



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (TSF, Sec. 411A & M&O CIF, Sec. 416)

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Planning Commission Motion No. 20038

HEARING DATE: OCTOBER 19, 2017

Case No.: 2015-005848CUA
 Project Address: 1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)
 Existing Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;
 P (Public) Zoning District
 OS, 40-X and 85-X Height and Bulk Districts
 Proposed Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;
 P (Public) Zoning District
 OS, 68-X and 85-X Height and Bulk Districts
 Block/Lot: 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035
 Project Sponsor: Strada Brady, LLC
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ADOPT FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION AND PLANNED UNIT DEVELOPMENT FOR: 1) DEVELOPMENT ON A LOT LARGER THAN 10,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 2) ESTABLISHMENT OF A NON-RESIDENTIAL USE LARGER THAN 4,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 3) MODIFICATION OF THE DWELLING UNIT MIX REQUIREMENT, PURSUANT TO SECTIONS 121.1, 121.2, 207.6, 303, 304 AND 752 OF THE PLANNING CODE WITH A MODIFICATION TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134), PERMITTED OBSTRUCTIONS (PLANNING CODE SECTION 136), DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140), STREET FRONTAGE (PLANNING CODE SECTION 145.1), OFF-STREET LOADING (PLANNING CODE SECTION 152), AND MEASUREMENT OF HEIGHT (PLANNING CODE SECTION 260), AT 1601-1645 MARKET STREET (ASSESSOR’S BLOCK 3505, LOTS 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035) WITHIN THE P (PUBLIC) AND NCT-3 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICTS AND A OS (OPEN SPACE), 68-X & 85-X HEIGHT AND BULK DISTRICTS, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 19, 2016, Michael Cohen on behalf of Strada Brady (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization and Planned Unit Development under Planning Code Section(s) 121.1, 121.2, 207.6, 303, 304 and 752 to

allow a non-residential use greater than 4,000 square feet, a modification to the dwelling unit mix, and development on a lot larger than 10,000 square feet at 1601-1645 Market Street within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) and P (Public) Zoning Districts and a OS, 68-X and 80-X Height and Bulk Districts.

The Project Sponsor filed an Environmental Evaluation Application for the Project with the Department on July 10, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department ("Department"), as lead agency, published and circulated a Notice of Preparation ("NOP") on February 8, 2017, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on March 1, 2017, at the American Red Cross Building at 1663 Market Street.

During the approximately 30-day public scoping period that ended on March 10, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

The Department published a Draft EIR for the project on May 10, 2017, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On May 10, 2017, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on June 15, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until June 26, 2017.

The San Francisco Planning Department then prepared the Comments and Responses to Comments ("RTC") on Draft EIR document. The Final EIR (FEIR) document was published on October 4, 2017, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

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

By Motion No. 20034, the Planning Commission approved California Environmental Quality Act (CEQA) Findings, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2015-005848CUA, for approval of the Project, which findings are incorporated by reference as though fully set forth herein. The CEQA Findings included adoption of a Mitigation Monitoring and Reporting

Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2015-005848CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-005848CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-005848CUA, 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 project site occupies approximately 97,617 square feet, or 2.2 acres, on the block bounded by Market, 12th, Otis, and Brady Streets located within the boundaries of Market & Octavia Area Plan. Most of the site is located within the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District, while the southwestern portion of the site, occupying approximately 20,119 square feet is in a P (Public) Zoning District. The portions of the project site north of Stevenson Street and east of Colusa Place are located within an 85-X Height and Bulk District, while the portion of the project site south of Colton Street is in a 68-X Height and Bulk District, and the portion of the project site in the P (Public) Zoning District is in an Open Space (OS) Height and Bulk District.

The project site is currently occupied by four surface parking lots containing 242 parking spaces, an approximately 15-foot-tall Bay Area Rapid Transit (BART) ventilation structure for the below-grade BART tunnel,¹ as well as three buildings: the Civic Center Hotel, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry (UA) Local 38 building, and the Lesser Brothers Building, which is currently occupied by a variety of retail tenants.

3. **Surrounding Properties and Neighborhood.** The project site is located in an area that is mixed-use in character with a variety of residential uses and commercial establishments, including an automobile-oriented businesses, urgent care medical services, and residential buildings with ground-floor, neighborhood-serving retail. Several community facilities, including the San

¹ The BART ventilation structure is located on a separate lot (3505/034), which is owned by BART.

Francisco Conservatory of Music, the International High School and the Chinese American International School, and the San Francisco Law School are located north of the project site near Market Street, while the City College of San Francisco has an auditorium and administrative offices along Gough Street, west of the project site.

