

Rincon Point Neighbors Association

88 Howard Street
Post Office Box 193015
San Francisco, CA 94119

December 13, 2014

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 DEC 15 PM 4:53
BP

Re: Appeal of Mitigated Negative Declaration, 110 The Embarcadero (2011.1388E)

Via email and USPS Priority Mail

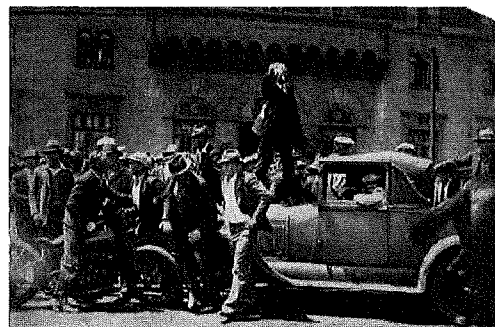
Dear Ms Calvillo:

The Rincon Point Neighbors Association, with the support of numerous individuals and approximately 20 community groups, hereby appeals the Planning Commission's denial of its appeal of the Mitigated Negative Declaration (MND) for the proposed project at 110 The Embarcadero. This proposal amounts to the destruction of one of the city's most historic buildings and one of the most important union-related buildings on the west coast. The ILWU unanimously called for landmarking this building at its 34th International Convention in Seattle.

Testimony shows that this project should have received an Environmental Impact Report. Historical issues have been glossed over and ignored. The building is eligible for listing on the California Register under Criterion A, association with important events, for its direct association with the 1934 waterfront and general strikes in San Francisco. The building was the headquarters of the International Longshoremen's Association (ILA) and its leader, Harry Bridges, during the 1934 longshoremen's strike. It was the site of one of the slayings on "Bloody Thursday," and was the location where the bodies of the slain men lay in state.

HISTORY IGNORED:

The Commonwealth Club and Planning Department are attempting to re-write history by ignoring the association of the building with the considerable contributions of the union and the leadership of Harry Bridges. They have the gall to state none of the building's occupants appear "to have made a significant contribution to local, state, or national history" (page 25, PMND). They have declared Harry Bridges was not present at the 1934 strike committee (which he led) or at the union local (where his leadership was consolidated during the 1934 strike). The historic



Embarcadero side of the YMCA

evidence overwhelmingly indicates this building was Harry Bridges' headquarters during the strike. This makes the building eligible for listing in the California Register under Criterion 2 (persons) and requires the building to be preserved. The Planning Department and Commonwealth Club do not want this historic building preserved. That is why they are re-writing history. Of course it was the city's powerful elite (mayor, downtown business interests, and the wealthy) who opposed the union in 1934. Today, their counterparts are still downplaying the union and Mr. Bridges by supporting the Commonwealth Club's plans.

History was made on the Embarcadero, but the Commonwealth Club would remove ALL character-defining features of the building's Embarcadero façade. The MND tries to excuse this by arbitrarily claiming "the significance of the property under Criterion 1 is most closely tied to the Steuart Street façade." That is nonsensical and there is no basis for this proclamation. The Commonwealth Club bought one building, not two. The slain men lay in state inside the building. The building (not the façade) was headquarters of the union during the strike. On Bloody Thursday the SFPD shot gas canisters through the windows on both sides of this building. Harry Bridges obviously worked at the headquarters of the union he headed which was housed inside the building. The claim that only the Steuart Street façade is significant is absurd. This seems to be based on a photograph of preparations of the slain men's funeral procession down Market Street. The great historic events focus on the strike, most of which took place on the Embarcadero. The personal leadership for these events emanated from this building.

In any event, the façade being proposed for the Steuart Street side would not be an accurate restoration anyway. The most visible first floor is completely different from 1934, and the newly inserted third floor would be visible and too close to the existing façade (set back only six- to eight-feet).

DESIGN CONCERNS:

This historic Classical Revival building has handsome columns flanking five large windows. It is the same design on both sides of the building. Though poorly painted at this time, the historic design needs to be maintained to stay in sync with the rest of the block.

The MND is incorrect when it states a new modern glass curtain wall "would not have a significant impact upon the existing character of the Project's vicinity."



This is the last block in the city of mostly 100-year old buildings on the waterfront. It deserves to become a historic district. It is even more important because it faces the open waterfront. One building on the block survived the earthquake and fire and still exists at the north end (the Audiffred Building). Most maintain much of their ornamentation, such as the YMCA. The rest of the buildings were designed with a dignified, classic look including the streamline moderne (a style developed in the 1930s) office building at the south end of the block. None have the uninteresting glass curtain wall appearance that the club is proposing. (Most world-class cities would protect a block of buildings on the water. For example, London, Paris, Florence, St. Petersburg, Amsterdam (right) and other great cities would require them to be either preserved or designed to maintain the historic look.)



EARLIER BOARD FINDINGS:

It should be noted that the San Francisco Board of Supervisors found on March 31, 2009 that some of these same issues were significant at this location. Their motion stated the following about this existing building:

- “There is substantial evidence that the existing building at 110 The Embarcadero, which also fronts 113-115 Steuart Street, is an historical resource.”
- “...there is substantial evidence in the record that the building retains integrity...”
- “...the building remains in its original location, the historic Audiffred Building remains next door and five of the buildings in the vicinity visible from a 1934 photograph still stand, resulting in a blockface the retains integrity. The massing and scale of the building, the shaped parapet with coping and the stucco cladding of the building remain the same as they were in 1934. Bradley Wiedmaier states that the second floor window opening dimension, the number of openings, the depth of the glazing from the wall surface and framing remain the same.”
- “...alterations (already made) to the façade details mentioned by Page and Turnbull are largely reversible.”
- “Given the substantial evidence in the record to support a determination that the building is an historical resource because it retains integrity associated with important historic events, there is a fair argument that the project, which proposed the demolition of the resource, may result in a substantial adverse change in the significance of an historical resource requiring the preparation of an EIR.”
- “Planning Department staff found the project inconsistent with Planning Code Section 101.1(b)(2), which calls for conserving and protecting ... neighborhood character.”
- “Written and oral testimony presented at the hearing identified the potentially significant impact on birds flying into the “mostly glass” walls....”

There is no reason demolition of the east façade of the building which faces the heavily traveled (pedestrian, bike, auto, streetcar) Embarcadero should be allowed now.

Members of the Rincon Point Neighbors Association and the Rincon Center Tenants Association have been actively tracking neighborhood projects since the 1990s. Residents have testified about the over-development of Rincon Park, the loss of the city's 125-year-old transit terminal in front of the Ferry Building, the proposal for 75 Howard that would be nearly 50% over the height limit, and the rejected Hines project previously proposed for 110 The Embarcadero.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave", written in black ink.

