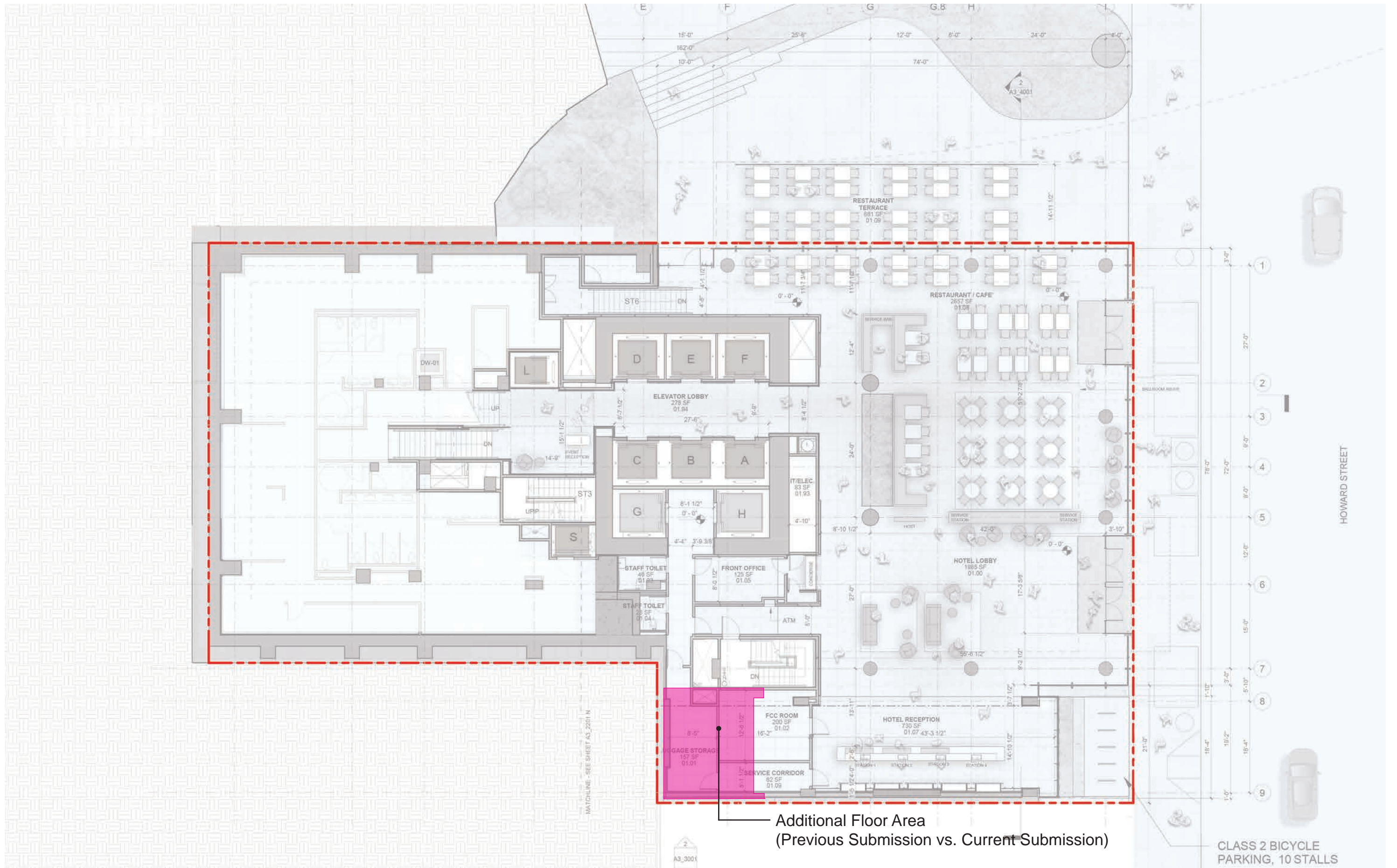


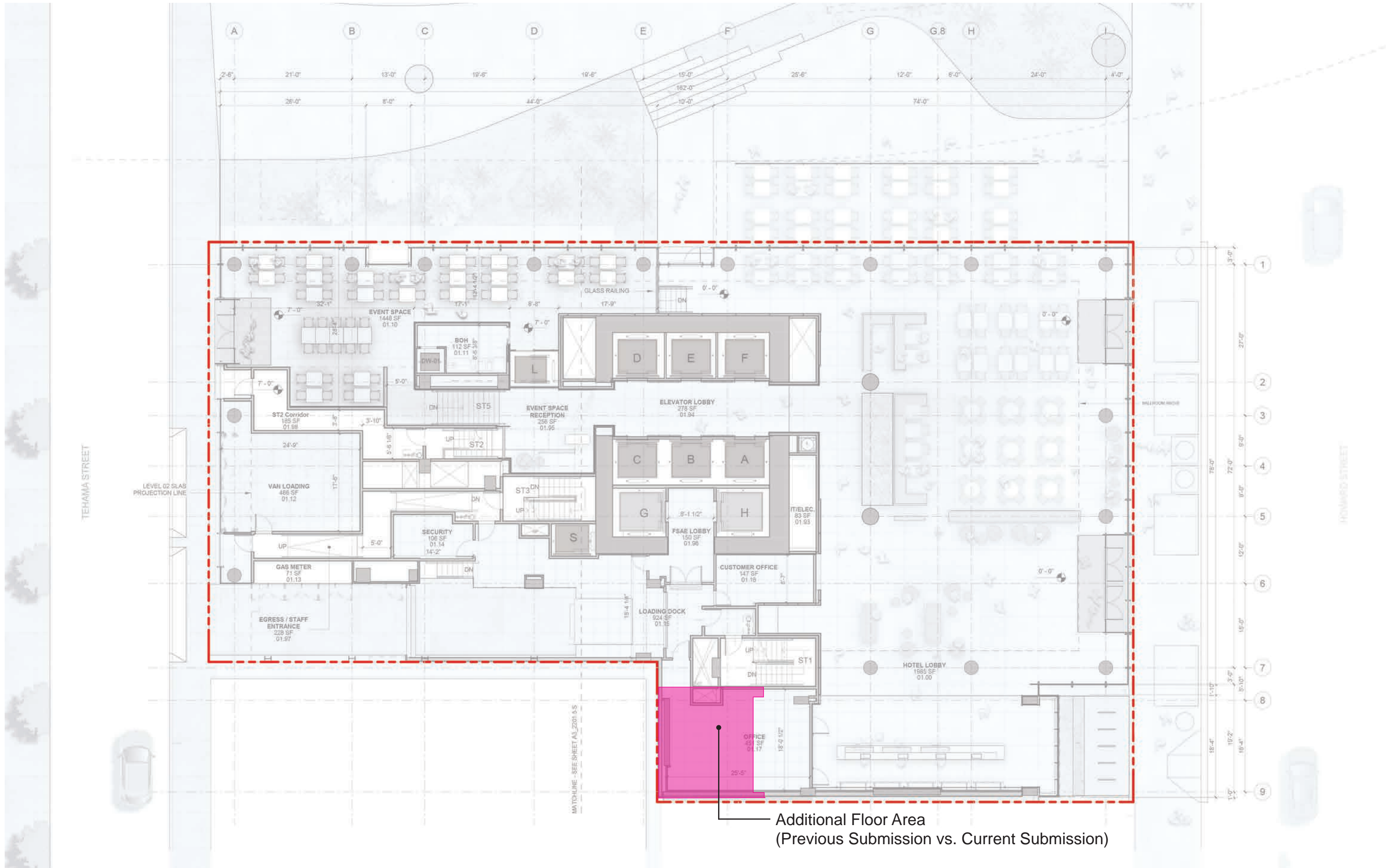