On the north side of Market Street across from the UA Local 38 Building (1621 Market Street) and the Lesser Brothers Building (1629-1645 Market Street) on the project site is a recently constructed five-story (approximately 60 feet tall) building with residential uses above a Golden Gate Urgent Care facility located on the ground floor, and a three-story (approximately 45 feet tall), masonry-clad residential building with a Pilates studio on the ground-floor. On the north side of Market Street across from the Civic Center Hotel (1601 Market Street) is a six-story (approximately 75 feet tall), brick-clad residential building with ground-floor retail, including two cafes, a bicycle shop, and a small workout/training facility. An approximately 30-foot-tall Honda Dealership and Service Center is located east of the Civic Center Hotel across 12th Street at 10 South Van Ness Avenue. The Ashbury General Contracting & Engineering business is located in a two-story (approximately 35 feet tall) stucco building located south of the Civic Center Hotel across Stevenson Street. A one-story rear portion (approximately 20 feet tall) of a three-story, masonry-clad vacant building forms the southern boundary of the parking lot south of Stevenson Street on the project site, as well as the western boundary of the parking lot bounded by Colton Street to the north, Colusa Place to the east, and Chase Court to the south. The southern boundary of this parking lot is formed by two one-story masonry (approximately 20 feet tall) buildings containing the City Ballet School, LLC and an auto service center. A two-story, wood shingle-clad residence forms the eastern boundary of this parking lot and is located south of Colton Street across from the project site. A one-story (approximately 20 feet tall), wood-clad building containing a full-service sign shop is also located south of Colton Street across from the project site. A five-story (approximately 60 feet tall), brick-clad building containing a hair salon and a clothing and accessories shop on the ground floor and residential uses above is located west of the project site across Brady Street.

4. **Project Description.** The Project includes the demolition of the existing UA Local 38 Building, demolition of the majority of the Lesser Brothers Building, and rehabilitation of the Civic Center Hotel, as well as the demolition of the 242-space surface parking lots on the project site. The Project would construct a total of five new building on the project site, including a new UA Local 38 building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets ("Building A"). A new 10-story residential building with ground-floor retail/restaurant space ("Building B") would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street ("Building D"). The five-story Civic Center Hotel would be rehabilitated to contain residential units and ground-floor retail/restaurant space ("Building C"), and a new six-story Colton Street Affordable Housing Building would be constructed south of Colton Street as part of the Project. Overall, the Project will include construction of 455,900 square feet of residential use containing up to 484 residential units (including market rate and on-site affordable housing units) and up to 100 affordable units in the Colton Street Affordable Housing Building, for a total of up to 584 dwelling units. The residential unit breakdown for the 484 units would consist of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). In addition, the Project will include 32,100

square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. In addition, the Project would include construction of a two-level, below-grade garage with up to 316 parking spaces (some of which may include the use of stackers) accessible from Brady and Stevenson Streets. As part of the project, the Project Sponsor will develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

5. **Public Comment.** The Department has not received any public correspondence in support or in opposition to the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 752 defines the permitted uses within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District. Per Planning Code Section 752, residential, retail and institutional uses as principally permitted uses.

The Project would provide up to 584 residential units, including up to 100 units in the Colton Street Affordable Housing Building and an additional 12 percent of the remaining residential units designated as affordable housing, construct a new UA Local 38 building, and provide 6,950 square feet of retail sales and service use and 6,050 square feet of eating and drinking uses. Therefore, the proposed uses comply with Planning Code Section 752.

- B. **Non-Residential Use Size.** Planning Code Section 121.2, the project is required to obtain Conditional Use Authorization for a non-residential use size of 4,000 square feet or larger.

The Project includes the demolition of the existing 24,100 square foot UA Local 38 Building and construction of a new 32,095 square foot UA Local 38 Building (an institutional use); therefore, the Project is requesting Conditional Use Authorization from the Planning Commission to establish a non-residential use size larger than 4,000 square feet in the NCT-3 Zoning District.

- C. **Development of Large Lots in the NCT-3 Zoning District.** Planning Code Section 121.1, the project is required to obtain Conditional Use Authorization from the Planning Commission for new development on a lot larger than 10,000 square feet.

The Project site occupies approximately 97,617 square feet, or 2.2 acres, therefore the Project is requesting Conditional Use Authorization from the Planning Commission for development on a large lot in the NCT-3 Zoning District.