David Osgood
President

Cc: Environmental Review Officer

Enclosures



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 19277

HEARING DATE: NOVEMBER 13, 2014

Hearing Date: November 13, 2014
Filing Date: October 8, 2014
Case No.: **2011.1388EX**
Project Address: **110 THE EMBARCADERO/115 STEUART STREET**
Zoning: C-3-O (Downtown Office)
 84-X Height and Bulk District
Block/Lot: 3715/002
Applicant: Piper Kujac
 The Commonwealth Club of California
 595 Market Street, 2nd Floor
 San Francisco, CA 94105
Staff Contact: Pilar LaValley - (415) 575-9084
pilar.lavalley@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 REVIEW, PURSUANT TO A REQUEST FOR HEARING OF A PROPOSED ADMINISTRATIVE APPROVAL UNDER PLANNING CODE SECTIONS 309(d) AND (g), FOR CONSTRUCTION OF A ONE-STORY VERTICAL ADDITION, ROOF DECK, AND CIRCULATION PENTHOUSE TO THE EXISTING TWO-STORY-OVER BASEMENT BUILDING, REPLACEMENT OF THE EMBARCADERO FAÇADE AND RESTORATION OF THE STEUART STREET FAÇADE, AND REHABILITATION OF THE BUILDING FOR ASSEMBLY AND ACCESSORY OFFICE USE, AT 110 THE EMBARCADERO/115 STEUART STREET (ASSESSOR'S BLOCK 3715, LOT 002), LOCATED WITHIN A C-3-O (DOWNTOWN OFFICE) DISTRICT AND 84-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 1, 2013, Piper Kujac of the Commonwealth Club of California ("Project Sponsor"), filed Environmental Evaluation Application No. 2011.1388E with the Planning Department ("Department"), and on December 17, 2013, filed Building Permit Application No. 2013.12.17.4360 with the Department of Building Inspection, for construction of a one-story vertical addition, roof deck, and circulation penthouse to the existing two-story-over basement building, replacement of the Embarcadero façade and restoration

of the Steuart Street façade, and rehabilitation of the building for assembly and accessory office use for the Commonwealth Club of California, at 110 The Embarcadero/115 Steuart Street, Lot 002 in Assessor's Block 3715, within the C-3-O Zoning District and the 84-X Height and Bulk District ("Project").

On June 25, 2014, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until July 15, 2014; and

On July 14, 2014, an appeal of the Mitigated Negative Declaration was filed with the Department.

On September 18, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the Mitigated Negative Declaration, 2011.1388E.

On September 18, 2014, the Commission voted unanimously to uphold the IS/MND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On September 30, 2014, the Planning Department issued the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department is the custodian of records, located in the File for Case No. 2011.1388E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On September 25, 2014, the Department issued a Notice of Building Permit Application (Section 309) indicating that the project described in Building Permit Application No. 2013.12.17.4360 qualified for administrative approval under Planning Code Section 309(d) and providing required notice of such approval. The project qualifies for administrative approval as it requires no design modifications and no exceptions from Planning Code requirements.

On October 3, 2014, within the 10-day notice period outlined in Planning Code Section 309(d), the Department received a Request for Hearing of the proposed administrative approval of Building Permit No. 2013.12.17.4360 from David Osgood of Rincon Point Neighbors Association. The Request for Hearing

does not specify modifications to the project that the Planning Commission should impose nor does it allege that the project is not in compliance with the open space and streetscape requirements of the Planning Code.

On October 8, 2014, Piper Kujac of the Commonwealth Club of California ("Project Sponsor"), filed Downtown Project Authorization Application No. 2011.1388X per Planning Code Sections 309(d) and (g) with the Department.

On November 13, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1388EX.

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 grants the Section 309 approval (Downtown Project Authorization) requested in Application No. 2011.1388EX, 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, at 110 The Embarcadero/115 Steuart Street (Assessor's Block 3715, Lot 002), is a through lot on the west side of The Embarcadero and the east side of Steuart Street. The site is within the block bounded by The Embarcadero, Mission Street, Steuart Street, and Howard Street in the Financial District. The property is located within a C-3-O (Downtown Office) Zoning District with an 84-X Height and Bulk District. The project site presently contains a vacant, two-story-over-basement, 19,374-square-foot (sf), wood-frame commercial building constructed circa 1910.
3. **Surrounding Properties and Neighborhood.** The project site is located along The Embarcadero, the primary transportation corridor along San Francisco's bay frontage, at the eastern edge of the Financial District. This segment of The Embarcadero is characterized by expansive plazas, a wide boulevard configuration, median-running streetcar tracks, and waterfront-oriented pedestrian spaces. The project site is approximately one block south of Market Street, Justin Herman Plaza and the plazas surrounding the Ferry Building. Other adjacent land uses include office, residential, and hotel buildings, most of which have ground floor retail and service spaces. The site is within 2 ½ blocks of several major regional transit hubs, including the Embarcadero Bay Area Rapid Transit (BART)/San Francisco Municipal Railway (Muni) station, the Ferry Building, and the Temporary Transbay Terminal. The terrain of the area is largely level, due to its location on artificial fill.

On the subject block, none of the buildings are taller than eight stories, given the 84-foot height district. This height is typical of the adjacent blocks along The Embarcadero, though blocks on the west side of Steuart Street contain high-rise buildings. Nearby street-fronting businesses include restaurants, hotels, and other office and tourist-serving establishments. Residential developments are also present along The Embarcadero on blocks to the north and south of the project site.

The project site is next to the Audiffred Building, located on the south side of Mission Street between Steuart Street and The Embarcadero, which directly adjoins the northern wall of the existing project site building. The Audiffred Building was built in 1889, survived the 1906 earthquake and fire, and is designated as a historic landmark (San Francisco Landmark #7). Like the existing building at 110 The Embarcadero, it also played a central role in the 1934 Longshoreman's Strike. Other nearby historic resources include the Rincon Annex United States Post Office (180 Steuart Street), the YMCA Building (169 Steuart Street), and the Agriculture Building (101 The Embarcadero).

