



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Transit Impact Development Fee (Sec. 411)
- Jobs Housing Linkage Program (Sec. 413)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Public Art (Sec. 429)

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Planning Commission Motion No. 19783

HEARING DATE: NOVEMBER 17, 2016

Case No.: **2013.1049CXVPCA**
 Project Address: **950-974 Market Street**
 Zoning: **C-3-G Downtown General**
 120-X Height and Bulk District
 Block/Lot: **0342/001, 002, 004, and 014**
 Project Sponsor: **Michelle Lin, Mid Market Center, LLC**
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, AND OFF-STREET TOUR BUS LOADING PER PLANNING CODE SECTION 162(b), TO ALLOW A PROJECT TO DEMOLISH FOUR STRUCTURES AND ASSOCIATED SURFACE PARKING LOT AND CONSTRUCT A 120-FOOT TALL, 12-STORY-OVER-BASEMENT, APPROXIMATELY 408,342 GROSS-SQUARE-FOOT (GSF) BUILDING CONTAINING 242 DWELLING UNITS, A 232-ROOM HOTEL, 16,100 SQUARE FEET OF GROUND FLOOR RETAIL, AND 82 OFF-STREET PARKING SPACES AT 950-974 MARKET STREET, ASSESSOR’S BLOCK NO. 0342, LOTS 001, 002, 004, AND 014, WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, AND THE 120-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of arts/educational uses, and 198 off-street parking spaces at 950 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD); and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements to allow a 20-foot opening where 15 is permitted (Section 155(s)), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance from off-street loading requirements to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,342 square-foot, mixed-use building with approximately 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

On January 20, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration ("PMND") for the Project and the proposed Mid-Market Arts and Arts Education Special Use District. The PMND was available for public comment until February 9, 2016.

On February 9, 2016, two appeals of the PMND were filed with the Department.

On February 22, 2016 the Planning Department's Environmental Review Office determined that the PMND should be recirculated because the Department was no longer seeking approval for the Mid-Market SUD and due to substantial changes in the project.

On July 6, 2016, the Planning Department's Environmental Review Office issued a Notice of Completion, and recirculated the PMND for the Project that superseded the prior January 20, 2016 PMND. The PMND was available for public comment until July 26, 2016.

On July 26, 2016, an appeal of the PMND was filed with the Department.

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's

Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

On November 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013-1049CXVPCA and the Appeal of the Preliminary Mitigated Negative Declaration, No. 2013.1049E.

Also on November 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, No. 2013-1049CXVPCA .

On November 17, 2016, the Commission upheld the PMND 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 November 17, 2016, the Commission reviewed and considered 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 Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the responses to the appeal of

the PMND contained no significant revisions to the Draft IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1049E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby approves the Downtown Project Authorization and exceptions requested in Application No. 2013.1049CXVPCA, 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 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 120-X Height and Bulk District, and is located within the Downtown Plan Area.

3. **Surrounding Properties and Neighborhood.** The project site is located within the Mid-Market area at the edge of the Downtown/Civic Center neighborhood and adjacent to the South of Market (SoMa) and Tenderloin neighborhoods. Other zoning districts in the vicinity include: the SoMa NCT (Neighborhood Commercial) and C-3-S (Downtown Support) to the south and RC-4 (Residential-Commercial – High Density) to the north. The surrounding mixed-use area contains diverse building types and uses and is near the Market Street Theatre and Loft Historic District as well as the Uptown Tenderloin Historic District. The project site is approximately one block west of Hallidae Plaza and the Westfield Shopping Center and directly across Market Street from the currently under construction CityPlace Mall.

The existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Turk Street are generally lower and range in height from four to seven stories while buildings along Market Street tend to be taller but can range in height from two to 15 stories. Surrounding land uses include commercial, hotel, office, retail, residential, and theater uses. The site is immediately adjacent to the Crazy Horse and Warfield Theaters.