- D. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

Currently, the Project does not provide a rear yard according to the requirements specified in the Planning Code, and is seeking a modification of this requirement in the PUD. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground floor open space (1,151 sq. ft.), and common ground floor open

space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12th Streets (7,839 sq. ft.); however, this space is not included in the overall open space calculation, since the Project Sponsor is requesting in-kind credit for the construction of this open space, as outlined in the Development Agreement (See Case No. 2015-005848DVA).

Overall, the Project provides more than 33,500 square feet of open space, including the privately owned, publicly accessible open space utilized for in-kind credit. Since the Project does not provide a code-complying rear yard, the Project is seeking a modification to the rear yard requirement as part of the Planned Unit Development. The Project occupies the majority of the block bounded by Market, Brady, 12th, Colton and Stevenson Streets. The subject block does not currently possess a pattern of mid-block open space, since the majority of the project site is currently occupied by three existing buildings and surface parking lots. However, the new privately owned, publicly accessible open space will create new open space.

- E. **Usable Open Space.** Per the 1629 Market Street SUD, a minimum of 36 square feet of private or common open space is required per dwelling unit.

Common open space within this SUD is exempt from the 45-degree requirements of Planning Code Section 135(g)(2), and projections of portions of adjacent residential structures over such open space are considered permitted obstructions under Planning Code Sections 135(g)(2) and 136, provided that each such project leaves at least 7 1/2 feet of headroom.

The Project includes open space through a roof deck on Building A (measuring 2,950 sq ft), a roof deck on Building D (measuring 1,500 sq ft), private stoops along Brady Street (measuring 1,163 sq ft), an inner court around Building B, C and the new UA Local 38 Building (measuring 2,230 sq ft), an inner court behind Building D (measuring 743 sq ft), an inner court behind the Colton St Affordable Housing Project (measuring 608 sq ft), a publicly-accessible mid-block passage between Building A and B (measuring 6,645 sq ft), and open space north of the new Mazzola Gardens (collectively measuring 4,043 sq ft). All common open space complies with Planning Code Section 135's dimensional requirements as specifically modified by the 1629 Market Street SUD. In total, the Project provides 21,032 sq ft of useable open space; therefore, the Project meets the requirements for open space at 36 square feet per dwelling unit.

- F. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for features, which may be permitted over street, alleys, setbacks, yards or useable open space.

Currently, the Project includes bay windows and projections in Buildings A and B, which project over the street and useable open space, and projections at Building D which project over usable open space, do not conform to the dimensional requirements of the Planning Code. Therefore, the Project is seeking a modification of this requirement under the PUD.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20 feet wide, side yard or rear yard must be at least 25 feet in

width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure on Market, Brady 12th, Stevenson and Colton Streets and Colusa Place or along an inner court or open space between buildings. As proposed, 36 dwelling units in Building D do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140 and is seeking a modification of this requirement under the PUD.

- H. **Off-Street Parking.** Planning Code Section 151.1 states that off-street parking is not required in the NCT-3 Zoning District. Rather, Planning Code Sections 151.1 permits a maximum of .50 off-street parking spaces per residential dwelling unit and a 1 space for every 1,500 square feet of institutional and retail uses.

The Project provides 316 off-street parking spaces, including 4 car share-share spaces where a maximum of 323 spaces is permitted; therefore, the Project complies with Planning Code Section 151.1.

- I. **Bicycle Parking.** Planning Code Section 155.2. requires 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100 for buildings containing more than 100 dwelling units and 1 Class 2 space for every 20 units; a minimum of two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area for institutional uses and a minimum of two Class 2 spaces for any use greater than 5,000 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for retail sales and service uses and one Class 2 space for every 2,500 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for eating and drinking uses and one Class 2 space for every 750 square feet of Occupied Floor Area eating and drinking uses.

The Project includes 584 dwelling units, 6,950 square feet of retail, 6,050 square feet of eating and drinking uses and 32,095 square feet of institutional uses; therefore, the Project is required to provide 221 Class 1 bicycle parking spaces and 28 Class 2 bicycle parking spaces for residential uses; two Class 1 and two Class 2 bicycle space for retail uses; 1 Class 1 and eight Class 2 bicycle parking spaces for eating and drinking uses; and six Class 1 bicycle spaces and two Class 2 bicycle parking spaces for the institutional uses. The Project will provide two-hundred and thirty (230) Class 1 bicycle parking spaces and forty (40) Class 2 bicycle parking spaces, which meets the requirement. Therefore, the Project complies with Planning Code Section 155.2

- J. **Off-Street Loading.** Planning Code Section 152 requires three (3) off-street loading spaces for uses greater than 500,000 square feet, plus one (1) for each additional 400,000 square feet. Further, these loading spaces must meet the dimensional requirements outlined in Planning Code Section 154.

