



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Childcare Fee (Sec. 414)
- First Source Hiring (Admin. Code)
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- Public Art (Sec. 429)

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## Planning Commission Motion No. 19768

HEARING DATE: OCTOBER 27, 2016

Case No.: **2014.0926GPAPCAMAPDNXVAR**  
Project Address: **1270 Mission Street**  
Current Zoning: **C-3-G (Downtown General)**  
**120-X Height and Bulk District**  
Proposed Zoning **Mission and Ninth Street SUD**  
**200-X**  
Block/Lot: **3701 / 021, 021**  
Project Sponsor: **Brian Baker – (415) 775.7005**  
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**100 Bush Street, Suite 1450**  
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**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, TO CONSTRUCT A 21-STORY-OVER-BASEMENT, APPROXIMATELY 200-FOOT TALL BUILDING WITH UP TO 299 DWELLING UNITS AND APPROXIMATELY 2,120 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND 76 OFF-STREET PARKING SPACES AT 1270 MISSION STREET WITHIN THE MISSION AND NINTH STREET SPECIAL USE DISTRICT AND A 200-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On May 5, 2015, 1270 Mission, LLC ("Project Sponsor") filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code to facilitate the construction of a mixed-use residential project located at 1270 Mission Street ("Project") with a 200-foot tall building providing on-site inclusionary affordable dwellings units in excess of the amounts required by the City's Inclusionary Affordable Housing Program (Planning Code section 415) in exchange for a density bonus conveyed by amendment of the Planning Code, Zoning Map and the

General Plan to increase the permitted building height at the project site from 120 feet to 200 feet. The Downtown Project Authorization application included exceptions from rear yard requirements per Section 134 and ground-level wind currents per Section 148 of the Planning Code.

On February 2, 2016, the Project Sponsor filed a Planning Code Text and Zoning Map Amendment Application with the Planning Department to facilitate the creation of the Mission and 9<sup>th</sup> Street Special Use District and subsequently filed an accompanying application for a General Plan Amendment on September 28, 2016 so that Downtown Map 5 within the General Plan would be consistent with the height and bulk of the proposed Mission and 9<sup>th</sup> Street Special Use District.

On June 28, 2016, the Project Sponsor filed a Variance application with the Planning Department from exposure requirements pursuant to Planning Code Section 140.

On August 24, 2016, a Preliminary Mitigated Negative Declaration ("PMND") was published. Since no appeals or comments were filed within 20 days of the publication date, the Planning Department's Environmental Review Officer finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Project, including the General Plan, Planning Code Text and Zoning Map Amendment and determined that the MND was adequate, accurate and complete and reflected the independent judgment of the Planning Department. A copy of the MND and this Determination are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 4, 2016, Supervisor Jane Kim introduced the legislation entitled, "Ordinance amending the San Francisco Planning Code to add Section 249.15 to create the Mission and 9<sup>th</sup> Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Block 3701, Lots 22, 23 and 24 on the west, and Assessor's Block 3701, Lot 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessors Block 3701, Lots 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 6, 2016, the Planning Commission initiated legislation entitled, "Ordinance amending the General Plan by revising the height designation for Assessor's Block 3701 Lots 20 and 21 on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1."

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment; and (2) the ordinance amending the Planning Code to add the Mission and Ninth Street Special Use District, and revise Zoning Map SU07 and H07. At that meeting, the Commission adopted (1) Resolution 19766, recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution 19767 recommending that the Board of Supervisors approve the requested Planning Code and Text and Map Amendment.

On October 27, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application 2014.0926DNX. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2014.0926GPAPCAMAPDNXVAR, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

**MOVED**, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2014.0926GPAPCAMAPDNXVAR, 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. **Site Description and Present Use.** The approximately 16,220-square-foot (0.37-acre) Project site (Assessor's Block 3701, Lots 20 and 21) is located on the northwest corner of Mission and Laskie Streets, within a portion of San Francisco's SoMa neighborhood and also within the Downtown Area Plan identified in the San Francisco General Plan (General Plan). The Project site is located on a block bounded by Market Street to the north, Mission Street to the south, Eighth Street to the east, and Ninth Street to the west. Laskie Street, a dead-end alley that extends north from Mission Street, forms the eastern boundary of the Project site. The Project site is located within the C-3-G (Downtown-General Commercial) Use District and the 120-X Height and Bulk District, which allows a 120-foot maximum height with no bulk limits.

The property is partially occupied by an approximately 1,200-square-foot, one-story, 12-foot-tall commercial building that is currently occupied by a pizza shop doing business as (d.b.a.) SF Pizza. A surface parking lot occupies the remainder of the project site. There are four existing street trees along both the Mission Street and Laskie Street frontages of the project site (eight trees total).