4. **Project Description.** The proposal would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,100 square feet of ground floor retail and arts activity. The project includes a residential unit mix of approximately 132 studios, 66 one-bedroom units, and 18 two-bedroom units. Common open space is provided at the 10,400 square-foot roof deck and the 2,352 square-foot Turk Street Plaza. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible off of Taylor Street.

The project's hotel component would be located on the northwestern portion of the building, and accessed via a lobby located that has openings on both Turk and Market Streets. The residential component of the project would be located on the southeastern portion of the site, and face onto Turk, Mason and Market Streets. The entrances for the residential units are located on Market Street and Turk Street, separate from the hotel entries. The ground floor would contain multiple retail spaces along Market, Taylor, and Turk Streets as well as a private open courtyard located mid-block on Market Street. In addition, the project would provide publically accessible open space along Turk Street in the form of a 2,352 square foot plaza, and a 2,300 square foot landscaped sidewalk seating area.

5. **Community Outreach and Public Comment.** Community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, Central City SRO Collaborative, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR, Golden Gate Theatre, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties.

To date, the Department has received correspondence expressing both support and opposition to the Project. In addition, an appeal of the PMND was filed.

6. **Planning Code Compliance:** The Conditional Use Authorization Findings set forth in Motion No. 19782, Case No. 2014.1049C_XVPCA (Conditional Use Authorization, pursuant to Planning Code Section 303) apply to this Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Maximum Floor Area Ratio.** Planning Code Section 124 establishes a Floor Area Ratio (FAR) of 6.0 to 1 for properties within the C-3-G Zoning District. Under Sections 123 and

128 of the Planning Code, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR").

The Project Site has a lot area of approximately 34,262 square feet. Therefore, up to 205,572 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 308,358 of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 328,615 square feet of GFA, resulting in an FAR of approximately 9.6 to 1.0. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, for approximately 102,786 (308,358-205,572=102,786) square feet of floor area.

Pursuant to Planning Code Amendment entitled, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, 26,572 square feet will be exempt from the calculation of allowable gross floor area set forth in Planning Code Section 124 to permit additional floor area on the site. Additionally, the said 26,572 square feet will be exempt from the calculation of required transferable development rights ("TDR") to reduce the TDR necessary for the Project. Alternatively, in the event the project includes on-site inclusionary units, the Conditional Use Authorization has authorized exempting 26,572 square feet from the calculation of gross floor area, pursuant to Planning Code Section 124(f).

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

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

- C. Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that common usable open be provided at a ratio of 48 square feet per dwelling unit.

The Project includes 242 dwelling units that would require 11,616 square feet of common usable open space. The Project would provide a 10,400 square foot roof deck and solarium. In addition, the project provides a 2,352 square foot plaza along Turk Street, for a total of 12,752 square feet of common open space. The project therefore complies with Section 135.

- D. Public Open Space.** Planning Code Section 138 requires that new buildings in the C-3-G Zoning District provide public open space at a ratio of one sq. ft. per 50 gsf of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Project includes approximately 218,639 GFA of non-residential commercial space therefore 4,373 square feet of publically accessible useable open space is required. In compliance with Section 138, approximately 4,652 square feet of public open space along Turk Street would be provided.

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

The Project proposes streetscape elements along Market, Turk, and Taylor Streets as part of a Streetscape plan. Features include street trees and landscaping consistent with City Standards. The Turk Street sidewalk will be widened as required by the Department of Public Works, and publically-accessible bike parking will be provided along Turk and Market Street. The Streetscape Plan will continue to be refined through the Site Permit process, as required by the Conditions of Approval. Therefore, the Project complies with Section 138.1.

The Planning Department finds that the proposed sidewalk width changes are supported by the Better Streets Plan which was found to be consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 (b) in Planning Commission Resolution No. 18212 and Board of Supervisors Ordinance 310-10; and incorporates those findings herein by reference.

- F. **Exposure.** Planning Code Section 140 requires at least one room within every dwelling unit to face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is location and at the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The Project contains 242 dwelling units, each of which face either Market Street, Turk Street, or an outer court not less than 25 feet wide. Therefore all dwelling units comply with Section 140.