The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking

garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, thus ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses. The Project does not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154 and is seeking a modification of these requirements under the PUD.

- K. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

Per Planning Code Section 145.1(b)(2)(A), residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.

Overall, the Project meets the majority of the requirements outlined in Planning Code Section 145.1. However, the Project provides a garage entrance along Stevenson Street, which measures 23-ft wide. Per Planning Code Section 145.1, new garage entrances are limited to 20-ft wide; therefore, the Project is seeking a modification of this requirement under the PUD.

- L. Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 61 points.

The Project submitted a completed Environmental evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a target of 30.5 points. As currently proposed, the Project will achieve its required 30.5 points through the following TDM measures:

- *Improve Walking Conditions (Option B)*
- *Bicycle Parking (Option A)*
- *Bicycle Repair Station*
- *Car-share Parking and Membership (Option A)*
- *Delivery Supportive Amenities*
- *Family TDM Amenities – Residential Use (Option A)*
- *Multimodal Wayfinding Signage*
- *Real Time Transportation Information Displays*

- Tailored Transportation Marketing Services (Option A)
- On-site Affordable Housing (Option C)
- Unbundle Parking: Location C
- Parking Supply (Option C)

- M. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

Overall, the Project provides a dwelling unit mix consisting of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). Excluding the Colton Street Affordable Housing Building and the rehabilitated Civic Center Hotel ("Building C"), 40 percent of the remaining residential units would be two-bedroom units. Since the Project does not provide the required dwelling unit mix for the entirety of the Project, the Project is seeking an exception from this requirement.

- N. **Measurement of Height.** Planning Code Section 260(a)(1)(B) requires that for sites such as the Project site, where a lot slopes down from the street, the point at which building height is measured be taken at curb level, at the centerpoint of the building or building step. That point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. After that 100 foot line, the height limit is considered in relation to the opposite (lower) end of the lot, measured pursuant to Planning Code Section 260(a)(1)(C). Planning Code Section 260(a)(1)(C) which requires that on lots sloping upward from the centerline of the building or building step, the point at which building height is measured be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section.

The Project seeks a modification of the Planning Code Section 260(a)(1)(B) requirement for Buildings A and B, which would permit the Market Street measurement point to be used for height measurement only for the first 100 feet of lot depth. Compliance with this requirement would eliminate approximately 50% of 9th floor dwelling units in Buildings A and B. Accordingly, the Project seeks the following minor deviations from the provisions for measurement of height: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet.

- O. **Signage.** 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.

- P. **Market & Octavia Infrastructure Impact Fee.** Per Planning Code Section 416, the Project is subject to the Market & Octavia Infrastructure Impact Fee.

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

The Project will satisfy a portion of this fee with an in-kind contribution of publicly-accessible open space, as set forth in the Development Agreement.

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

The Project will meet the TSF requirements that apply under Section 411A based on the Environmental Evaluation Application submittal date of July 10, 2015, as set forth in the Development Agreement

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

The Project will comply with Section 414A, as set forth in the Development Agreement.

- S. **Inclusionary Affordable Housing.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

The Development Agreement outlines terms for the Project's affordable inclusionary housing requirements. At buildout, approximately 26-28% of the Project's units will be affordable to low- and very low-income residents through a combination of on-site affordable rental units and the Solton Street Affordable Housing building's approximately 100 units, including integrated community and social service space.

7. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots in Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

Overall, the Project would result in six buildings, including the rehabilitation of the Civic Center Hotel and the reuse of a portion of the Lesser Brothers Building. The new construction rises to 85-ft tall, and is compatible with the scale and mass of new buildings found along Market Street. The Project would rehabilitate the Civic Center Hotel and retain all of its exterior character-defining features. The Project integrates new construction in a manner that provides a physical separation and a visual buffer between the Civic Center Hotel and adjacent new construction. The Project would retain the entire 140-foot-long Market Street façade of the Lesser Brothers Building, which is the building's primary façade and only façade with ornamentation, including the following character-

defining features: the façade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the Market Street façade and portions of the Brady Street façade and newly exposed east façade would remain visible as a single-story element. The retained façades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, with a 10-foot setback, irregularly-spaced, multi-story rectangular bay windows and a new material palette providing contrast with the historic façades, while aligning rectangular bays with storefronts in the retained façades to create a geometric relationship between old and new construction. The Project's collection of buildings provide an appropriate scale and mass for this portion of Market Street with the recognition of the lower-scale buildings found along Brady and Colton Streets.