According to the Assessor's data, the existing building was constructed in 1975. Given that the existing building is not 45 years old, or older, it is not age-eligible to be a historical resource. The Project site is flat and generally rectangular in shape, with 92.5 feet of frontage on Mission Street and 176 feet of frontage on Laskie Street. Three buildings adjoin the Project site to the west: a

four-story residential hotel with ground-floor retail space (Hotel Potter, 1284-1288 Mission Street); a six-story residential building with ground-floor retail at 77-83 Ninth Street; and a two-story commercial building at 65 Ninth Street, currently occupied by the American Friends Service Committee as a Quaker Meeting House. Adjacent to the Project site to the north is a newly constructed 17-story residential building at 55 Ninth Street, known as the Ava building.

- 3. Surrounding Properties and Neighborhood.** As noted above, the Project is located within the SoMa neighborhood, which is generally bounded by Market to the north, Highway 101 to the west, 16th Street to the south, and San Francisco Bay to the east. The Project site is bounded by Mission Street to the south, three existing buildings abutting the lot line to the west, a new 17-story mixed-use building to the north, and Laskie Street to the east. The SoMa neighborhood is a densely built area that contains a variety of uses including neighborhood-serving retail uses on the ground level of residential buildings, as well as public utility buildings, hotels, community facilities, commercial and office buildings, production, distribution, and repair uses—including but not limited to light industrial, auto repair, trucking, wholesaling, and arts activities, such as performance spaces, studios, and workshops—and a few public parks. The SoMa neighborhood is relatively large and contains a mix of low- to high-rise buildings. While the project site is located adjacent to a mix of 2- to 6-story buildings, the project block includes the recently constructed, 17 story, approximately 130-foot-tall residential building located at 55 Ninth Street, known as the Ava building.

The property is also within the Downtown Area Plan of the General Plan. Land uses immediately surrounding the project site consist primarily of neighborhood-serving retail uses on the ground level with residential above, as well as hotel, office, community facility, and public utility land uses. The nearest residential buildings include the Ava building, noted above, as well as the recently completed Panoramic, an 11-story, approximately 120-foot-tall mixed-use residential building located one-half block west of the project site at 1321 Mission Street. Additional recently constructed nearby residential buildings one block east of the project site include the Soma Grand, a 22-story building with ground-floor retail located at 1160 Mission Street, and two of the proposed four residential towers for the Trinity Place development, one of which is the 24-story building located at 1188 Mission Street and the 19-story building located at 1190 Mission Street.

Vegetation in the area is generally limited to street trees. Nearby public parks and open spaces include U.N. Plaza, about 0.19 miles north of the project site; Civic Center Plaza, also about 0.19 miles north of the project site; Boeddeker Park, about 0.52 miles northeast of the project site; Howard & Langton Mini Park, about 0.24 miles southeast of the project site; Victoria Manalo Draves Park, about 0.41 miles southeast of the project site; and the Gene Friend Recreation Center, about 0.44 miles southeast of the project site.

The closest state highway to the project site is U.S. Highway 101, located three blocks west. Interstate 80 is located about four blocks south of the project site. The Western SoMa Special Use District lies one-half block south of the project site, while the Van Ness and Market Downtown Residential Special Use District lies one-half block west of the project site. Lastly, the project site is located one-half block north of the Western SoMa Light Industrial and Residential Historic

District, which is pending listing on the State and National Register of Historic Places (S/NR), and one block south of the San Francisco Civic Center Historic District.

4. **Project Description.** The Project includes the demolition of an existing one-story, 1,200 square-foot commercial building occupied by a pizza shop and surface parking lot and the new construction of a 200-foot-tall, 21-story building that would contain up to 299 dwelling units in a combination of studios, one-, two-, and three-bedroom units. More specifically, the dwelling unit mix consists of 75 studios (25 percent of the total), 59 junior one-bedroom units (19 percent of the total), 98 one-bedroom units (33 percent of the total), 56 two-bedroom units (19 percent), and 11 three-bedroom units (4 percent). Of the 299 dwelling units, 21.5% or 64 would be below-market rate. The ground floor would contain approximately 2,012 square feet of retail space.

The proposed building would be constructed using reinforced, poured-in-place concrete with post-tensioned slabs in a contemporary architectural style, employing precast concrete, brick, metal, and glass as the primary building materials. Along the primary facades on Mission and Laskie streets, the proposed design would include a predominately brick base of five stories. The two-story, ground-floor retail/restaurant space and residential lobby would be differentiated with stone tile and articulated by a horizontal belt coursing separating the ground floor uses from the residential uses above. The ground floor level would include large glass storefronts, framed in aluminum, with each retail space separated by stone tile-clad piers. A canopy would hang over the residential entryway, along the Laskie Street facade.

Architecturally, the building would be composed of a classic base, middle, and top with differentiating materials of brick and precast concrete with horizontal belt coursing and a terminating cornice. The primary façades for the residential floors of the building, including the more transparent corner at Mission and Laskie streets, would be composed of three façade systems including a precast wall system with a combination of brick and opaque panels, glass and aluminum bay windows, and ornamental Juliet balconies. Operable windows would be located throughout the facades for light, air, and rescue. A precast concrete parapet would extend above the roof line around the perimeter of the building.