- G. **Street Frontage.** Per Planning Code Section 145.1, the treatment of the street frontages at the project shall be designed to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in the Commercial districts. The project requires that 60 percent of the building perimeter at the ground floor be transparent and the first 25 feet of the ground floor to be devoted to active uses. Spaces such as lobbies are considered active uses only if they do not exceed 40 feet and spaces such as restrooms, bike parking, and other service areas are not considered "active uses."

The majority of the project's street-facing ground floor frontages along Market, Turk, and Taylor Streets are devoted to retail store fronts. The project provides ground floor ceiling heights between 15 and 16 feet, and 75 percent fenestration along Market Street, while retail along Turk Street provides ceiling heights between 14 and 16 feet with 69% fenestration. The Project's parking garage has one access point on Taylor Street and is situated below grade so that it is not visible from the street.

Additionally, the frontage devoted to the garage door has been minimized so as not to interfere with the street-fronting active uses.

In addition, the project will create publically accessible usable open space along Turk Street in the form of a 2,352 square-foot plaza and a 2,300 square-foot sidewalk seating area.

- H. **Sunlight Access to Public Sidewalks.** Planning Code Section 146(a) establishes design requirements for buildings on specified streets in order to maintain direct sunlight on public sidewalks in downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) applies to projects located on southern side of Market Street between Second and Tenth Streets. As the site is located on the northern side of Market Street, this provision of the code is not applicable to the project. As it relates to Section 146(c), the Project would replace the existing buildings with a 12-story mixed-use building. The proposed project would cast net new shadow on nearby sidewalks—including those along Taylor, Turk, and Market Streets—at certain times of day throughout the year. Many of the sidewalks in this part of San Francisco are already shadowed for much of the day by densely developed, multi-story buildings, and additional project-related shadow would be temporary in nature and would not substantially affect the use of sidewalks.

The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. The project's shadows would be limited in scope and would not increase the total amount of shading to levels above those commonly accepted in urban areas.

- I. **Shadows on Public Open Spaces.** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza. However, the preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted. Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

The Project would not cause net new shadow on any open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

- J. **Ground Level Wind.** Pursuant to Section 148, 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. 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.

Wind tunnel tests were performed for the originally proposed 200-foot tall project in September 2014 and results were provided to the Department in a report dated October 20, 2014. Considering the similar footprint of the original project and the project as currently proposed, as well as the reduced height, the proposed project would have similar or marginally reduced effects on pedestrian-level wind speeds in the area. A total of 77 test point locations along sidewalk areas adjacent to and near the Project Site were selected for the purpose of analyzing existing and proposed wind levels near the Project Site pursuant to Planning Code Section 148.

The existing conditions at the Project Site indicate that 27 of the 77 test locations exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time) and no test locations exceeded the hazard level of 26 mph (for a single hour of the year). With the Project, 14 comfort exceedances would be increased, one would be decreased, 11 would remain unchanged, and 9 new exceedances are created resulting in a total of 36 comfort exceedances. There are no hazardous wind speeds caused by the Project.

At above grade levels, 11 comfort exceedances would exist. According to the wind tunnel text reports, any trees at grade would help improve localized wind speeds around public areas and building

entrances. To improve comfort at above grade levels, porous wind screens and furniture are recommended and will be provided. The Project includes 14 new street trees along Turk Street.

A Section 309 exception is being sought because the Project creates an increase of nine comfort exceedances for a total of 36 locations that exceed the Planning Code's comfort criterion. The Commission may grant an exception to the requirements after considering the criteria specified in Section 148. Conformance with these criteria is discussed under item #7 below.

K. Parking. Planning Section 151.1 allows up to one car for each two dwelling units as-of-right.

The Project contains 242 dwelling units and 82 off-street parking spaces (including 2 car-share spaces), which is less than the principally permitted parking ratio of one car per two units; therefore the project complies with Section 151.1.

L. Loading. Section 152.1 provides a schedule of required off-street freight loading spaces for C-3 districts. Section 153(a)(6) allows the substitution of two service vehicle spaces for each required off-street freight loading space, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Section 155 sets standards for the location and arrangement of loading spaces.