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project retains the entire 140-foot-long Market Street facade of the Lesser Building and will rehabilitate the existing Civic Center Hotel. The new buildings will incorporate design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor which is consistent with the design features of adjacent facades and of those in the district along Market Street. The new buildings' character ensures the best design of the times with high-quality building materials (including board textured concrete, cement plaster, metal cladding, metal and glass guardrails, metal fins and brick tile) that relate to the surrounding structures that make-up the character of the neighborhood while acknowledging and respecting the positive attributes of the older buildings. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood.

- 8. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for non-residential use size in Neighborhood Commercial Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The existing 24,100 gsf UA Local 38 Building will be demolished and replaced with a new 32,095 gsf UA Local 38 Building; thus, resulting in an additional 7,995 gsf. The new facility will provide updated meeting and office space for UA Local 38, which is an institutional use. Therefore, the larger use will not foreclose the location of other needed neighborhood-serving uses in the area. As part of the larger Project, retail and eating and drinking uses are proposed on other parts of the project site.

- b) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The existing 24,100 gsf UA Local 38 Building was constructed in 1923. The new 32,095 gsf building will provide updated meeting and office space for UA Local 38 to accommodate their current needs. The new, updated and enlarged building will allow the organization to remain in the neighborhood and continue to serve its members in the community as it has done for many years.

- c) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The design and scale of the new UA Local 38 Building has been designed to relate to the existing historic buildings and new buildings that are included in the Projects overall scope. The height, bulk and massing of the new building is consistent with the existing Civic Center Hotel, in which it is adjacent to and has been designed in a classic contemporary style which will contribute to and respect the existing context of the district.

9. **Planning Code Section 207.6** establishes criteria for the Planning Commission to consider when reviewing applications for dwelling unit mix in Neighborhood Commercial Transit Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The project demonstrates a need or mission to serve unique populations, or

Portions of the Project include market-rate housing with on-site inclusionary affordable housing units in Buildings A, B, C and D. The Colton Street Affordable Housing Building will be a 100% affordable housing project with supportive housing services. Supportive housing is much needed throughout the City.

- b) The project site or existing building(s), if any, feature physical constraints that make it unreasonable to fulfill these requirements.

The Project will comply with Planning Code Section 207.6's dwelling unit mix criteria in Buildings A, B, and D. The Colton Street Affordable Housing Building is exempt from the applicable dwelling unit mix criteria as a 100% affordable building. The Civic Center Hotel (Building C) was determined to be eligible for the California Register as a historic building, due in part to the building's fenestration pattern of regularly punched, double-hung wood windows for SRO units; this pattern will be retained as part of the building's adaptive reuse. This fenestration pattern, along with the need to preserve the building's other historic features creates a physical constraint making it unreasonable to fulfill the requirements of Planning Code Section 207.6, as fulfillment of those requirements would entail construction of a large number of one and two bedroom units that vary significantly in dimension and layout from the existing units within the building.

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

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

The Project will demolish the existing UA Local 38 Building and partially demolish the existing retail space in order to construct a new mixed-use development with five new buildings, including 584 residential units, approximately 157 (26-28 percent) of which will be affordable to low- and very low-income residents, and a new UA Local 38 facility. These units include 57 inclusionary units and up to

100 units in a stand-alone supportive housing building for formerly homeless individuals which will replace the Single Room Occupancy (SRO) units from the Civic Center Hotel. The Project will also include ground-floor retail and other active commercial uses.

The Project is necessary and desirable in that it will create a new mixed-used infill development on Market Street with a scale and stature that appropriately preserves the diversity and vitality of the neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities and minimizing displacement. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is consistent with the policies and objectives of the Market & Octavia Area Plan and is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood, including a new system of parks and pedestrian connections to and through the site. The Project will also replace an underutilized site and adaptively reuse and rehabilitate a notable historic resource (Civic Center Hotel) while also providing new public amenities, including landscaping, sidewalk improvements and bicycle parking. The Project will also include the required 1:1 replacement units for the SRO dwelling units, which are being removed from the Civic Center Hotel. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, educational facilities, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.

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

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

The Project is an infill development that replaces existing buildings and surface parking lots with a new mixed-use development that is generally consistent with the Market & Octavia Area Plan and NCT-3 Zoning District. The site is substantial in size at approximately 100,000 square feet. The Project provides an appropriate residential density at this transit-rich location while also introducing new pedestrian connections, hard- and soft-scape open space, and allowing for a scale of development that is consistent with existing and planned development in the area. The shape and arrangement of structures has been carefully crafted to allow for a consistent street wall along Market and 12th Streets, and active ground floor spaces along the site's perimeter, with an appropriate variation in building design, texture and scale. The arrangement and sculpting of buildings is also designed to frame the network of pedestrian and visual pathways through the site and to its major open spaces, creating a sense of permeability and connectivity with the surrounding neighborhood.