The proposed project includes an amendment to Map 5 of the Downtown Plan in the General Plan. In addition, the proposed project includes an amendment of Zoning Map H07, from 120-X to 200-X, to allow the construction of a 200-foot tall building. Finally, the proposed project includes the adoption of the Mission and Ninth Street Special Use District, which would allow exceptions to the otherwise applicable open space requirements, floor area ratio requirements for buildings above 120-X, and would require the provision of on-site affordable units (under Planning Code Section 415) in the following amounts: 21.5% of all units constructed, with a minimum of 13.5% affordable to households at 55% of Area Median Income for purposes of renting; and 4% at 70% AMI, and 4% at 90% AMI. Based on the need for the General Plan Amendment, the size of the requested height increase, and open space and FAR reductions, the Planning Department recommended that the SUD be approved, but modified to increase the total amount of affordable units by an additional 3.5% (at no less than 150% AMI), such that number of on-site inclusionary units totals 25%.

5. **Community Outreach and Public Comment.** To date, the Department has not received any public comment, but a request to review the case report from a member of the public. According to the attached Project Sponsor Package, community outreach commenced in early 2015 when the Project Sponsor approached community members with a Code-compliant height and massing for the project. Community input informed the building's height, mass, design and percentage of affordable units resulting in the 200-foot tall Project currently proposed, and that includes a General Plan, Planning Code Text, and Zoning Map amendments to facilitate the creation of a Mission and 9<sup>th</sup> Street Special Use District. The letter demonstrates that the Project Sponsor met with over 11 community groups including the San Francisco Friends (Quakers), Bayaniham, United Playaz, West Bay Filipino-American Development Foundation, Hotel Potter, Alliance for a Better District Six, Central Market Community Benefit District and San Francisco Housing Action Coalition. Letters of support from the following organizations are included in the letter from the Project Sponsor:
- San Francisco Housing Action Coalition
  - San Francisco Friends (Quakers)
  - Potter Hotel
  - Central Market Community Benefit District
  - Alliance for a Better District 6

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. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR"). In the Mission and 9<sup>th</sup> Street Special Use District, otherwise applicable FAR would be waived for buildings taller than 120-feet.

*The Project site has a lot area of approximately 16,230 square feet. Therefore, up to 97,380 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 146,070 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 286,150 square feet, of which 241,851 would count towards FAR. However, in the Mission and 9<sup>th</sup> Street Special Use District, otherwise applicable FAR would be waived for buildings taller than 120-feet.*

*The proposed building exceeds 120-feet and therefore FAR limits are waived. Accordingly, the Project would not be required to purchase TDR. The City's TDR program supports the preservation of known historic resources and waiving the requirement to purchase TDR results in less financial support for Historic Preservation in the Downtown Plan Area. Although the purchase of TDR is an exchange that occurs between private parties, an estimate of at least \$1.1 million (48,690 square feet (9.0 to 1 FAR – 6.1 to 1 FAR) X \$23.00 per SF) of TDR would have otherwise been required to be purchased if FAR was not waived. If TDR were to be required for all floor area exceeding an FAR of 6.0:1, an estimate of approximately \$2.3 million of TDR would be required to be purchased.*

- B. **Rear Yard Requirement.** Planning Code Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels.

*The Project does not provide a rear yard that complies with this Code requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." See Section 7, below, for 309 findings.*

- C. **Residential Open Space (Section 135).** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open be provided per dwelling unit. The Mission and 9<sup>th</sup> Street Special Use District allows up to 40 percent of required open space to be provided off-site, but within 900 feet of the boundaries of the Special Use District. Off-site open space requirements could be met by providing an unenclosed plaza at street grade, with seating areas and landscaping; a terrace or roof garden with landscaping; streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or building setbacks; or streetscape improvements with landscaping and pedestrian amenities on alleyways from building face to building face, beyond basic street tree planting or street lighting as otherwise required by the Planning and other Municipal Codes.

*The Project includes 299 units. The Project would provide at least 36 square feet of private open space for two dwelling units through private balconies. Thus, the remaining 97 dwelling units require 48 square feet of common open space for a total of 14,256 square feet. The project provides 9,780 square feet of common open space in the form of an 8,380 square-foot roof deck and 1,400 square foot terrace at the 10<sup>th</sup> floor.*

*As permitted by the Mission and 9<sup>th</sup> Street Special Use District, 4,776 square feet or 34 percent of the project's open space will be provided in the form of a shared street with streetscape improvements from building face to building face.*

*Additionally, the project provides approximately 3,120 square feet of private open space that will not count towards meeting the project's open space requirement since exposure requirements for open space are not met.*

- D. **Public Open Space (Section 138).** New buildings in the C-3 Zoning District must provide public open space at a ratio of one square feet per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

*Ground floor retail space in the C-3 Districts that is less than 5,000 square feet and less than 75 percent of the ground floor area is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 2,012 square feet of ground floor retail space that occupies less than 75 percent of the ground floor area. Therefore, this space is exempt from the requirement.*