4. **Project Description.** The proposed project would involve interior improvements, rehabilitation, and the vertical addition of a third story, circulation penthouse, and roof deck to the existing building for use as offices and assembly functions for the Commonwealth Club of California, which would move from its current 595 Market Street location. As a result of the proposed project, the building would have 23,819 sf of floor space, of which 11,964 sf would be for assembly/circulation use, 6,770 sf would be for storage, and 5,085 would be for office use. The net addition to the building would total 4,445 sf. The total height of the building from street level to the top of the finish roof would be 51'-1" (62'-10" including rooftop features normally exempt from height calculations). The overall shell of the existing building would be retained and it would remain a through lot with exposed facades on The Embarcadero and Steuart Street. The cladding materials of the Embarcadero façade would be removed. The project would preserve the Steuart Street façade, which is associated with the significant historic events of 1934. The new third story would be set back between 6'-8" (at the south side of the building) and 11'-6" (at the north side of the building) from the Steuart Street frontage as part of the façade preservation. The proposed project would also include a plaque on the exterior of the Steuart Street façade dedicated to the labor history that occurred along Steuart Street in 1934. In the building, the Commonwealth Club would specifically curate historic archival materials related to labor events in 1934, including the building's association with the 1934 Longshoreman's Strike.
5. **Public Comment.** To date, the Department has received one comment in opposition to the project and the Project Sponsor has provided 20 letters in support of the project to the Department. These comment letters are contained in the attached Project Sponsor submittal.
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. **Floor Area Ratio (Section 124).** Section 124 establishes basic floor area ratios (FAR) for all zoning districts. As set forth in Section 124(a), the FAR for the C-3-O District is 9.0 to 1.

The Project Site has an area of approximately 6,297.5 square feet, thus the maximum development of the Property pursuant to Section 124 is 56,677.5 square feet of gross area. The project proposes a total

of approximately 24,908 gross square feet, or a FAR of approximately 4.3 to 1. Therefore, the Project complies with the FAR limitations of Section 124.

- B. **Section 134: Rear Yard.** Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is a function of lot depth. Section 134(a)(1)(C) states that in C-3 Districts, "rear yards shall be provided at the lowest story containing a dwelling unit and at each succeeding level or story of the building."

The Project does not propose any dwelling units, and thus Section 134 does not apply.

- C. **Non-Residential Open Space (Section 138).** Planning Code Section 138 requires usable open space for uses other than dwelling units, except "institutional" uses, and uses in a predominantly retail building, in C-3 Districts where there is a proposal to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building.

The Project proposes assembly and accessory office use for the Commonwealth Club of California, which is an "institutional" use as defined by Planning Code Section 217(d) as a "Social service or philanthropic facility providing assistance of a charitable or public service nature." Therefore, no open space is required although the project will provide 227 sf of publicly accessible open space at building setback areas fronting on both The Embarcadero and Steuart Street.

- D. **Streetscape Improvements (Section 138.1).** Planning Code Section 138.1 requires that in any District, street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback. Each street tree must be a minimum of 24-inch box size for each 20 feet of frontage of the property along each street or public alley. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project will include retention and replacement of required street trees on both The Embarcadero and Steuart Street elevations. Where installation of one replacement street tree is not feasible, an in lieu fee will be paid. Due to the size and nature of the project, no additional streetscape improvements pursuant to Planning Code Section 138.1(c) are required. The project complies with all open space and streetscape requirements.

- E. **Section 146: Shadows on Public Sidewalks.** In order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods, Section 146(a) requires new structures to avoid penetrating a sun access plane defined by an angle sloping away from the street above a stipulated height at the property line as set forth in Table 146 on properties that are located along streets. Section 146(c) requires new buildings and additions to existing buildings in C-3 Districts to be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, to

reduce substantial shadow impacts on public sidewalks other than those protected by Section 146(a).

The Embarcadero and Steuart Street are not among the streets regulated by Section 146(a), and Section 146(a) sun access plane requirements do not apply.

The Department concluded in its Mitigated Negative Declaration that the Project-generated shadows would be minor relative to shadow currently generated by existing buildings in the vicinity. The shadows cast by the Project would not increase the total amount of shading in the neighborhood above levels that are common and generally accepted in urban areas. In sum, the Department's environmental review concluded that the shadows cast by the Project on public sidewalks would not be considered substantial, and thus the Project complies with Section 146(c) requirements.

- F. **Shadow (Section 147).** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

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

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

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

The Department concluded in its Mitigated Negative Declaration that the Project-generated wind would be minor relative to wind currently generated by the existing building and surrounding

buildings in the vicinity. Existing buildings on the same block as the project site are between two and eight stories in height, and surrounding blocks contain high-rise buildings. The existing building on the project site is 35 feet tall. The proposed project would add a third story to the existing building. The total height of the building with the proposed addition would be 51'-1" (62'-10" including parapets, rooftop access, and mechanical equipment). This addition would result in a minor addition to an existing building, and the buildings in the project vicinity are of similar height or taller, so the proposed project would not be expected to substantially increase ground-level winds. Thus, the proposed project would result in a less-than-significant wind impact; no exception for wind is being sought or is required.

- H. **Parking (Section 151.1).** Pursuant to Planning Code Section 151.1, no off-street parking is required for uses in C-3 Districts.

The existing building contains no parking and the Project proposes no new parking spaces.

- I. **Section 152.1: Loading.** Planning Code Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Table 152.1 requires no off-street freight loading spaces to be provided for an assembly use that is less than 100,000 square feet in area.

With 18,353 gross square feet of assembly use, the Project is not required to provide any loading spaces. The Project does not provide any loading spaces, and thus complies with this requirement.

- B. **Height (Section 260(b)(1)(G)).** The project site is located in an 84-X Height and Bulk district.

The height of the new finished roof would be 51.5-feet, and the absolute height, including mechanical and elevator penthouse, would be 62-feet. As proposed, the project is well under the height and bulk limit of the 84-X district.

7. **Design Review.** Planning Code Section 309 lists ten aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects and does not require modifications as follows:

The proposed design, including the glass curtain wall facing The Embarcadero and the vertical addition, has been carefully reviewed by preservation staff in preparation of the Historic Resource Evaluation Report (HRER) and Final Mitigated Negative Declaration (FMND) and by the Department's Urban Design Team, and found to be compatible with the historic resource and the mixed architectural character of the surrounding block. The glass curtain wall will comply with all requirements of Title 24 and the Building Code, both of which are the purview of the Department of Building Inspection.

The Department recommends no design modifications to the proposed project as it appears to respect the proportion, scale, setbacks, materials, and parapet and fenestration treatment of the buildings on the surrounding block. The Project is not anticipated to negatively affect sidewalk shading or ground-level winds, and the height of the Project is consistent with surrounding buildings and the predominant streetwall. The Project has been designed to encourage pedestrian circulation and incorporates open space and streetscape features as required. No design modifications are proposed or required.

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

URBAN DESIGN ELEMENT

OBJECTIVE 3:

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

Policy 3.1: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project vicinity consists of a variety of building designs and scales. The Project has been designed to complement the existing development and neighborhood

DOWNTOWN PLAN ELEMENT

OBJECTIVE 13 (URBAN FORM):

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

Policy 13.1:

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

The Project vicinity consists of a variety of building designs and scales. The Project has been designed to complement the existing development and neighborhood

TRANSPORTATION ELEMENT

Objectives and Policies

The Transportation Element of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 2:

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

Policy 2.1:

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

The Project is located within an existing high-density urban context. The Downtown Core has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine. The Project would make good use of the existing and planned transit services available in this area. The Project proposes no off-street parking, encouraging tenants and patrons to seek transportation options other than private automobile use.