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

The Project provides a total of 316 spaces, three on-site loading areas (one on 12th Street and two on Brady Street) and 230 Class 1 and 40 Class 2 bicycle parking spaces, as permitted by the Planning Code. The Project provides a parking supply that is consistent with the Market & Octavia Area Plan's goals to improve the pedestrian realm and promote transit use and is adequate to serve the site given its transit-rich location on Market Street. Additionally, a compliant TDM program will be incorporated into the Project. The Project is in close proximity to numerous public transit options given the proximity to the Market & Van Ness Muni Station, and the various bus routes along Market Street.

The Project will provide new pedestrian connection to and through the site. Parking garage access will be from Brady Street. Stevenson Street will be treated as a shared "green street" with paving and landscaping to encourage pedestrian connection between 12th Street and the site's open space, in addition to vehicular garage access. The Project also includes three on-street loading zones, one on 12th Street and two on Brady Street. These loading zones function in concert with the streetscape and sidewalk plans for both streets.

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

The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. As a mixed-use residential development, Project operations are not expected to create any noxious or offensive emissions. Overall, the Project is not expected to generate dust or odor impacts.

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

The Project will create a series of new north/south and east/west pedestrian connections, including substantial new landscaping around and throughout the site, and major new publicly accessible open space. The open space plan and landscape design includes features such as plaza and garden elements, drought resistant plantings at modest heights to retain sight lines, incorporation of natural elements, and a sculptural installation or landscape wall around the existing BART vent as a visual anchor. The Project Sponsor will use commercially reasonable efforts to enter into an agreement with BART regarding proposed improvements on the BART Parcel, which BART would continue to own; all improvements on the BART Parcel would be subject to BART's operational needs and permitting requirements. Lighting, signs and all other project elements will be consistent with the City's Better Streets Program.

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

The Project will generally comply with the provisions of the Planning Code, with amendments to the Planning Code and General Plan (Market & Octavia Plan) identified and addressed in the Legislative Amendment application. As amended, the Project will be consistent with the General Plan, including the Market & Octavia Area Plan, and particularly plans and policies related to locating density near transportation, creating new housing, including affordable/supportive housing, providing new publicly accessible private open space, creating new pedestrian connections to and through the neighborhood, and implementing streetscape improvements.

- 4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is consistent with the stated purposes of NCT-3 Districts in that the intended use is a moderate to high density mixed-use project that will support neighborhood-serving commercial uses on the ground floor with housing above and will maximize residential and commercial opportunities on or near major transit service. As described in Planning Code Section 754, the NCT-3 Zoning Districts are described as follows:

NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for Residential Uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings may range in height, with height limits varying from four to eight stories.

NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story.

11. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

A. **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

i. Rear Yard:

- a) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

Since the Project does not provide a code-complying rear yard, the Project is seeking a modification of the rear yard requirement defined in Planning Code Section 134. The Commission finds this modification warranted, since the Project provides for a comparable amount of open space accessible to residents of the development, in lieu of the required rear yard. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground-floor open space (1,151 sq. ft.), and common ground-floor open space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.); under the 1629 Market Street SUD, these spaces count toward the usable open space notwithstanding technical non-compliance with certain requirements of Planning Code Section 135(g)(2). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12th Streets (7,839 sq. ft.), which is not included in the overall tabulation because it will be separately credited as an in-kind agreement.

- b) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

The Project site, which occupies almost the entire block, has been carefully designed in a manner that will not significantly impede the access to light and air for the adjacent properties.

- c) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The subject block does not possess a strong pattern of mid-block open space; therefore, the Project does not impact the pattern of mid-block open space