The project requires three off-street loading spaces (one each for residential, hotel, and retail). The project would provide two loading spaces accessed via Turk Street to satisfy the requirements for hotel and retail uses and two service vehicle spaces within the garage to satisfy the requirement for the residential uses.

Section 155(d) requires that all off-street freight loading and service vehicle spaces be accessed by means of a private driveway that is completely contained within the structure and Section 155(s)(5)(A) restricts the width of loading dock openings to 15' in C-3 Districts. The project does not meet the requirement and is seeking Variances from the Zoning Administrator to allow direct access to loading off of Turk Street and the width of the loading access to exceed 15' as part of the related Case No. 2013.1049CXVPCA.

M. Bicycle Parking. For buildings with 100 dwelling units or more, Planning Code Section 155.2 requires one Class 1 space for every dwelling unit up to 100 units plus one additional space for every four units above 100 and one Class 2 space for every 20 dwelling units. For the retail space, Section 155.2 requires one Class 1 space for every 7,500 square feet of occupied floor area, plus a minimum of two Class 2 spaces, with one space for every 2,500 square feet of occupied floor area.

The Project requires a minimum of 145 Class 1 bicycle parking spaces (135 for the residential; 9 for non-residential) and 28 Class 2 spaces (12 for the residential; 16 for non-residential). The basement would accommodate approximately 146 Class 1 bicycle parking spaces, and bicycle racks along Market and Turk Streets would, in total, accommodate 42 Class 2 spaces. The project therefore exceeds the amount of bicycle parking required.

- N. **Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with between 200 and 300 dwelling units.

The Project provides two off-street car share parking space within the below-grade garage and therefore complies with Section 166.

- O. **Use.** Per Planning Code Section 210.2, within the C-3-G Zoning District, residential and retail uses are principally permitted and hotel uses require a Conditional Use Authorization.

The project proposes to construct an approximately 232 room hotel and therefore, a Conditional Use Authorization is required. The Project is seeking a Conditional Use Authorization per Sections 210.2 and 303 as part of the related Case No. 20131049C_XVPCA.

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

The Project contains 242 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- Q. **Height.** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within the 120-X Height and Bulk District that permits structures up to a height of 120 feet.

The Project would reach a height of approximately 120 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, a solarium and parapets extending above the 120-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b).

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

The nearest public open spaces to project site are Boeddeker Park, located approximately 0.2 mile northwest of the project site; Hallidie Plaza, located approximately 200 feet east of the project site; and Mint Plaza, located approximately 0.1 mile southeast of the project site. Of those public open spaces, only Boeddeker Park is protected by Section 295.

The preliminary shadow fan prepared by the Planning Department found that the proposed project's shadow could potentially shade Boeddeker Park, Hallidie Plaza, and Mint Plaza. The preliminary shadow fan assumes that no other buildings are present and does not take topography into account. Therefore, a more detailed shadow study that includes intervening buildings was conducted for the 200-foot variant of the project.

Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round. Therefore the project complies with Section 295.

- S. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on November 19, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

Pursuant to the proposed ordinance entitled "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

In the event that the proposed ordinance does not pass, or the project at 180 Jones Street cannot be built, the project would satisfy the Affordable Housing Requirements by providing 31 BMR units on site (18 studios, 7 one-bedroom, and five two-bedroom units).

- T. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

The Project estimates a construction cost of \$114,000,000, one percent of which is estimated to be \$1,140,000 dedicated to public art. The Project Sponsor will either pay the required one percent into the Public Artwork Trust Fund, contribute to on-site public artwork, or a combination of the two. Any public art proposed to be provided on-site will be reviewed by the Planning Director for compliance with the requirements of the program. In addition, the proposal will then be presented to the Planning Commission at an information presentation. The Project will comply with the public art requirement pursuant to the Conditions of Approval.

- U. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this

Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor has not executed yet a Memorandum of Understanding (MOU) with the City and County of San Francisco, as part of the First Source Hiring Program, however an affidavit for First Source Hiring Program – Section 83 was filed on December 10, 2015.