- E. **Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

*The Project proposes streetscape improvements that adhere to the Better Streets Plan. The pedestrian right of way on Mission Street would be repaved and include four new street trees (spaced approximately 20 feet apart from one another) with tree grates and 18 new Class 2 bicycle spaces. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.*

- F. **Exposure (Section 140).** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*Between five to seven units per floor for a total of 116 total units expose onto a side yard at the 2<sup>nd</sup> floor measuring approximately 25-feet wide. Although the side yard exceeds minimum rear yard requirements, it does not technically adhere to a Code-compliant rear yard per Section 134, nor does the side yard extend for the full width of the lot. Therefore, these units require a variance from Section 140. Six-feet of the side yard is dedicated to private terraces separated from common open space by a 2-foot planter.*

- G. **Active Frontages – Loading and Driveway Entry Width (Section 145.1(c)(2)).** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

*The Project includes 18-foot entry for parking and loading along the Laskie Street frontage, less than the 20-foot permitted by the Planning Code. Therefore, the Project complies with Section 145.1(c)(2).*

- H. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Planning Code Section 145.1(c)(3) 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.

*The ground floor space along Laskie and Mission Street have active uses with direct access to the sidewalk within the first 25 feet of building depth and is thus compliant with Section 145.1(c)(3). The only non-active uses along public frontages are the parking and loading access, mechanical spaces, and building ingress and egress which are specifically exempt from the active uses requirement. The building lobby is considered an active use as it does not contain more than 40 feet (or 25 percent) of building frontage per 145.1(b)(2)(C).*

- I. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR 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 complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 70 percent of the Project’s Laskie Street frontage is fenestrated with transparent windows and doorways and approximately 100 percent of the Mission Street façade contains transparent windows and doorways. Therefore, the Project exceeds requirements per Section 145.1(c)(6).*

- J. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) 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, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to the Project. With respect to Section 146(c), the Project would replace a one-story commercial building and surface parking lot with a 21-story, 200-foot tall residential over ground-floor retail structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project’s shadows would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the neighborhood character. Further shaping to reduce substantial shadow effects on public sidewalks without creating an unattractive design and would restrict development potential. Therefore, the Project complies with Section 146.*

- K. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other

than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*A shadow analysis determined that the Project would not cast shadow on the nearest public open spaces protected under Section 295 or publically accessible open spaces not under the jurisdiction of the Department of Recreation and Parks. Therefore, the Project complies with Section 147.*

- L. **Ground Level Wind (Section 148).** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

*The existing conditions at the Project Site indicate that 9 of the 41 test points exceed the Planning Code's comfort criterion at grade level with average wind speeds at approximately 10 miles per hour (mph). The 11 mph comfort criterion is currently exceeded 9 percent of the time. With the Project, one additional comfort exceedance is created at grade level for a total of 10. Average wind speeds remain at 10 mph with the 11 mph comfort criterion exceeded approximately 9 percent of the time. Generally, the wind conditions remain the same with the Project compared to existing conditions. A Section 309 exception is being sought because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project. See Section 7, below, for 309 findings.*

- M. **Parking (Sec. 151.1).** Planning Section 151.1 allows up to one car for each two dwelling units as-of-right, and up to three cars for each four dwelling units as a conditional use. For non-residential uses, the Code does not provide a total number of permitted spaces, but instead limits parking to an area equivalent to 7% of the total gross floor area of such uses.

*The Project contains 299 dwelling units. Per Planning Section 151.1, 150 parking spaces are principally permitted ( $299/2 = 150$ ) for residential uses. The Project proposes a total of 73 parking spaces for the residential use and no parking for the retail uses, which is less than the principally permitted amount. Therefore, the Project complies with Section 151.1.*

- N. **Off-Street Freight Loading (Sec. 152.1).** Planning Code Section 152.1 requires that projects in the C-3 District that include the addition of 200,001-500,000 sq. ft. of residential space must provide two off-street freight loading spaces within the project.

*The Project includes 286,150 gross square feet of development (241,875 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street loading space meeting dimensional requirements pursuant to Section 154 is provided, and the second is being substituted with two 8-foot by 20-foot service spaces as permitted by Planning Code Section 153.*

- O. **Bicycle Parking (Section 155.2).** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For the retail space, Section 155.2 requires a minimum of two spaces.

*The Project complies with Section 155.2 because it provides 200 Class 1 and 18 Class 2 bicycle parking spaces, exceeding the Planning Code requirement to provide 150 Class 1 spaces ( $100 + 199/4 = 50$ ) = 150 spaces required) and 17 Class 2 spaces ( $299 \text{ units}/20 = 15$  (for residential uses) + 2 (for commercial uses) = 17 spaces required). All Class 1 spaces are located at the first level, accessible by elevator from the Jones Street entrance, and Class 2 spaces are located on each of the Projects street frontages; Market Street includes 10 Class 2 spaces, Jones Street provides 4 spaces and Golden Gate Avenue provides another 4 Class 2 bicycle parking spaces for a total of 18.*

- P. **Car Share (Section 166).** Planning Code Section 166 requires two car share parking spaces for residential projects with between 201 or more dwelling units plus an additional parking space for every 200 dwelling units over 200.