Program Diagram - Approved Design

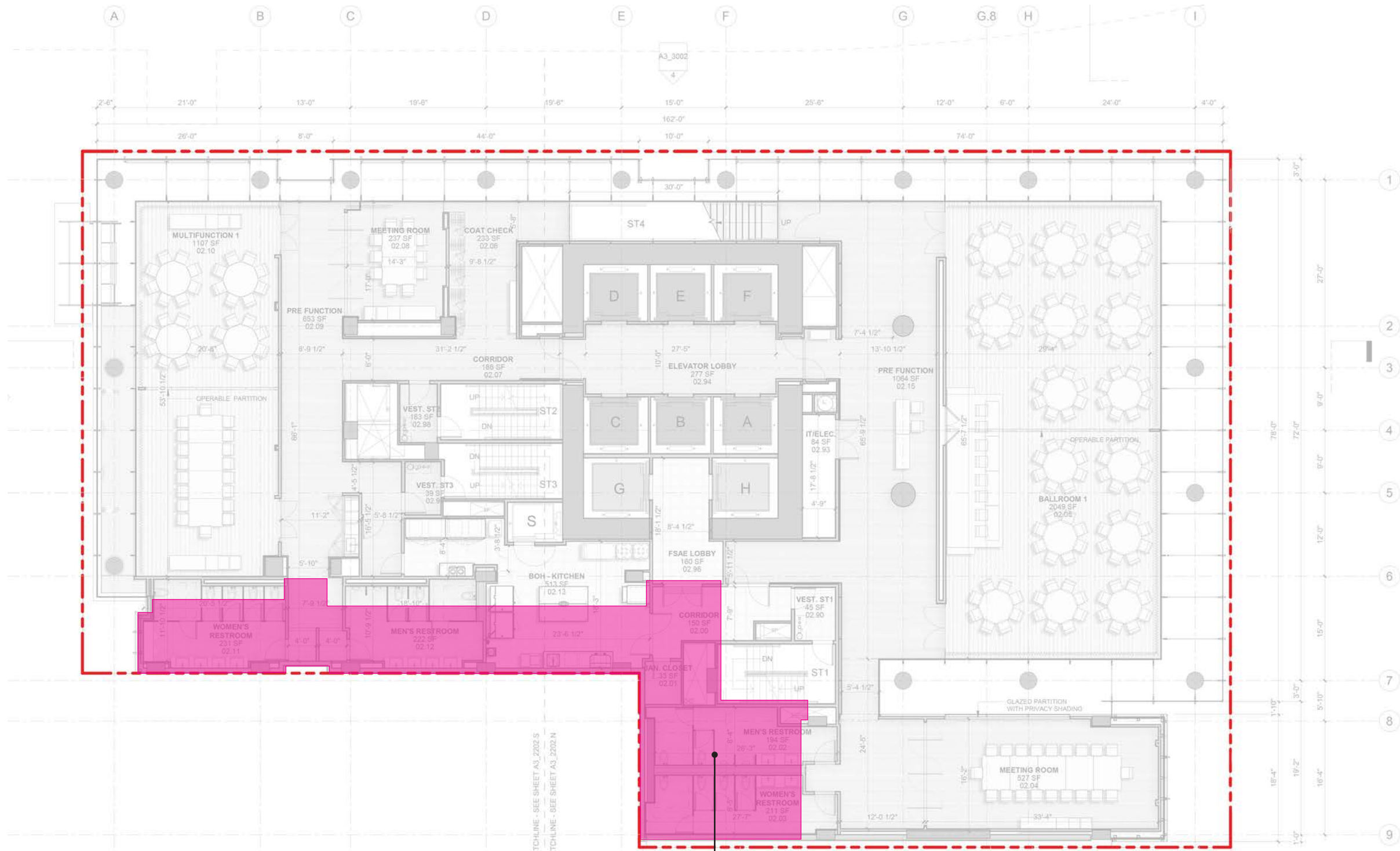


Program Diagram - Proposed Design



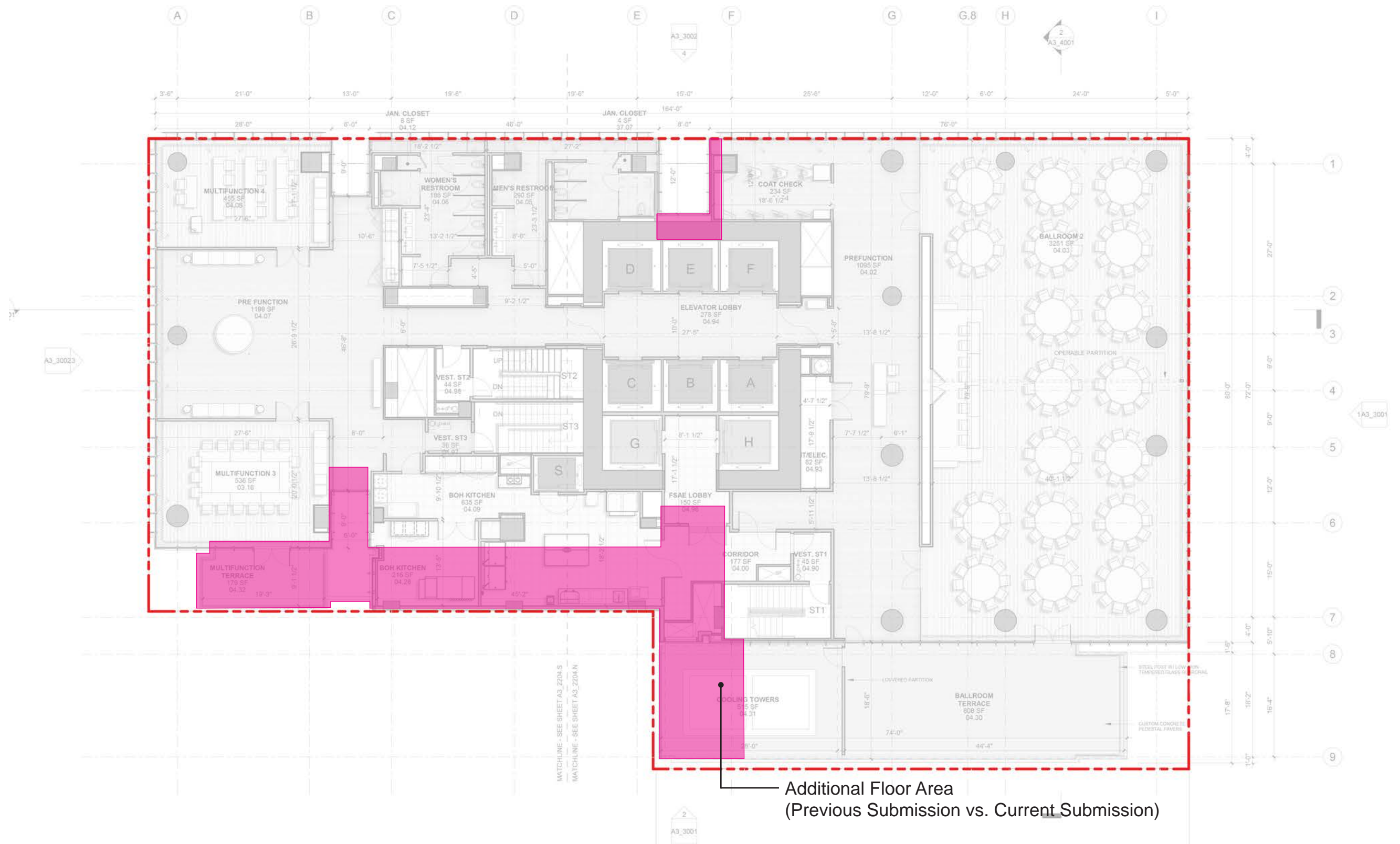




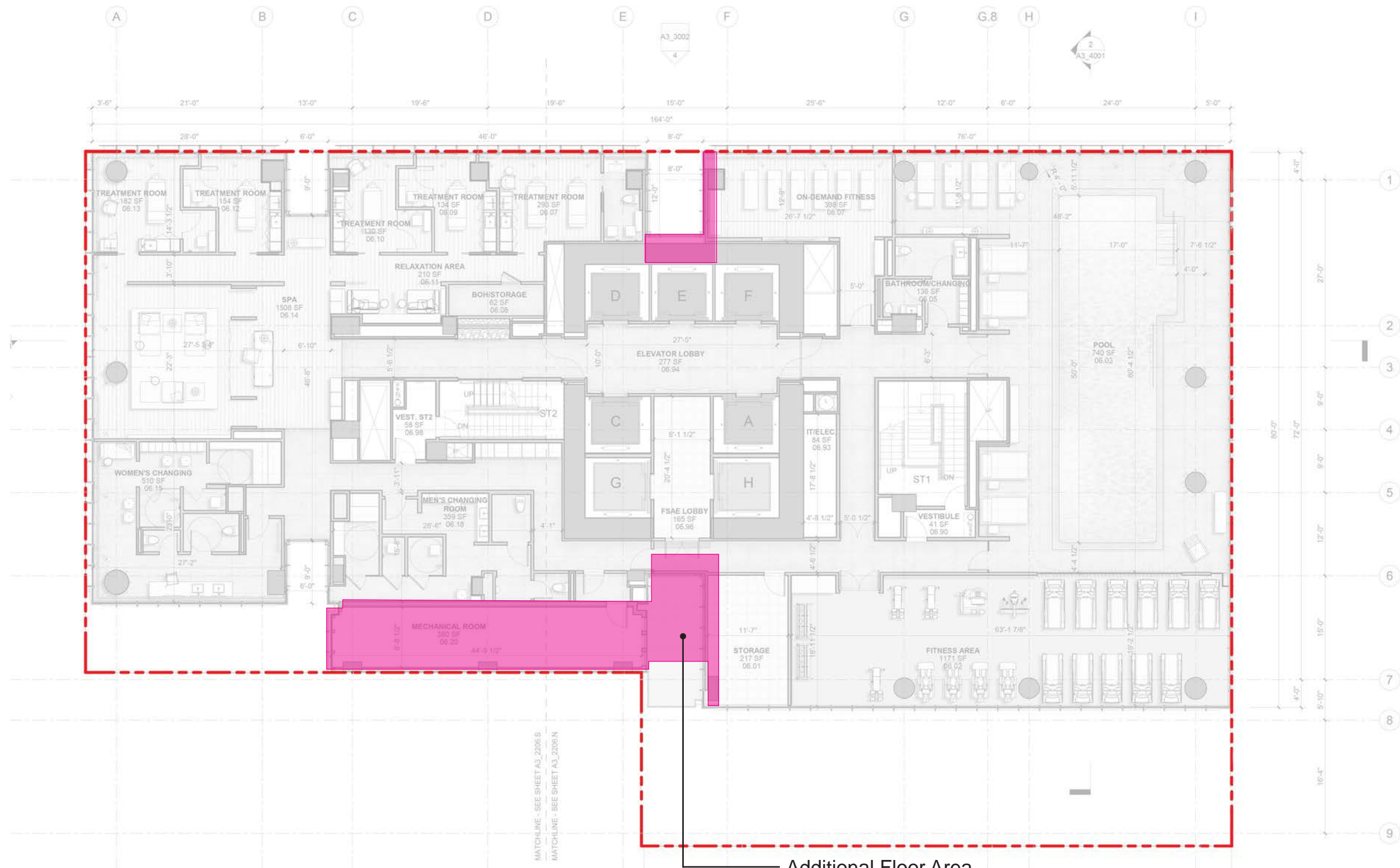


Additional Floor Area  
(Previous Submission vs. Current Submission)