9. **Priority Policy Findings.** Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed project will not have any impact on neighborhood serving retail uses. The Project Site does not currently contain any retail uses, and none will be displaced by the Project.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The Site does not currently contain any residential use, and thus the Project has no impact on the amount of existing housing.

- C) The City's supply of affordable housing will be preserved and enhanced:

The project will not reduce the affordable housing supply.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just one block from Market Street, a major transit corridor that provides access to various Muni and BART lines.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The Project Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project. The proposal will retain a mix of uses including office, and assembly uses, contributing to the diverse economic base of downtown.

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

Preparedness against injury and loss of life in an earthquake is improved by the proposed work. The work will eliminate unsafe conditions at the site and all construction will be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

The existing building is considered a historic resource and the significant character-defining features of the Steuart Street façade will be preserved and restored as documented in the Mitigated Negative Declaration.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for parks and open space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Section 309 Downtown Project Authorization would promote the health, safety, and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Application No. 2011.1388EX pursuant to Section 309, subject to the following conditions attached hereto as Exhibit A which are incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2011.1388EX.

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

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 13, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Moore, Richards, and Wu

NAYS: None

ABSENT: None

ADOPTED: November 13, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Section 309 Determination of Compliance affirming an administrative approval to allow the construction of a one-story vertical addition, roof deck, and circulation penthouse to the existing two-story-over-basement building, replacement of The Embarcadero façade and restoration of the Steuart Street façade, and rehabilitation for office and assembly use (for Commonwealth Club of California) of the building located at 110 The Embarcadero/115 Steuart Street within the C-3-O District and the 84-X Height and Bulk District; in general conformance with plans, dated December 17, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1388EX. 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 November 13, 2014 under Motion No. 19277.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19277 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 Determination of Compliance 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 Determination of Compliance authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
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 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 attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

7. **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

8. **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

9. **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

10. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

11. **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:
1. 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;
 2. On-site, in a driveway, underground;
 3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 4. 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;
 5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 7. 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

12. **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

13. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

MONITORING - AFTER ENTITLEMENT

14. **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
15. **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

16. **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>
17. **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>
18. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

19. **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

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM
(Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES				
Cultural and Paleontological Resources				
<p>M-CP-2: Archeological Monitoring Program. Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p> <p>Consultation with Descendant Communities: On discovery of an archeological site¹ associated with descendant Native Americans or the Overseas Chinese an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p>Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall 	Project sponsor	AMP development to occur prior to any project-related soils disturbing activities. Monitoring to occur during soils disturbing activities as specified in AMP.	Planning Department to review and approve AMP	As specified in AMP

¹ By the term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.
² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; ▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO. <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft</p>				

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft</p>				

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p>Air Quality</p> <p>A. Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p style="margin-left: 20px;">i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</p> <p style="margin-left: 20px;">ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p> <p>c) Exceptions:</p> <p style="margin-left: 20px;">i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of</p>				
	Project sponsor	Plan development to occur prior to issuance of building permit. Monitoring to occur during construction.	Planning Department to review and approve plan. Project sponsor to submit quarterly reports to Planning Department during construction, and final report six (6) months after construction.	As specified in plan

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)																
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>compliance with A(1)(b) for onsite power generation. ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii). iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 3.</p> <p>Table 3 – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p><u>How to use the table:</u> If the requirements of A(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction</p>					Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

**Motion No. 19277
EXHIBIT C**

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MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p>B. Reporting. Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>				
IMPROVEMENT MEASURES				
Transportation				
<p>IM-TR-1a – Transportation Demand Management Program. The Proposed Project shall provide at least ten (10) secured bicycle storage locations in the basement for the employees to promote other modes of transportation. In addition, the project sponsor shall implement a Transportation Demand Management (TDM) Program for both employees and visitors that seeks to annually reduce the number of single occupancy vehicle (SOV) trips to and from the project site and encourage persons arriving/departing via alternative modes of transportation (e.g., walking, bicycling, transit). The project sponsor shall designate one or more TDM program managers/contacts, and provide training for these positions. Commonwealth Club shall document and make available upon request, biannually (every two years) monitoring reports, starting one year after certificate of occupancy for the building (baseline year), for</p>	<p>Project sponsor</p>	<p>Prior certificate of occupancy issuance</p>	<p>Project sponsor to submit biannual reports to Planning Department starting one year after certificate of occupancy issuance</p>	<p>Continuous</p>

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>review by the City, including the Planning Department. The biannual monitoring reports should include travel demand surveys (i.e., travel demand analysis information requested in the SF Guidelines³) of employees and visitors arriving and leaving the building for up to seven days of the reporting period. Generally, the TDM program shall be considered effective if in two consecutive reporting periods that there is a 10 percent reduction⁴ in SOV trips to and from the project site from the baseline year. The project sponsor shall consider and include some or all of the following TDM measures:</p> <ul style="list-style-type: none"> • Provide ongoing local and regional transportation information (e.g., transit maps and schedules, maps of bicycle routes, internet links) for new and existing employees and patrons, including providing a transportation insert for the invitation packet that would provide information on transit service (Muni and BART lines, schedules and fares), car- and bike-share information, information on where transit passes could be purchased, and information on the 511 Regional Rideshare Program. • Continue to participate in the Muni FastPass (loaded onto a Clipper card) program as part of the Commonwealth Club employee benefits package. • Provide information on transportation options, including updates and a "ride board" through which employees and patrons can offer/request rides, on the website and/or lobby bulletin board. • Encourage the use of bicycles by increasing the number of on-site and potentially on-street bicycle racks making them convenient and easy to use. Provide clear points of access to bicycle parking and storage through elevators and/or on the ground floor, and ensure signage indicates the location of these facilities (if public). • Consider providing discounted bike share membership passes for employees as part of the Commonwealth Club employee benefits package. • Promote the nearby bike share stations as part of travel information, providing links to additional information on use and membership. • Similarly, provide information regarding local car share programs. 				
<p>IM-TR-1b: Construction Deliveries. To further minimize the construction-related disruption of the general traffic flow on adjacent streets during the AM and PM peak periods, truck movements and deliveries shall be restricted to off-peak hours (generally outside of 7 AM to 9 AM and 4 PM to 6 PM on weekdays, but restrictions may include other times during Giants game days), or other times, as determined by SFMTA and its Transportation Advisory Staff Committee (TASC).</p>	Project sponsor	During construction	SFMTA to monitor compliance with TASC restrictions	Continues until completion of construction
<p>IM-TR-1c: Construction Management Plan – Additional Actions. The project sponsor</p>	Project Sponsor	Plan development to occur	Planning Department to	Continues until

³ City and County of San Francisco, Transportation Impact Analysis Guidelines for Environmental Review, October 2002, Chapter 3, Section 3.