*The Project complies with Section 166 because it provides two off-street car share parking space within the garage.*

- Q. **Density (Section 210.2).** Planning Code Sections 210.2 establishes no density limit in the C-3 Districts. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.

*The Project contains 299 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.*

- R. **Height (Section 260).** The property is located in a 120-X Height and Bulk District, thus permitting structures up to a height of 120 feet. However, with adoption of the Mission and 9<sup>th</sup> Street Special Use District the property would be rezoned to a 200-X Height and Bulk District permitting structures up to a height of 200 feet.

*The Project would reach a height of approximately 200 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed roof terrace, and parapets extending above the 200-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).*

- S. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

*A shadow analysis was conducted and determined that the Project would not shade any properties under the jurisdiction of, or designated for acquisition by, the Recreation and Park Department.*

- T. **Inclusionary Affordable Housing Program (Section 415 and Section 249.15).** The Mission and 9th Special Use District and Planning Code Section 415 set forth the requirements and procedures for the Inclusionary Affordable Housing Program within the SUD. Under Planning Code Section 415.3, inclusionary housing requirements apply to projects that consist of 10 or more units. Under the provisions of the SUD, for projects of 120 feet or less, the applicable affordable housing percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 17, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the proposed dwelling units as affordable if the building is 120 feet or less. For buildings above 120 feet, however, the Mission and 9th Street Special Use District requires that residential buildings provide at least 21.5% of the proposed dwelling units on-site, and affordable at the following levels: a minimum of 13.5% affordable to households earning no more than 55% AMI; 4% affordable to households earning no more than 70% AMI and 4% to households who earn no more than 90% AMI.

*The Proposed Project, which is taller than 120 feet, includes 299 units, 64 units or 21.5%, of which would be affordable, in accordance with the provisions of the proposed Mission and 9th Street Special Use District, (16 studios, 12 junior one-bedroom, 21 one-bedroom, 12 two-bedroom, and 3 three-bedroom). The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a*

*waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved by adoption of the Proposed SUD and height map amendment. The Project Sponsor submitted such Affidavit on October 6, 2016.*

*Note that the Planning Department recommends that the proposed SUD be approved but modified to require an additional 3.5% (at no more than 150%AMI), for a total of 25%, of the total proposed units to be affordable.*

- U. **Public Art (Section 429).** In the case of 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, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

*The Project would comply with this Section 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.*

- V. **Signage (Section 607).** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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 entire Project as further described below:

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

*The Project does not meet the Code's rear yard requirement and requests an exception in order to provide a side yard amounting to approximately 3,120 square feet of open space on the 2<sup>nd</sup> floor, the first level containing residential uses. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." The proposed side yard is adequate to allow significant glazing per the Building Code on all units facing the side yard. Further, the Project is located in the downtown area, where a pattern of rear yards does not exist. Providing a Code-compliant rear yard or side yard extending the entire length of the lot would disrupt the prevailing street wall on Mission or Laskie Street. Therefore, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134 on the subject property. Rear yard exceptions are commonly granted and appropriate in Downtown locations given the lot*

*configurations and urban design considerations informing the architecture of downtown buildings.*

- b. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. 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 (mph) for a single hour of the year.

*Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.*

**Comfort Criterion**

*Based on existing conditions, 9 of the 41 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph at grade level approximately 9% of the time. Average wind speeds measured close to 10 mph.*

*With the Project, one additional comfort exceedance was created. The 11 mph comfort criterion is expected to be exceeded 9% of the time as it is under existing conditions. Average wind speeds, remained at approximately 10 mph. In conclusion, the Project does not result in substantial change to the wind conditions. However, since one additional exceedance is created with the Project, an exception is required under Planning Code Section 309.*

**Hazard Criterion**

*The Wind Study indicated that the project does not cause any hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. However, the Wind Study found that one test point (#38) along 9<sup>th</sup> Street between the entrance of the Potter Hotel at 99 9<sup>th</sup> Street and that of the adjacent building at 77-83 9<sup>th</sup> Street that exceeds a hazard level of 26 mph. This condition is expected to remain under the Project scenario.*

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended:

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.8**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish a one-story commercial garage and surface parking lot and construct a mixed-use residential building above ground floor retail that contains 235 market rate units and 64 on-site affordable units compliant with Section 415 of the Planning Code and the Mission and 9<sup>th</sup> Street Special Use District (or 75 on site units if the Mission and 9th Street SUD is modified as recommended by the Department). Additionally, 2,012 square feet of ground-floor retail use is proposed. The Property is an ideal site for new housing due to its central, Downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and on-story commercial building, represents an under-utilized site within the Downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Mission Street frontage while activating the Laskie Street frontages.*

**Policy 1.10**

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

*The Project supports this Policy. It is anticipated that because of the central Downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is located along Mission Street, a major and bus-transit corridor, 1.5 blocks away from the Civic Center BART and MUNI stations, and within one block of at least 6 MUNI bus lines. The Project provides 200*