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

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

Due to the unique configuration of the Property, the Project does not provide a traditional rear yard but rather provides a comparable amount of open space. Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 Downtown Project Authorization process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided."

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Specifically, the Project would provide common open space in the form of a 10,400 square foot roof deck and solarium that would have full, unobstructed access to light and air on all sides. An additional 2,352 square foot plaza along Turk Street would further provide open space for the residences. Due to the adequate air and light and open space provided by the project, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.

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

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

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity¹.

Comfort Criterion

Based on existing conditions, 27 of the 73 sidewalk locations tested currently exceed the pedestrian comfort level of 11 mph, with wind speeds ranging from 6 to 17 mph.

In the Existing Configuration 27 of the 73 test points currently exceed the 11 mph criterion with wind speeds ranging from 6 to 17 mph across all test points. With the Project, there are 9 additional comfort exceedances at grade, ranging from 12 to 15 mph, increasing the average wind speeds to approximately 12 mph. Additionally, 11 exceedances above grade would be created with an average wind speed of 17 mph. The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from 7 to 18 mph. With implementation of the Project, there would be localized changes throughout the Project vicinity; average wind speeds at grade and above grade increase by 2 mph.

All of the exceedances, except for the one located near the loading access off of Turk Street, are in an area of substantial pedestrian use. An exception under Section 148 (a) is therefore required.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the project are slight and unlikely to be noticeable. For the existing configuration in the vicinity of the project site, wind conditions were generally low with wind speeds averaging 11 mph for all 27 measurement locations. For the existing plus project configuration, wind speeds generally remained similar with the average wind speed for all test locations being slightly

¹ The testing evaluated an approximately 501,000 gsf building consisting of two towers reaching a maximum of 200 feet in height, with a building footprint covering the site. The currently proposed project would be approximately 406,000 gsf building, measuring 120 feet in height. Considering the similar footprint and reduced height, particularly along the western portion of the site, the proposed project would have a similar or a marginally reduced effect on pedestrian-level wind speeds in the area.

increased to from 11 mph to 12 mph. The 11mph criterion was exceeded 16% of the time, a minor increase when compared to existing conditions on and around the project site.

In addition, the Project cannot be shaped or other incorporate other wind baffling measures that would reduce the wind at the exceedance locations to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the Project Site. The wind analysis demonstrates that (a) the proposed addition will not generate adverse pedestrian level winds given the nature of the built environment surrounding the proposed development, and that (b) there is no reason to believe that modification of the design would improve the existing windy conditions that occur in the vicinity. For the reasons discussed above, an exception from the comfort criterion is appropriate and hereby granted.

Hazard Criterion

There are no existing exceedances of the wind hazard criterion of 26 mph in the vicinity, and the construction of the Project would not create any new exceedances. Therefore, the Project would comply with the hazard criterion of Section 148.

- c. **Section 162: Tour Bus Loading Spaces in C-3 Districts.** Planning Code Section 162 sets the requirements for Tour Bus Loading Spaces for Hotel projects within C-3 Districts. In recognition of the fact that site constraints in C-3 Districts may make provision of the required number of tour bus loading spaces impractical, a reduction in or waiver of the provision of such spaces in C-3 Districts may be permitted, in accordance with the provisions of Section 309. When granting an exception, the Commission shall consider the following applicable criteria:
- 1) The site size is not large enough to permit a configuration of spaces that could satisfy the requirements;
 - 2) Provision of the required number and/or size of spaces would result in the use of an unreasonable percentage of ground floor area and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses; and
 - 3) Spaces for tour bus loading can be provided at adjacent curbs or in the immediate vicinity without adverse effect on pedestrian circulation, transit operations or general traffic circulation.