⁴ The 10 percent reduction aligns with the reduction required between 2010 and 2018 for the San Francisco Municipal Transportation Agency to meet their 50 percent private automobile mode share goal outlined in the Strategic Plan, Fiscal year 2013 – Fiscal Year 2018.

MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Mitigation and Improvement Measures Agreed to by the Project Sponsor)				
	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
shall be required to develop and implement a Construction Management Plan (CMP), addressing transportation-related circulation, access, staging, and potential lane and sidewalk closures. In addition to these requirements, the project sponsor shall consider implementing the following measures as part of the CMP: <ul style="list-style-type: none"> • Construction and Transit Access for Construction Workers – to minimize parking demand and vehicle trips associated with construction workers, include methods to encourage carpooling and transit use to the project site by construction workers. • Project Construction Coordination and Updates for Adjacent Businesses, the Public and Residents: The project sponsor shall be required to consult with surrounding community members, including business and property owners near the project site to assist coordination of construction traffic management strategies as they relate to the needs of those adjacent to the project site. The project sponsor shall develop a public information plan to provide adjacent residents and businesses with regularly-updated information and a construction-management contact person who shall provide information on project construction activities and schedule, peak construction vehicle activities (e.g. concrete pours), travel detours or other lane closures. 		prior to issuance of building permit. Monitoring to occur during construction.	review and approve CMP	completion of construction



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion [XXXX]

HEARING DATE: September 18, 2014

Hearing Date: September 18, 2014
Case No.: 2011.1388E
Project Address: 110 The Embarcadero/115 Steuart Street
Zoning: C-3-O (Downtown Office) Use District
84-X Height and Bulk District
Block/Lot: 3715/002
Project Sponsor: Piper Kujac, Owner's Representative and Building Project Manager, The Commonwealth Club of California
595 Market Street, 2nd Floor
San Francisco, CA 94105
Staff Contact: Kansai Uchida – (415) 575-9048
kansai.uchida@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2011.1388E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 110 THE EMBARCADERO/115 STEUART STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On August 1, 2013, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On June 25, 2014, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On June 25, 2014, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On July 15, 2014, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by David Osgood of Rincon Point Neighbors Association.
5. On July 15, 2014, phone comments and a comment letter concerning the decision to issue a Mitigated Negative Declaration were submitted by Bradley Wiedmaier. In response to clarifications requested

by Planning Department staff, Mr. Osgood indicated by e-mail on July 16, 2014 that the letter submitted by Mr. Wiedmaier is part of his appeal.

6. On July 17, 2014, a comment letter concerning the decision to issue a Mitigated Negative Declaration was submitted by Mike Buhler of SF Heritage.
7. A staff memorandum, dated September 11, 2014, addresses and responds to all points raised by the appellant in the appeal letter and by the commenters in the submitted comments. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.
8. On September 18, 2014, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
9. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the September 18, 2014 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
10. After consideration of the points raised by appellant, both in writing and at the September 18, 2014 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
11. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
12. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission HEREBY DOES FIND that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and HEREBY DOES AFFIRM the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was ADOPTED by the City Planning Commission on September 18, 2014.

Jonas Ionin
Commission Secretary



Planning Department

September 18, 2014

SAN FRANCISCO PLANNING COMMISSION

Meeting Minutes

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, September 18, 2014

12:00 p.m.

Regular Meeting

COMMISSIONERS PRESENT: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

THE MEETING WAS CALLED TO ORDER BY PRESIDENT WU AT 12:12 P.M.

STAFF IN ATTENDANCE: John Rahaim – Planning Director, Omar Masry, Aaron Starr, Elizabeth Watty, Jeff Speirs, Diego Sanchez, Kanishka Burns, Kansai Uchida, Wade Wietgreffe, Brittany Bendix, Sara Velve, Michael Smith, Eillesh Tuffy, Glenn Cabrerros, and Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1. 2014.0377C (J. SPEIRS:
(415) 575-9106)

2861-2865 SAN BRUNO AVENUE - east side between Wayland Street and Woolsey Street, Lot 022 in Assessor's Block 5457 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 711.36 and 317, to allow the residential conversion of two dwelling units at the second floor to two office spaces (Business or Personal Service) within a NC-2 (Neighborhood Commercial, Small Scale) Zoning District and 40-X Height and Bulk District. The project includes a third and fourth floor vertical addition to add two new dwelling units. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Pending

(Proposed for Continuance to October 16, 2014)

SPEAKERS: None

ACTION: Continued to October 16, 2014

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

- 2a. 2012.0678E!KUVX (E. WATTY: (415)
558-6620)

19-25 MASON STREET (AKA 2-16 TURK STREET) - northwest corner of Mason and Turk Streets; Lots 002, 005, 006 in Assessor's Block 0340 - **Request for Determination of Compliance** pursuant to Planning Code Section 309, with exceptions to the requirements for "Rear Yard" (Section 134), "Reduction of Ground-Level Wind Currents in C-3 Districts" (Section 148), and "Residential Accessory Parking" (Section 151.1(f)). The proposed project would remove an existing surface parking lot and construct a new, 12-story, 112,600 gsf, mixed-use building, with 109 dwelling units, 52 off-street parking spaces, and approximately 2,400 sf of ground-floor retail space. The project site is located within the C-3-G (Downtown General) Zoning District and 120-X Height and Bulk District.

(Continued from Regular Meeting of August 14, 2014)

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: Continued Indefinitely

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

- 2b. 2012.0678E!KUVX (E. WATTY:
(415) 558-6620)

19-25 MASON STREET (AKA 2-16 TURK STREET) - northwest corner of Mason and Turk

Streets; Lots 002, 005, 006 in Assessor's Block 0340 - **Request for Variances**, pursuant to Planning Code Section 140, for dwelling unit exposure for 19 of the 109 units. The proposed project would remove an existing surface parking lot and construct a new, 12-story, 112,600 gsf, mixed-use building, with 109 dwelling units, 52 off-street parking spaces, and approximately 2,400 sf of ground-floor retail space. The project site is located within the C-3-G (Downtown General) Zoning District and 120-X Height and Bulk District.