*Class 1 and 18 Class 2 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.*

**OBJECTIVE 5:**

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

**Policy 5.4**

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*The Project supports this Policy. The Project would create 299 dwelling units, of which 75 (25%) are studios, 59 (19%) are junior one-bedroom, 98 (33%) are one-bedroom, 56 (19%) are two-bedroom and 11 (4%) are three-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide 21.5 percent on-site affordable units comprising of the similar dwelling unit mix, namely 25% studios, 19% junior one-bedroom, 33% one-bedrooms, 19% two-bedroom and 11% three-bedroom units.*

**OBJECTIVE 7:**

**SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.**

*In compliance with this policy, the Project includes an SUD that requires the provision of 21.5% on-site affordable housing for projects that are 120 feet or taller, thereby enhancing the City's affordable housing.*

*Further, the Planning Department recommends that for projects of 120 feet or taller, an additional 3.5% (at no more than 150%AMI) for a total of 25% of the total constructed units be affordable. .*

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.7**

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

*The Project supports these Policies. The Project would create 299 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite façade containing defined base, shaft and top. This new development will enhance the character of the existing neighborhood and is an ideal site for new housing due to its central, Downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the Downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Mission and Laskie Street frontages.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 3:**

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

**Policy 3.1**

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

**Policy 3.2**

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

**Policy 3.6**

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

*The Project uses design to relate to existing development in the neighborhood, which is characterized by mid- to high-rise, mixed-use buildings are characterized by more classical designs typically expressed by tripartite design, vertical expression, punched windows, decorative brickwork and modillion cornices. The proposed Project would replace a one-story commercial building and surface parking lot with a building that respects its context by providing a high-rise, mixed-used building of tripartite design, separated with*

*cornices, and articulated with traditional materials, such as brick and metal. The proposed structure complies with land use and development controls of the Planning Code and the surrounding development.*

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1**

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

#### **Policy 1.2**

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

#### **Policy 1.3**

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

*The Project would add approximately 2,012 square feet of new commercial space that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety and adhere to the Better Streets Plan. The pedestrian right of way on Mission Street would be repaved and include four new street trees (spaced approximately 20 feet*

apart from one another) with tree grates and 18 new Class 2 bicycle spaces. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

**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.

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking that is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided is not expected to generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project site to the employment opportunities and retail services of the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. The Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

**Policy 2.1:**

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

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is the most transit rich area of the City. The Project would provide only 0.24 parking spaces per dwelling and will not provide any parking for the proposed retail use. All of these parking spaces would be shielded by active uses or located underground, and thus be less intrusive to the surrounding pedestrian realm.*

**OBJECTIVE 11:**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

**Policy 11.3:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 218 bicycles (200 Class 1, 18 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART. Additionally, such transit lines also provide access to AC Transit (Transbay Terminal) and Cal Train.*

**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.

*The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 1270 Mission Street is a one-story commercial space and surface parking lot. The Project would improve the existing character of the neighborhood by removing the surface parking lot and one-story commercial space currently occupied by a pizza shop doing business as SF Pizza. The proposed retail space, which includes ground floor retail space, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the Downtown core.*

*The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

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

*The Project would demolish an underutilized commercial space and surface parking lot and construct a 200-foot tall, 21-story-over-basement, 299-unit residential building over ground floor retail, within easy commuting distance of jobs located within the Downtown core, other neighborhoods of the City as well as other areas in the Bay Area.*

*The Project includes approximately 2,012 square feet of ground floor commercial space with Mission and Laskie Street frontages; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on each of the two frontages.*

**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 (See Map 5).

*The height of the proposed building will relate to the height and character of existing and proposed development. Although the Project is located within a 120-X height and bulk district, it is surrounded by parcels that are zoned for taller heights. The parcel immediately to the north is zoned 200-S and that across Laskie Street is zoned 150-S. The Project includes a General Plan Amendment to amend Assessor's Block 3701 Lots 020 and 021 of Map 5 to 200-X, relating the building the height and character of existing and proposed development.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETS CAPES.

**Policy 16.4**

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

*The Project would promote Objective 16 by providing a shared street along Laskie Street which includes streetscape improvements along both the sidewalk immediately adjacent to the property as well as that on the opposite side of the street. The elevated roadway and crosswalk at Mission Street will meet sidewalk grade along and include improved paving materials, landscaping and streetlights. The shared-street coupled with ground floor retail along Mission Street that wraps the corner onto Laskie Street will create pedestrian interest and better activate the block of Mission Street between 8<sup>th</sup> and 9<sup>th</sup> Streets.*

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

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

*The Project would preserve space for new neighborhood-serving retail, providing continued opportunities for resident employment and ownership. In addition to 299 residential units, the Project would include approximately 2,012 square feet of retail space. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. The Project would enhance neighborhood-serving retail by adding new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Mission Street frontage.*

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

*The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 1270 Mission Street is an underutilized commercial building and surface parking lot. The Project would improve the existing character of the neighborhood by removing the one-story structure and surface parking lot. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.*