Due to the unique combination of uses, the unusual configuration and size of the site, the provision of tour bus loading spaces within the building envelope could not be accomplished without sacrificing more desirable and active ground floor uses. Compliance with the tour bus requirements would substantially reduce the amount of retail, pedestrian circulation and open space uses on the site and along the sidewalk within the public realm. Additionally, there is ample loading space located along the Turk Street frontage that would accommodate bus loading without impeding vehicular traffic.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

POLICY 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

The proposed property acceptance will allow the Mayor's Office of Housing and Community Development to construct 60-70 units of affordable housing.

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish four two-to three-story underutilized commercial buildings and surface parking lot and construct a mixed-use building above ground floor retail that contains 242 dwelling units, and approximately 16,600 gsf of retail use. The site is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The creation of ground floor retail will reinforce the existing pattern of active ground uses along Market Street and provide new opportunities to activate frontages along Turk and Taylor Streets.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the Mid-Market location and proximity to the Downtown/Civic Center neighborhood of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Civic Center BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project provides 146 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 242 dwelling units, of which 132 (55%) are studios, 66 (27%) are one-bedroom units and 44 (18%) are two-bedroom units. The Project provides a range of unit types to serve a variety of needs.

OBJECTIVE 7:

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

In compliance with this policy, the Project is looking at several options to provide the community with affordable housing.

Pursuant to the proposed ordinance, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

In the event that the proposed ordinance does not pass, or the project at 180 Jones Street cannot be built, the project would satisfy the Affordable Housing Requirements by providing 31 BMR units on site (18 studios, 7 one-bedroom, and five two-bedroom units).

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

POLICY 8.1

Support the production and management of permanently affordable housing.

The proposed property acceptance will allow for the production of 60-70 units of permanently affordable housing.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project would create 242 dwelling units in the immediate vicinity of existing residential, retail and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite facade containing defined base, middle and top, while remaining contemporary in expression. The Project would enhance the block with a building that is contextual with the surrounding, established neighborhood, and that includes an active ground floor to encourage a more pedestrian-oriented development.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1

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

Policy 3.2

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

Policy 3.6

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

The project would merge four parcels into a single 34,262 square-foot, triangular-shaped parcel that would comprise the project site. The proposed structure would span the entirety of the site, however provides unobstructed open spaces generally mid-block along both market and turk streets. The open spaces help reduce the perceived mass of the building, and provide well landscaped active areas. Existing development in the vicinity varies in size and intensity, and the project is generally compatible with the eclectic character of the area.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project would add approximately 16,600 square feet of ground floor retail space that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

Proposed sidewalks improvements would foster pedestrian safety, and includes the widening of the sidewalk along Turk Street and a bulb-out at the Taylor and Turk Street intersection, that will help reduce vehicular speed and shorten crossing distances for pedestrians. The Project would also plant a consistent row of street trees along Turk and Taylor Streets and provide bicycle racks along Turk and Market Streets.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown and in the growing Mid-Market area. The new building would replace four underutilized commercial buildings and associated surface parking lot with a mixed use project containing 242 dwelling units, a 232-room hotel, and 16,600 square feet of ground-floor retail. The project would create substantial net benefits for the City with minimal undesirable consequences.

OBJECTIVE 4

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

Policy 4.1

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

Located in the Mid-Market area, the Project Site is well served by public transit. The Site is located one block from the Powell Street MUNI and BART stations, and in close proximity to several MUNI bus lines that run along the Market Street corridor (F, 5, 6, 7, 7R, 9 and 21). A bus stop on the north side of Turk Street near the project site serves Muni routes 31-Balboa and 16X Noriega Express. Additionally, the proposed hotel would not displace any existing dwellings and is not expected to create too great of a concentration of hotels within the immediate vicinity.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish the existing underutilized commercial buildings and construct a 120-foot tall, 12-story, mixed use building within easy commuting distance of downtown jobs.

The Project would also include approximately 16,600 sq. ft. of ground floor retail space, with tenant spaces along Market, Turk, and Taylor Streets; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses at street level.

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

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

The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 16,600 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.

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

The project will not diminish existing housing stock, and will add 242 dwelling units in a manner that enhances the vitality of the neighborhood.