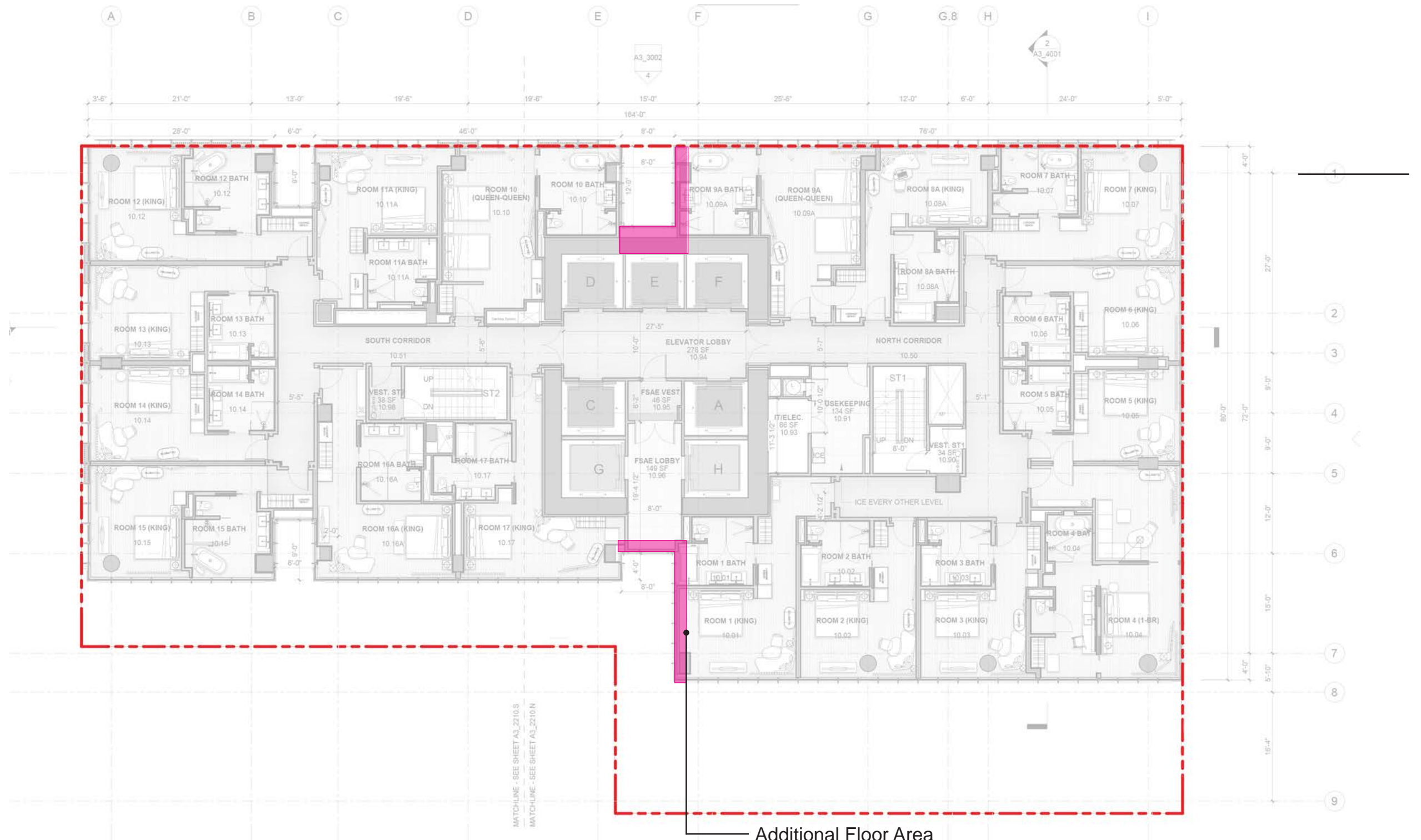


Additional Floor Area  
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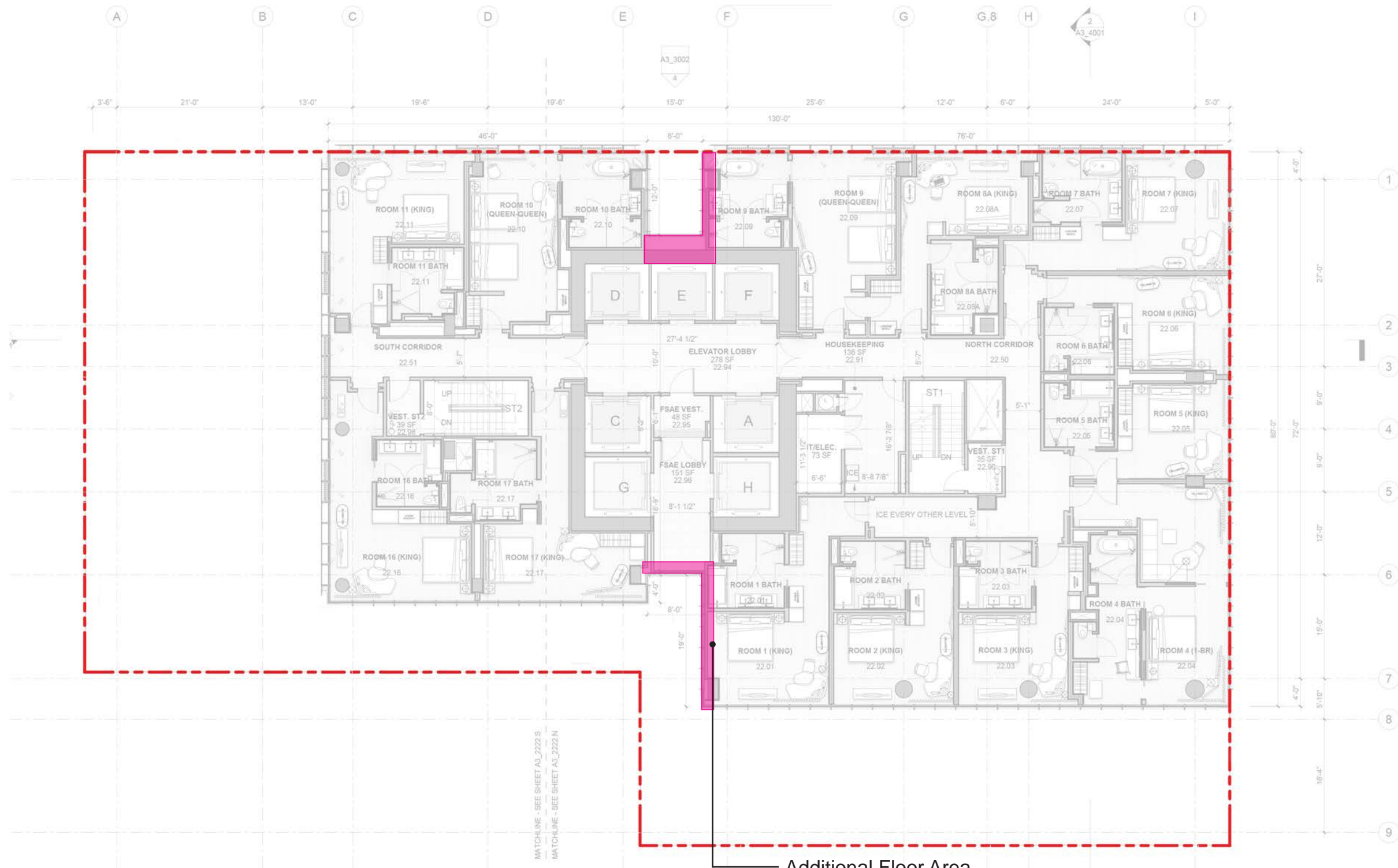