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

*There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by providing 64 on-site affordable dwelling units, (or, 75 if the SUD is modified to require 25% inclusionary unit as recommended by the Department) in compliance with the affordable housing requirements of Planning Code Section 249.15(b)(1).*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is well-served by transit as it is located in a major transit corridor and would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services and the BART system. The Project also provides a sufficient amount of off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents.*

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

*The Project would not negatively affect the industrial and service sectors because it is largely residential in nature and would not displace any existing industrial uses. The Project would also be consistent with the character of existing development in the neighborhood, which is characterized by commercial office and mid- to high-rise residential buildings.*

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

*The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety.*

- G. That landmarks and historic buildings be preserved.

*The Planning Department has determined that the one-story commercial space d.b.a SF Pizza and surface parking lot, is not individually eligible for listing on the California Register, nor is it located in an historic district. Accordingly, the Project has no impact on any landmarks or historic buildings. The Project has been designed in a way that respects the existing neighborhood fabric with a traditional tripartite façade and the use of more traditional materials, such as brick and metal.*

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

*The Project would not cast any new shadows on parks under the jurisdiction of the San Francisco Parks and Recreation Department.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014.0926GPAPCAMAPDNXVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 6, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the Mitigated Negative Declaration (MND) and the record as a whole and finds that there is no substantial evidence that the Project would have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the MND.

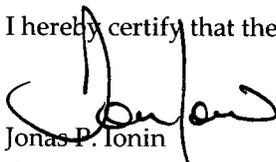
The Planning Commission hereby adopts the MND and the MMRP, attached to the CEQA Findings Motion No. 19768. All required improvement and mitigation measures identified in the MND and contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

**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 constitutes 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 October 27, 2016.

  
Jonas P. Ionin  
Commission Secretary

**Motion No. 19768**  
**October 27, 2016**

**CASE NO. 2014.0926GPAPCAMAPDNXVAR**  
**1270 Mission Street**

AYES: Fong, Hillis, Johnson, Koppel, Moore, Richards

NAYS: None

ABSENT: Melgar

ADOPTED: October 27, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing one-story commercial structure and surface parking lot and construct a new, 21-story-over-basement, approximately 200-foot tall, 286,150 square feet, containing approximately 2,012 gross square feet of ground floor commercial space, and 299 dwelling-units located at 1270 Mission Street, Assessor's Block 3701, Lot 020 and 021, pursuant to **Planning Code Sections 309, 134 and 148** within the Mission and Ninth Street Special Use District and a 200-X Height and Bulk District; in general conformance with plans, dated October 6, 2016, and stamped "EXHIBIT B" included in the docket for Case No. **2014.0926GPAPCAMAPDNXVAR** and subject to conditions of approval reviewed and approved by the Commission on **October 27, 2016** under Motion No. 19768. 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 **October 27, 2016** under Motion No. 19768.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19768 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 Downtown Project 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 Downtown Project 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 shall, at the Project Sponsor's request, be extended by the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 140 because exposure requirements are not met as required by Section 140 of the Planning Code. The

Project Sponsor must also obtain General Plan, Planning Code Text and Zoning Map amendments to facilitate the creation of the Mission and 9<sup>th</sup> Street Special Use District.

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

7. **Transferable Development Rights.** Pursuant to the proposed Mission and 9<sup>th</sup> Street Special Use District, floor area ratio limits (FAR) per Sections 123 and 124 do not apply to projects meeting the inclusionary housing requirements pursuant to Section 249.15(b)(1). Since the project complies with inclusionary housing requirements set forth in the Mission and 9<sup>th</sup> Street Special Use District, Section 249.15(b)(1), FAR limits do not apply and therefore, the project is not required to purchase Transferable Development Rights (TDR). Should the scope of the project change such that inclusionary requirements set forth in Section 249.15(b)(1) are not met, the Project Sponsor shall purchase the required number of units of TDR and secure a Notice of Use of TDR prior to the issuance of an architectural addendum for all development which exceeds the base FAR of 6.0 to 1, up to a maximum FAR of 9.0 to 1. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

8. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** to the CEQA Findings Motion associated with the Subject Project are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval.

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

## DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck 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,*

10. **Street Trees.** Pursuant to 806 of the Public Works Department, the Project Sponsor shall submit a site plan that includes the proposed (and existing if applicable) street trees to the Planning Department prior to Planning approval of the Site Permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-

way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 806 of the Public Works Code may be modified or waived by the Director of the Public Works Department.