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: ZA Continued Indefinitely

3. 2013.1668T (A.
STARR: (415) 558-6362)

BONA FIDE EATING PLACE - Planning Commission **consideration of an Ordinance [BF 131064] amending the Planning Code** to expand the definition of "bona fide eating place" to include a definition based on food sales per occupant and modifying the definition of a Bar to include establishments with an ABC License Type 47 that are not Bona Fide Eating Places; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

(Continued from Regular Meeting of June 19, 2014)

(Proposed for Indefinite Continuance)

SPEAKERS: None

ACTION: Continued Indefinitely

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

4. 2013.1620D (K.
BURNS: (415) 575-9112)

812 – 814 GREEN STREET - north side of Green Street, between Mason and Taylor Streets; Lot 010 in Assessor's Block 0119 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317(e), of Building Permit Application No. 2013.11.06.1249, proposing to make interior modifications to merge two dwelling units into one unit, resulting in the elimination of one unit in an existing three unit building within a RM-2 (Residential-Mixed, Moderate Density) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Take Discretionary Review and Disapprove

(Continued from Regular Meeting of August 14, 2014)

(WITHDRAWN)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

5. 2012.0059C (O. MASRY;

(415) 575-9116)

431 BALBOA STREET - along the south side of Balboa Street, between 5th and 6th Avenues, Lot 047 in Assessor's Block 1639 - **Request for Conditional Use Authorization** under Planning Code Sections 711.83 and 303 to allow a macro wireless telecommunications services (WTS) facility operated by AT&T Mobility. The proposed macro WTS facility would feature nine (9) panel antennas screened by a combination of faux elements (vent pipes, rooftop mechanical screens, and a faux decorative parapet extension), on the roof of an existing three-story mixed-use building. Related electronic equipment would be located on the roof and in a ground floor room. The facility is proposed on a Location Preference 5 Site (Mixed-Use Building in a High-Density District) within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: + Ted Vriheas – Project presentation

- John Makibo – Views, light, RF emissions reports – not direct measurements
- Sho Lu Makibo – Aesthetics, notice
- (F) Speaker – Opposed, view
- Sue Chin Hung – Opposed, health
- Anne Chassey – No service need
- Daniel Wu – Radiation effects
- David Osgood – Opposition

ACTION: After being pulled off of Consent; Approved with Conditions

AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

MOTION: 19237

6. 2014.1240T (A)
STARR: (415) 558-6362

AMENDMENTS TO THE PLANNING CODE'S DEFINITION OF RESIDENTIAL UNIT AND RESIDENTIAL CONVERSION REQUIREMENTS [BOARD FILE NO. 140775] - **Ordinance amending the Planning Code** to amend the definition of Residential Unit and clarify the requirements for a Residential Conversion of a Residential Hotel Unit regulated under Administrative Code, Chapter 41; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: None

ACTION: After being pulled off of Consent; Adopted a Recommendation for Approval

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

NAYES: Antonini

RESOLUTION: 19238

C. COMMISSION MATTERS

7. Consideration of Adoption:
Draft Minutes for September 4, 2014

SPEAKERS: None
ACTION: Adopted
AYES: Wu, Fong, Antonini, Hillis, Johnson, Moore, Richards

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

8. Commission Comments/Questions

Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).

Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

Commissioner Antonini:

A couple of things, last night I was able to go to see a preview of the renovated Masonic Auditorium. It had been before us and it was approved, as you know, and I think it was very well done and as we had mentioned during our discussions and as I voted, ultimately had been mostly to improve the facility, which I think in my opinion they did and made it a lot more functional. The other item I wanted to mention, I hope many of you have been able to watch Ken Burns' excellent series on PBS Channel 9, on the Roosevelt's, which is going to have its fifth night, tonight. I have seen three of the four nights and I think it's extremely well done, and from the histories I have read over the period, it seems to be very accurate and the nice thing about it is they don't hesitate to mention the warts, that is, the times when these individuals did things that might not have been the best or not made the best decisions. In any case, it is very important in the formation of the America we know today, the period of time characterized by both Presidents, Teddy Theodore Roosevelt and Franklin Roosevelt and of course Eleanor Roosevelt also is featured extensively in there. And the second episode ended with one of my favorite quotes by then President Theodore Roosevelt at the Sorbonne in 1905, the quote is known as, "It is not the critic that counts," but basically what Roosevelt was saying to his audience is, it's the one, the man in the arena, as he puts it, the one who is actually doing the deeds and risking his life and doing the best he can to do good is the one who really should get the credit not the person who just criticizes, and doesn't offer any constructive criticism or anything in replace of what is being proposed and the job that's being done by as he says, the man in the arena. I think it's one of my favorite quotes and it was a fitting ending to the second episode.

Commissioner Moore:

I'd like to ask the Director; if at all possible, the Commission received a letter from Perkins and Coie, who are now representing the Academy of Art, giving the Commission an update on the Academy. I believe that that update is a little thin relative to the detail many of us have spent on it over the years and I do think the public, just as well as, the Commission deserves a slightly more detailed update because we have asked more detailed questions. The second point is in yesterday's e-mail I received a wonderful copy of San Francisco Heritage with a draft on the Cultural History of the City. It takes, like snapshots of particular events and buildings and places. I understand the Historic Preservation Commission had a presentation by Heritage. I am wondering if we could have a similar presentation, because ultimately we at least should know -- while it does not influence what we do, it gives us a broader understanding of the larger issues which tie it all together. Would you consider that to be possible, Director Rahaim?

Director Rahaim:

Absolutely, we can work with the Chair to make that happen.

Commissioner Moore:

Thank you.

Commissioner Richards:

I guess parlaying off what Commissioner Moore said, I too was pleasantly surprised to receive these documents from San Francisco Heritage in the mail. I think, you know, we look at preservation through kind of a physical environment lens, the style of architecture, how old the building is, and maybe what happened there, but from a cultural point of view we have a little bit of catching up to do. I know the Gay and Lesbian Context Statement was adopted more than ten years ago. I know that there was an African American Context Statement that was adopted and I know it's in the works to have a Latino Context Statement that's coming, and I think, part of what makes San Francisco the wonderful place it is, is the social and cultural heritage that we have, and case in point, if you go online and look at the Heritage booklet on sustaining our living history, some of the most recent kind of things that have been publicized around changes in the social and cultural heritage started with the Pied Piper Bar and I think Commissioner Antonini, you could probably speak to that. That kind of started the ball rolling, on well wait a minute, if we had the Pied Piper go away and the Golden Dust Lounge go away and the Tonga Room go away, what is San Francisco going to look like? We had The Eagle go away which is a leather bar South of Market, went away for two years, it's come back, that's great, Esta Noche in the Mission is gone, the Roxy Theater's lease is up for renewal, I know Sam Wo is gone, they were there 100 years, Marcus Books is gone, and now the The End Up, which has been around, if you ever read *Tales of the City*, probably 40 years now, it's a fixture in the nightlife scene in the South of Market, their building is up for sale. So, I really think that getting our arms around what we can do strategically to prevent displacement for these kinds of businesses is good. And, actually on the back of one of the pamphlets, they talk about strategies that they would like to implement, that's why I would like them to also come to the Commission. The second thing I wanted to mention is, I asked Director Rahaim and staff if they could produce, I guess a pro forma in the pipeline report for the housing coming online. We keep referring to the income levels of housing, above moderate, is 120% of AMI, moderate is 80-120%, and then low income, lower than 80. I've only been here two meetings, we've had some discussion around what kinds of BMR units they are going to be, folks in the Mission want 55% or less or even lower than that. We hear that there is a big gap in the moderate income units to the point of, that we only produced about a quarter of what we need. And low income on 61 percent and we're way above moderate, at about 200 percent. I asked Director Rahaim if he could actually take a look at and maybe eyeball, for the 4,000 units coming, beyond 2014 in Hunters Point, Treasure Island and Park Merced, to give us an idea of what the world would look with those projects online. Would it move any of these numbers significantly or are we still, basically operating with the same deficit foundation in the low and moderate? I look forward to receiving that. My last point is, I struggle with the last two meetings with definition of family housing. I came across something on Twitter two days ago that what was retweeted by San Francisco Business Times and it was the First Republic Luxury Home Index. It kind of opened my eyes to, wow, this is what we are kind of dealing with. The luxury home defined by First Republic, and I'm sure that there's other barometers out there, is a home that's valued at \$3 million, it has three or more bedrooms, and it has 3,000 or more square feet. You can fit a family in that, of course, you can fit a family in a size less than that, but I think for my purposes and my lens moving forward, I'm going to call that definition a luxury family house, anything less than that would be family housing. So, the 26th and Clement we had called into a definition of what a family housing really would be. The 115 Telegraph Hill certainly is a luxury family house. That's kind of the lens I'm going to start looking at. If you want to refer to it, it's the First Republic Luxury Home Index, it's online. Thank you.