MATCHLINE - SEE SHEET A3\_2006.S  
 MATCHLINE - SEE SHEET A3\_2006.N

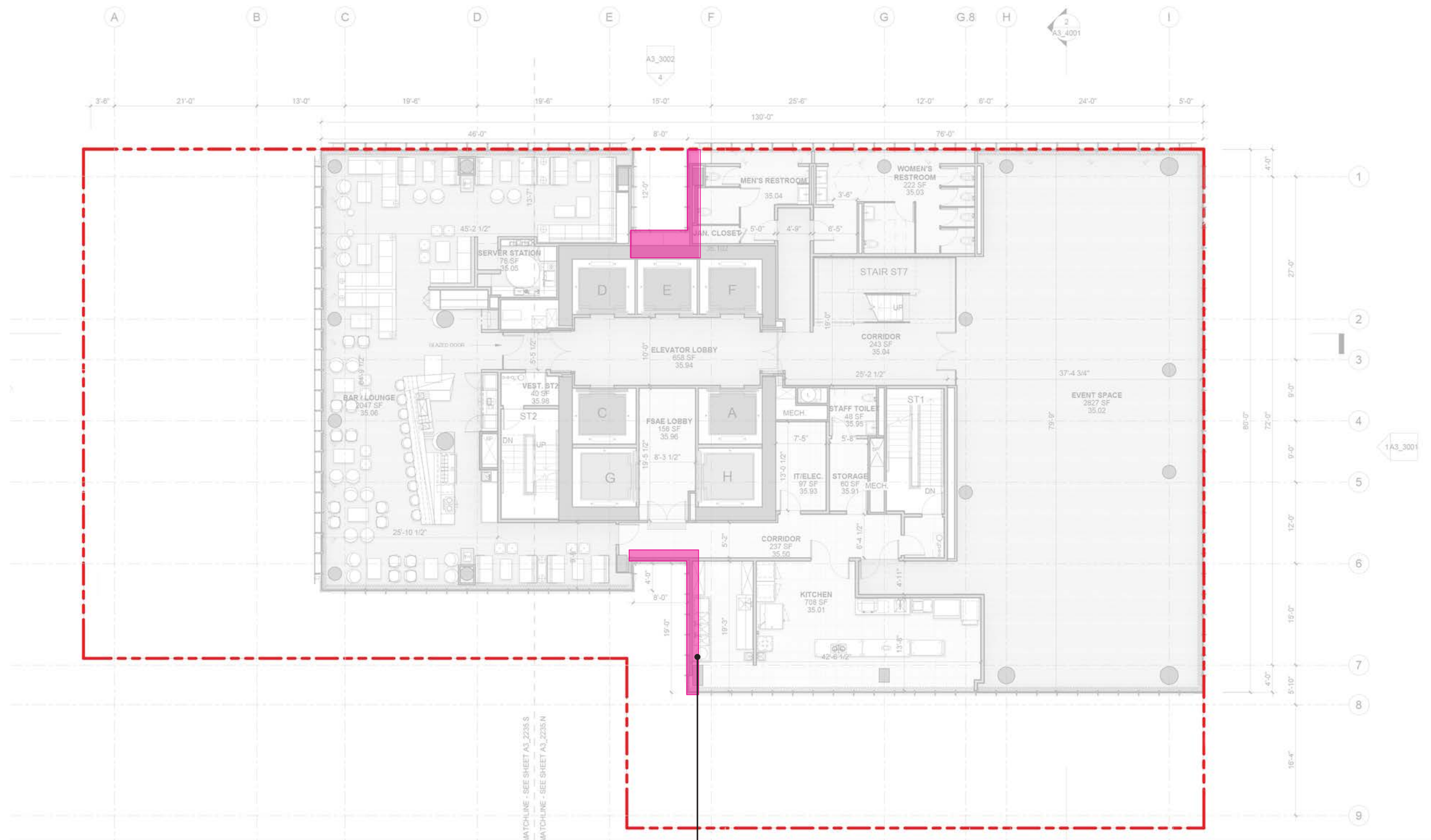
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