All street trees must meet the standards per Article 16 of the Public Works Code, Section 806.  
*For information about compliance, contact the Department of Urban Forestry at 415-554-6700, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Streetscape Elements.** 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 implement and refine the design and programming of the required Streetscape features, as necessary, so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the repaving and planting four new street trees (spaced approximately 20 feet apart from one another) with tree grates and 20 new Class 2 bicycle spaces along the Project's Mission Street frontage. Additional improvements along Laskie Street would include a single-surface "shared street" from Mission Street to immediately north of the project garage driveway. The shared street includes raising the elevation of Laskie Street to meet the elevation of existing sidewalks, removing and replacing the existing raised concrete sidewalks along both sides of the roadway with a 3-foot-by-3-inch wide visual/tactile detection strip to delineate pedestrian and vehicular zones; removing the existing street trees and planting at least 10 new street trees (spaced approximately 20 feet apart) with tree grates; additional and additional pedestrian lighting. Plans also include a raised crosswalk along Laskie Street at the intersection of Mission Street, which would accommodate east-west pedestrian traffic along the north side of Mission Street and serve as a traffic calming device since vehicles would be required to slow down considerably prior to entering or exiting Laskie Street.

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

12. **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 Site 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)*

13. **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 architectural addendum to the Site 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)*

14. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the 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)*

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).
- h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

16. **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)*

## **PARKING AND TRAFFIC**

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. With 299 dwelling units proposed, there is a maximum of 150 off-street parking spaces allowed as-of-right. With 76 off-street parking spaces total included, the Project Sponsor must design and designate 3 off-street parking spaces for persons with disabilities.

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

18. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide one off-street loading space and may substitute the second required loading space with two service vehicles compliant with Sections 153 and 154 of 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)*

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

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

20. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 150 Class 1 bicycle parking spaces and 17 Class 2 spaces - fifteen for residential and 7 for commercial).

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

21. **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)*

22. **Transportation Demand Management (TDM).** The project shall include the following TDM measures, as described in Appendix A of the Planning Commission Transportation Demand Management Program Standards (TDM Standards), which the Planning Commission adopted on August 4, 2016: 1) INFO-1 – Multimodal Wayfinding Signage, and 2) INFO-2 – Real Time Transportation Information Displays. Additionally, the project shall be subject to the monitoring and reporting requirements of the TDM Standards.

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

## PROVISIONS

23. **Street Tree In-Lieu Fee.** Pursuant to Planning Code Section 806 of the Public Works Code, the Project Sponsor shall pay an in-lieu fee for one (1) street trees that is required under Planning Code Section 138.1, but that according to the Department of Public Works, cannot be planted. The in-lieu fee shall be paid prior to the issuance of the first construction document. An in-lieu fee

must also be paid for any of the 13 street trees that cannot be planted according to the Department of Public Works.

*For information about compliance, contact the Department of Urban Forestry, Department of Public Works at 415-554-6700, [www.sf-planning.org](http://www.sf-planning.org)*

24. **Transit Sustainability Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Sustainability Fee (TSF) for the new residential and retail space based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

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

25. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document. If the Project Sponsor elects to provide the artwork on-site, the Conditions set forth in Conditions Numbers 28-30 below shall govern.

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

26. **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).*

27. **Art - Concept Development.** 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 approval 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).*

28. **Art - Installation.** 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).*

**Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

29. **Number of Required Units.** The Project Sponsor will fulfill the requirements of the Mission and 9th Street SUD's inclusionary housing requirements, set forth in Planning Code Section 249.15. As introduced at the Board of Supervisors on October 4, 2016, the Mission and 9th Street SUD (Section 249.15(b)(1)) required projects of 200 feet or more to provide 21.5% of the proposed dwelling units as affordable to qualifying households. The Planning Department recommended that the SUD be modified to require buildings of 200 feet or more provide 25% inclusionary housing. The Project contains 299 units; therefore, under the requirements of the SUD as introduced on October 4, 2016, 64 affordable units would be required. If the SUD is modified to require 25% affordable housing, a total of 75 affordable units would be required. The Project Sponsor will provide the required number of units on-site. If the number of market-rate units changes, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

30. **Unit Mix.** The Project contains 75 studios, 59 junior one-bedroom, 98 one-bedroom, 56 two-bedroom, and 11 three-bedroom units; therefore, if the Project is required to contain 21.5% affordable housing, the required affordable unit mix is 16 studios, 13 junior one-bedroom, 21 one-bedroom, 12 two-bedroom, and 2 three-bedroom units. However, if the SUD is modified per the Planning Department's recommendation to require a total of 25% inclusionary units a total of 75 affordable units would be required and the required affordable unit mix would be 19 studios, 15 junior one-bedroom, 25 one-bedroom, 14 two-bedroom, and 3 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

31. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

32. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 21.5 percent (21.5%) (or 25% of the SUD is modified per the Planning Department's recommendation to require a total of 25% inclusionary units), of each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, <http://www.sf-moh.org>*

34. **Other Conditions.** Except as modified by Section 249.15, the Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, <http://www.sf-moh.org>*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual.

Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. As required by Section 249.15(b)(1), the Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein, as well as the increased height providing by the General Plan Amendment, and Zoning Map amendments. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirements, including those set forth in Planning Code 249.15, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. and Planning Code section 249.15 shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## OPERATION

35. **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 to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

36. **Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building all sidewalks abutting the subject property and shared street that will be provided as part of the project 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, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

37. **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)*

38. **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)*