Commissioner Johnson:

Thank you very much. My first point here, I was thinking about this since our first meeting and would really like to request starting with a presentation from SFMTA. I would like to see how, starting with at least, starting how they are going to phase in the transportation improvements particularly in the area encompassed by the Eastern Neighborhoods Plan and eventually what will encompass the new Central SOMA Plan. We talk a lot about, there is a lot of maps of what the future state will look like, future, future, but I would like to understand what the phasing is going to look like and how that is going to come in over time, and how they are actually measuring when one phase is completed and when you need to move to the next phase in terms of density, in terms of intensification of various MUNI lines. I would like to have at least an informational presentation on that and potentially maybe in the future we can move to maybe a joint meeting or some other method of having a little bit more coordination between the Planning Department and SFMTA. My second one, is so minor, I almost hate myself for saying it. I noticed in our last few hearings when we had DR's, when it came time for comment that oftentimes individuals who technically are part of the project sponsor team, either they are co-owner of the property or they are related to the owner of the property or there is a very close relation would come up for comment and be confused as to why they couldn't speak because they should have been considered part of the project sponsor team. You are always going to have people who are unfamiliar with how the Planning Commission works, maybe they haven't come to a hearing before, so we are going to have to deal with that, but I think that one thing we could make a little bit easier is in our agendas we have standard language underneath the regular calendar that talks about the project sponsor team includes, colon, and then it lists off a few things. One of the first ones says the sponsor or their designee and I'd like to find a way to maybe add another clause that just clarifies who else would be considered part of the sponsor team, so if you have an ownership interest in the property or some sort of clarifying language I think that would be helpful. I wasn't going to say it the first couple of times, but then it happened a few more times and I want people to understand when they can make comment, what group

they should be a part of, who they should be communicating with, so they are not confused when they get here. Thank you.

Commissioner Wu:

I think that's something we can work on with the Commission Secretary.

Jonas Ionin, Commission Secretary:

If there is nothing further we can move on but, just quickly to respond to Commissioner Johnson. The Historic Preservation Commission just yesterday adopted new rules and regulations for their procedures, and as a part of that Commissioner Johns is actually working with staff on a handout that would go along with how to make a public presentation and what to expect. Maybe we can adopt something similar for the Planning Commission that could be a part of applications that go out to applicants.

D. DEPARTMENT MATTERS

9. Director's Announcements

Director Rahaim:

Thank you. Good Afternoon, Commissioners, just two things. With respect to the Academy of Art, we will be happy to prepare a more detailed memo on the status. Just so you do know, we are on track for the release of the Draft EIR in November, which has been the kind of date that we've been working toward for quite a few months. Secondly, I wanted to just let you know that we are working with the Office of Economic and Workforce Development and the developer of the Flower Mart. There has been a lot in the media about this; there has been a lot discussion in the community about this. There is no architectural design that is yet proposed but, but we believe it's possible given the size of the site to fully maintain a Flower Mart on that site. The developer is willing to work with us on this. Further, the Mayor has directed the Office of Economic and Workforce Development to work with us and the developer to ensure that the Flower Mart is actually maintained on site, with any new development that is there. We are very early on the process; they haven't even applied for their Preliminary Plan Assessment yet, but we will soon be working with them when they do make that application to ensure the Flower Mart does, in fact, stay on site. We anticipate that it's physically possible to do that. We will let you know as the applications come in, over the next twelve months or so on the status of that. That concludes my presentation. Happy to take any questions.

10. Review of Past Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission

LAND USE COMMITTEE:

Short-Term Rentals. Commissioners, you heard this item on August 7. At that time you recommended approval with 16 amendments be made to the legislation[1]. These requested changes were delivered to the Board. At the land use hearing, the Director emphasized the shared goal of created a legal avenue for this use and thanked the Supervisor for taking on this challenging issue. At the same time, the Director emphasized the need to focus on three key changes: 1) Ensure that the system is not abused by creating real limits on the number of days a unit can be rented. 2) Dedicated budget for enforcement staff. And 3) Limits for hosted units too. There was about 7 hours of public comment. A representative from one hosting platform, AirBNB, came to the hearing and addressed the Board.

As part of the Board discussions, there were Significant amendments were made to the V2 ordinance. Supervisor Chiu introduced 8 amendments which were incorporated into the ordinance. (person can only have 1 perm. residence, only 1 registrant per unit, suspend permission if there is an outstanding Code violation—until violation is cured, posting ads w/o registration is a violation, need a valid business registration, hosting platform shall maintain record of tax payment—not maintaining these records is a violation by the platform, hosting platform can respond to alleged violations at the administrative hearing). Supervisors Wiener (in consultation w/ Farrell) amended the ordinance to require that the Planning Department shall send mailed notice to the property owner when a resident applies for the registry. Supervisor Kim amended the ordinance to add the HOA (if any) related to the unit to the interested parties list who are eligible to sue. The Committee orally amended the Ordinance to limit the rentals to 265 every year and not just the year prior to getting on the registry.

Supervisor Kim stated that she wanted to create a 90-day limit for both hosted and non-hosted units. She was

interested in the funding to support the program and wanted to hear about how DBI's codes would come into play. Supervisor Chiu offered to bring the DBI director to a LU hearing the next week, but Supervisor Kim felt more time would be needed to resolve the outstanding questions. She referenced the 16 modifications of this commission. Supervisor Cohen suggested a two-week continuance and the committee voted to reconsider the issue on September 29.