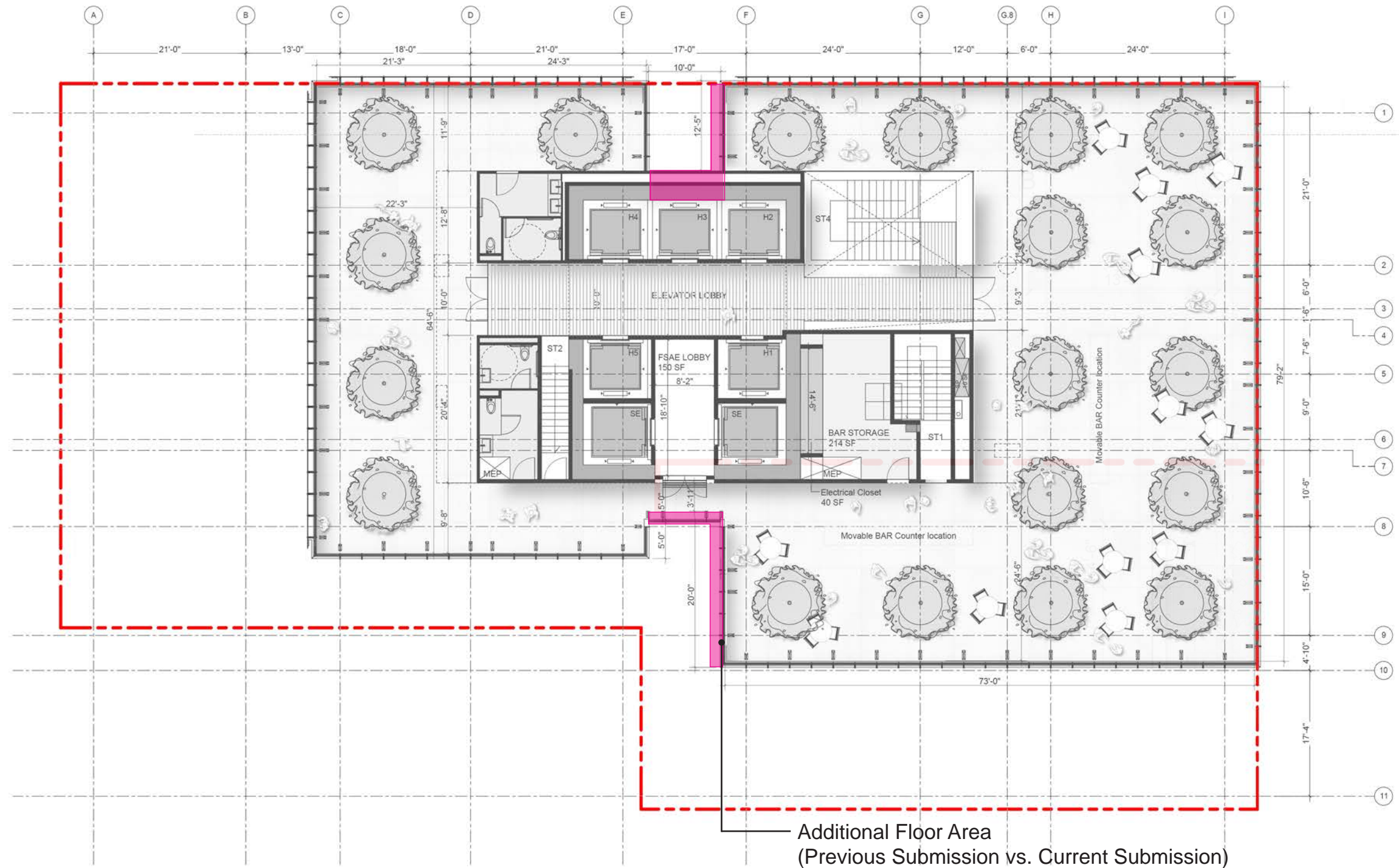
Additional Floor Area  
(Previous Submission vs. Current Submission)