- ii. Permitted Obstructions: *The Project includes bay windows and projections over the street and useable open space, which do not meet the dimensional requirements of the Planning Code. Specifically, Buildings A, B and D possess projections, which do not conform to the dimensional requirements of the Planning Code. Overall, the Commission finds this modification to be acceptable given the unique design and high quality materials of the Project.*
- iii. Dwelling Unit Exposure: *In order to meet exposure requirements, residential units must face a public street or alley at least 20 feet in width, side yard at least 25 feet in width, or a rear yard meeting the requirements of the Planning Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width. As proposed, approximately five percent of the units do not meet the exposure requirements for which an exception has been requested. Overall, the Commission finds this exception to be acceptable given the unique design and configuration of the Project, along with the available common and publicly-accessible open space available to Project residents.*
- iv. Off-Street Loading: *Because the Project's five off-street loading spaces do not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154, the Project seeks a modification of these requirements under the PUD. The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses.*
- v. Street Frontage: *The Project provides a garage entrance along Stevenson Street, which measures 24 feet wide, and therefore seeks a modification of the Planning Code Section 145.1 requirement limiting new garage entrances to a 20-foot width. The Commission finds this modification to be acceptable given that Stevenson Street is located within the block, rather than on the 12th, Market, or Brady perimeter streets, and because the modification will allow*

for larger vehicles with greater turning radii to more easily access the off-street loading spaces provided in the underground garage.

- vi. Measurement of Height: *The Project seeks an exception in the form of the following minor deviations from the Planning Code Section 260(a)(1)(B) provisions for measurement of height at Buildings A and B: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet. Without these minor deviations, approximately 50% of 9th floor dwelling units in Buildings A and B would be eliminated, reducing the overall number of units and a corresponding number of inclusionary affordable housing units. These deviations are minor and do not depart from the purposes or intent of Planning Code 260, and would be minor enough in nature not to constitute an effective height reclassification. Given the above, the Commission finds this exception to be acceptable given the Project site's configuration and the desire to provide ample market-rate and inclusionary affordable housing units at the Project site.*

B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

- 1) Affirmatively promotes applicable objectives and policies of the General Plan;

The Project complies with the objectives and policies of the General Plan (See Below) and the Market & Octavia Area Plan.

- 2) Provides off-street parking adequate for the occupancy proposes.

The Project provides 316 off-street parking spaces, including 4 car-share spaces, which is below the maximum permitted per the Planning Code.

- 3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

The Project would provide approximately 33,500 square feet of open space, distributed across publicly-accessible and common residential open space. The proposed Special Use District would set the ratio of usable open space per dwelling unit at 36 square feet, and the Project would comply with that requirement.

- 4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

There are no residential density limits by lot area in the NCT-3 Zoning District. Density is restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of the Planning Codes, as well as by applicable design

guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. Therefore, the Project does not seek any additional density through the PUD.

- 5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;

The Project is not located in an R District.

- 6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The Project would rezone a portion of the site from a 40 foot to a 68 foot height district to accommodate sufficient density at the Supportive Housing Building. In addition, the proposed Special Use District would modify Planning Code Section 261.1 restrictions on height limits for narrow streets and alleys. Minor deviations from the provisions for measurement of height are sought through the PUD to accommodate the height of the "A" and "B" Buildings, and would be consistent with the purposes and intent of the Planning Code's height limit provisions.

- 7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

In the NCT-3 District, floor area ratio limits apply only to non-residential uses. The approximately 45,000 square feet of non-residential uses are well within the applicable 3.6 to 1 floor area ratio limit.

- 8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

The Project is located within a NC District, and has requested Conditional Use Authorization from the Planning Commission to establish a non-residential use (UA Local 38) greater than larger than 4,000 sq. ft. in the NCT-3 Zoning District, per Planning Code Sections 121.2 and 752. The Project's first-floor retail/restaurant uses are permitted in the NCT-3 District, as are the first-floor and upper-floor residential uses and the multi-floor UA Local 38 uses.

- 9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site,

continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

The Project creates new publicly-accessible north/south and east/west connections to and through the site, facilitating access to publicly-accessible open space, creating passageways through the site breaking down its scale, creating a pattern of block size, streets and alleys that is consistent with the surrounding neighborhood and contemporary urban design, and fostering beneficial pedestrian and vehicular circulation to and through the site.

- 10) Provide street trees as per the requirements of Section 138.1 of the Code.

The Project would retain or replace the existing 29 street trees along 12th, Market, Brady, and Colton Streets, and would plant an additional 39 trees, for a total of up to 68 street trees in compliance with Planning Code Section 138.1. Per Planning Code Section 138.1(c)(1), the Department of Public Works is responsible for reviewing and guiding any new street trees present on the project site. If any underground utilities or other barriers prevent a street tree from being planted, the Project would comply with Section 138.1's requirements pursuant to Section 138.1(c)(2)(C)(iii).

- 11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

The Project is not subject to the requirements of Planning Code Section 132(g) and (h); however, the Project does provide new streetscape elements, including new street trees, new landscape areas and new sidewalk paving around the Project site.

12. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, as adopted in Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

13. **Planning Code Section 101.1(b).** The Project is, on balance, consistent with the Findings of Planning Code Section 101.1(b), as adopted in Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

14. **First Source Hiring** The Project is subject to the requirements of the First Source Hiring Program and the Local Business Enterprise program under Chapters 83 and 14B, respectively of the Administrative Code, as well as additional operational period commitments agreed to by the Project Sponsor, in each case under the terms and conditions set forth in the Development Agreement.

See the Development Agreement for the detailed provisions regarding First Source and Local Business Enterprise requirements that will apply to the Project

15. 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, as adopted in

Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

16. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City for the reasons set forth in this Motion above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-005848CUA**, under Planning Code Sections 121.1, 121.2, 207.6, 303, 304 and 752, for: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirements; and, 3) establishment of a non-residential use larger than 4,000 square feet in the NCT-3 Zoning District, for the 1629 Market Street Mixed-Use Project. Under the PUD, the Commission must also grant modifications from the Planning Code requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); 4) street frontage (Planning Code Section 145.1); 5) off-street loading (Planning Code Section 152); and, 6) measurement of height (Planning Code Section 260), within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a OS, 68-X and 85-X Height and Bulk Districts. The following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 31, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20038. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 19, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NAYS: None

ABSENT: Hillis, Melgar, and Moore

ADOPTED: October 19, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirement; and 3) establishment of a non-residential use (Plumbers' Hall) larger than 4,000 square feet in the NCT-3 Zoning District, with modifications for: rear yard, dwelling unit exposure, permitted obstructions, street frontage, off-street loading and measurement of height, located at 1629 Market Street, Assessors Block 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035, pursuant to Planning Code Sections 134, 136, 135, 140, 207.6, 260 and 731.93 within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a 40-X and 85-X Height and Bulk Districts; in general conformance with plans, dated August 31, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-005848CUA and subject to conditions of approval reviewed and approved by the Commission on October 19, 2017 under Motion No. 20038. 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 19, 2017 under Motion No 20038.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20038 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

RELATIONSHIP TO DEVELOPMENT AGREEMENT

In the case of any conflict between this Conditional Use Authorization, the Development Agreement shall prevail.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for the term of the Development Agreement.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after expiration or earlier termination of the Development Agreement, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued for a building, construction must commence within the timeframe required by the Department of Building Inspection for such building and be continued diligently to completion.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of the Development Agreement with respect to City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Mitigation Measures.** Mitigation measures described in the MMRP (Case No. 2015-005848ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation as applicable to each building or component of the project is a condition of project approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Additional Authorizations.** The Project Sponsor must obtain a Planning Code Text Amendment and Zoning Map Amendment to establish the 1629 Market Street Special Use District and an amendment to the Zoning Map No. 07 and Height & Bulk District Map No. 07 to realign the zoning to the adjusted parcel boundaries and increase the height and bulk of Block 3505 Lots 027 and 028 from 40-X to 68-X, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply, where not inconsistent with the Development Agreement.

This approval is contingent on, and will be of no further force and effect until the date that the San Francisco Board of Supervisor has approved by resolution approving the Zoning Map Amendment, Planning Code Text Amendment and General Plan Amendment.

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on May 25, 2017. These conditions state:

8. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
9. **Sound Study.** The Project Sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
10. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
11. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
12. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line

of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

13. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
14. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
15. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
16. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
18. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be

designed to complement, not compete with, the existing architectural character and architectural features of the building.

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

19. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. On-site, in a ground floor façade (the least desirable location).

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

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

PARKING AND TRAFFIC

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

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

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

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

22. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 270 bicycle parking spaces (221 Class 1 and 28 Class 2 spaces for the residential portion of the Project and two (9 Class 1 and 12 Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

23. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than three-hundred and sixteen (316) off-street parking spaces.

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

24. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide five (5) off-street loading spaces.

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

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

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

PROVISIONS

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

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

27. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program set forth in the Development Agreement. Following expiration or earlier termination of the Development Agreement, the provisions of Administrative Code Chapter 83 regarding development projects shall apply.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

28. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A, as set forth in the Development Agreement. Based on the Project's Environmental Evaluation Application date of July 10, 2015, and pursuant to Planning Code Section 411A(d)(2), residential uses subject to the TSF shall pay 50% of the applicable residential TSF rate, and the non-residential uses subject to the TSF shall pay the applicable Transit Impact Development Fee (TIDF) rate.

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

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

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

30. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421.

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

MONITORING - AFTER ENTITLEMENT

31. **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

32. **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

OPERATION

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

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

34. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*
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 officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
36. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