FULL BOARD OF SUPERVISORS: No Planning items

INTRODUCTIONS:

140982 Arcades in the Upper Market Street Neighborhood Commercial Transit District. Ordinance amending the Planning Code to permit arcades in the Upper Market Street Neighborhood Commercial Transit District.

BOARD OF APPEALS:

Zoning Administrator Scott Sanchez:

The Board of Appeals did meet last night. One item that might be of interest to the Commission is 70 Crestline. This was before you as a Discretionary Review at the end of 2012. It was staff initiated. Staff had recommended denial of the application. The Commission approved it. It was for new construction of a 4-unit building in Twin Peaks. Subsequently to that, the neighbors who were opposed to the project appealed it to the Board of Appeals. The Board of Appeals denied the application. There was some question about whether or not there were some limitations associated with the subdivision that established this property back in 1962 and Public Works had issued a condition saying that you could not build on this area. They subsequently revoked that and asked the Planning Department and Building Department to look into it further. We researched that and actually did find evidence through minutes from 1962 Planning Commission hearings which did indicate that this was to be maintained as open space. So, we conditioned the subdivision, as such, that was issued earlier this year and it was not appealed to the Board of Supervisors, as such conditions could be. So those conditions are in full effect. Last night was a rehearing request brought by the project sponsor. The Board's noting that these conditions are in place and that they had previously denied the permit, denied the rehearing request, so their denial of the application stands and the project could not move forward. I'm available for any questions.

HISTORIC PRESERVATION COMMISSION:

Preservation Coordinator Tim Frye:

Good afternoon, Commissioners, Tim Frye, here to share with you the results of yesterday's Historic Preservation Commission hearing. To begin though, I do want to mention that Commissioner President Hasz appointed two members to a Cultural Heritage Assets Subcommittee at yesterday's hearing. Commissioners Hyland and Matsuda will form that Committee. I'm sure if we asked the Commission they would be delighted to have a member of the Planning Commission as part of that Subcommittee. They intend on meeting over the next month and provide specific recommendations how the Department and the Commissions can implement some of the recommendations in the San Francisco Architectural Heritage White Paper on Cultural Heritage Assets, but we are happy to relay the information to the Commission, if this Commission does want to participate in that Subcommittee. The hearing started with a meeting of the Architectural Review Committee. They reviewed the design for the Van Ness BRT that's going to run in front of City Hall and in the portion located within the Civic Center Landmark District. As you are probably aware, the Historic Preservation Commission, as well as, the Civic Design Review Committee of the Arts Commission is reviewing the design for the public realm improvements and platforms proposed by MTA as part of Van Ness BRT. There are still several meetings, design review meetings that need to take place before either Committee or either Commission make a final recommendation and we'll keep you posted on those results. Ultimately though, the Commissioners, the Design Review Committee was supportive of the project. They did request some more information in particular around replacement trees, minimizing some of the details of the platforms. They had some questions about the canopy structures and the wind screens. We will be preparing a memo of the Architectural Review Committee's recommendations. If you are interested we can certainly forward you a copy as well. The Commission then moved on to approve several Certificates of Appropriateness. Several were located in Liberty Hill Landmark District, one in the Alamo Square Landmark District, and one in the Jackson Square Landmark District. All were approved as recommended by staff. Finally, Preservation staff gave an overview of all Planning Code incentives related to preservation. It was more of an informational presentation to set the stage for the review of Supervisor Cohen's legislation regarding PDR conversion to office in landmark properties. Ultimately, during the discussion of the proposed legislation, the HPC continued the item to its October 2nd hearing. In the interim they are interested in providing a letter to this Commission for your consideration, just so you know some of the thoughts going on in their heads about how they believe the legislation could be more effective. Some of the questions they still have and staff is working on some response right now is, they want to be as useful as possible to the Zoning Administrator, Department staff, and this Commission as the final deciders on whether or not this PDR space should be converted to office. They do have some questions about process. They do want to have a better idea of what's expected to them and they discussed how they could provide some criteria so they are able to discuss the merits of proposals for buildings and really how these buildings could be rehabilitated provided that the PDR is converted to office. Like I said, we'll be providing this Commission a letter before your hearing on the item on October 2nd and they'll be having a discussion the day before to provide you some more robust recommendations on how they think they can be more effective in that process. Finally, just to let you know, at the beginning of the summer we presented an overview of the

Draft Preservation Element as part of the General Plan. The HPC spent the entire summer reviewing the Draft Preservation Element. We had our open house at the Old Mint last week. We had a great turnout; there were about 50 participants, a lot of folks providing great recommendations on how to make that part of the General Plan an effective document. We had various organizations, neighborhood organizations, SPUR, the National Trust and the Presidio Trust attended. There were a variety of preservation and design firms that participated and we are still continuing to receive written comments. Once we have compiled those comments, we will certainly forward them to you, as well as, the HPC before we bring that to you for adoption, we believe in early 2015. That concludes my comments to you and I'm happy to entertain any questions. Thank you.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

SPEAKERS: Patricia Vaughey – Renovations to historic buildings
John Elberling – Everyday solutions and communicating
Dino Adelfio – Policy from N. European cities to America

F. REGULAR CALENDAR

The Commission Hearing Procedures provide for presentations by staff, followed by the project sponsor team; followed by public comment for and against the proposal. Please be advised that the project sponsor team includes: the sponsor(s) or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

11. 2014.1193T (D. SANCHEZ; (415)
575-9082)

ARCADES IN THE HAIGHT STREET NCD [BOARD FILE 140804] - Ordinance amending the Planning Code to permit arcades in the Haight Street Neighborhood Commercial District and update references in the Planning Code to Arcade regulations in the Police Code, affirm the Planning Department's determination under the California Environmental Quality Act, and make Planning Code Section 302 findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Preliminary Recommendation: Adopt a Recommendation for Approval with Modifications

SPEAKERS: + Conner Johnson, Aide to Supervisor Breed – Arcades
+ (M) Speaker – Assett to the neighborhood
+ Eric Wagensegger – Pinball

ACTION: Adopted a Recommendation for Approval as amended to include: "for the purposes of the Planning Code"

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

RESOLUTION: 19239

12. 2011.1388E (K. UCHIDA: (415)
575-9048)

110 THE EMBARCADERO/115 STEUART STREET - through-lot fronting the west side of The Embarcadero and east side of Steuart Street between Mission and Howard Streets, Lot 002 in Assessor's Block 3715 - **Appeal of Preliminary Mitigated Negative Declaration** for: 1) vertical addition of a third story, roof deck, and circulation penthouse to the existing two-story-over-basement, 19,374 square-foot vacant building - a net increase of 4,445 square feet, raising the building's height from 35 feet to 51 feet;

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