Additional Floor Area  
(Previous Submission vs. Current Submission)



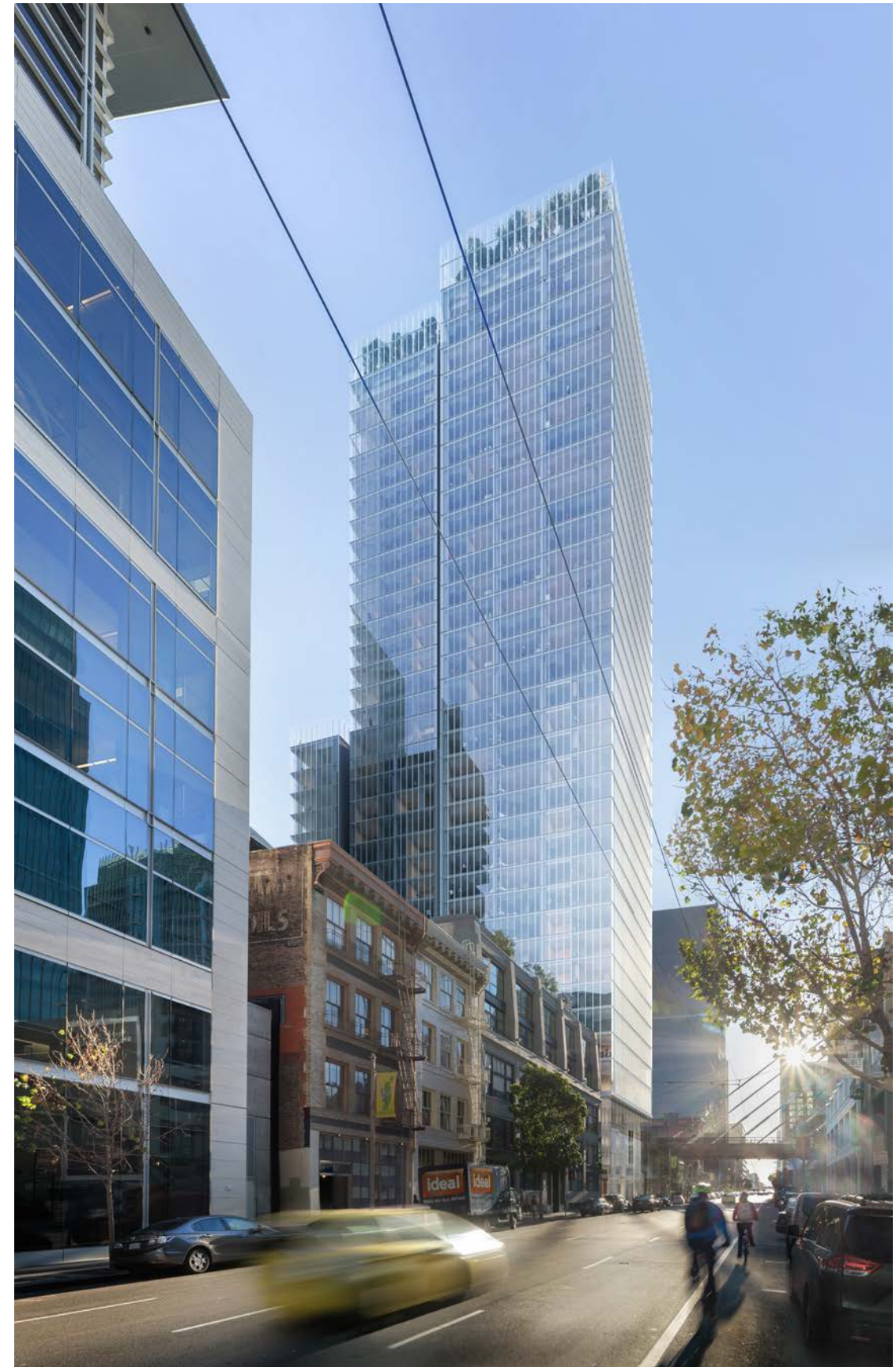
Additional Floor Area  
(Previous Submission vs. Current Submission)



Additional Floor Area  
(Previous Submission vs. Current Submission)



View from 1st Street - Approved Design



View from 1st Street - Proposed Design



View from 2nd Street - Approved Design



View from 2nd Street - Proposed Design





Howard Street - Approved Design



Howard Street - Proposed Design



Restaurant Entry - Approved Design



Restaurant Entry - Proposed Design



Tehama Street - Approved Design



Tehama Street - Proposed Design



Roof Terrace - Approved Design



Roof Terrace - Proposed Design