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

The Project does not constrain or reduce the supply of affordable housing. Pursuant to Planning Code Amendment, "Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment -950-974 Market Street- 950-974 Market Street", Board File Number 161066, requirements set forth in Planning Code Section 415 to pay the Affordable Housing Fee or to provide on-site or off-site inclusionary housing units are waived. Instead, the Project Sponsor would either (1) dedicate of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and pay \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construct a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street.

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

A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.

Per the traffic studies prepared or reviewed as part of the PMND, the Project will not contribute significantly to existing intersection operations nearby and would have a less than significant impact on traffic and transportation.

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

The Project does not propose any office development. The Project would replace existing commercial buildings with a mixed use building containing 242 dwelling units, a 232 room hotel, and 16,600 square feet of retail that will provide employment opportunities for area residents.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic structures on the site so the project would not cause a significant adverse impact upon a historic resource, as defined by CEQA.

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

Based on a maximum building envelope up to 120 feet in height, plus a 15-foot-tall mechanical space allowance, the shadow study found that the proposed project would not shade Hallidie Plaza or Mint Plaza, nor would it add new shade to Boeddeker Park, during the period between one hour after sunrise and one hour before sunset, year round.

The Project would not cause net new shadow on any open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2013.1049CXVPCA**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 7, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

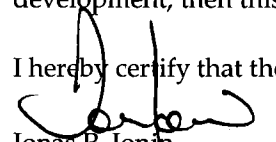
The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 17, 2016.


Jonas P. Ioni
Commission Secretary

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

NAYS: Moore

ABSENT: None

ADOPTED: November 17, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** related to a Project that would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,100 square feet of ground floor retail and arts activity located at 950 Market Street, Assessor's Block 0342, Lots 001, 002, 004, and 014, pursuant to **Planning Code Sections 309, 134, 148, and 162** within the C-3-G Zoning District and the 120-X Height and Bulk district; in general conformance with plans, dated **October 7, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.1049CXVPCA** and subject to conditions of approval reviewed and approved by the Commission on **November 17, 2016** under Motion No. 19783. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditional Use Authorization Findings set forth in Motion No. 19782, Case No. 2013.1049CXVPCA (Conditional Use Authorization, pursuant to planning code section 303) apply to this motion, and are incorporated herein as though fully set forth.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **November 17, 2016** under Motion No. 19783.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19783** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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. **Additional Project Authorization.** The Conditions of Approval set forth in Exhibit A of Motion No. 19782, Case No. 2013.1049CXVPCA (Conditional Use Authorization) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. The conditions

set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

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

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

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on December 1, 2015. These conditions state:

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

12. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
13. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

14. **Architecture.** The project sponsor shall work with the Planning Department to refine the design of the building using the plans from June 2016 as a starting point.
15. **Ground Floor.** The Project Sponsor shall continue to work with the Planning Department to refine the ground floor elements such as providing more integrated and pronounced entryways.
16. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **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
18. **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
19. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards.

This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

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

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

- 21. Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for building management. The plaques shall be plainly visible from the public sidewalks on Market and Turk Streets. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

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

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

- 23. Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

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

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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

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

- 25. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

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

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

PARKING AND TRAFFIC

- 27. Parking Maximum.** The Project shall provide no more than 82 off-street parking spaces.

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

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

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

29. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 146 Class 1 bicycle parking spaces (136 for the residential portion and 10 for the non-residential portion), and 27 Class 2 spaces (12 for the residential portion of the Project and 15 for non-residential).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
30. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than two showers and 12 clothes lockers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
31. **Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide two off-street loading spaces (one each for hotel and retail) and two off-street service spaces (for the residential)
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
32. **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

33. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
34. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org
35. **Transportation Sustainability Fee.** Pursuant to Planning Code Section 411A, the Project Sponsor shall pay the Transportation Sustainability Fee (TSF) based on drawings submitted with the Building Permit Application. The fee shall be paid prior to the issuance of the first construction document.

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

- 36. Childcare Requirements - Office and Hotel Development.** The Project is subject to the Childcare Fee for Office and Hotel Development Projects, as applicable, pursuant to Planning Code Section 414.

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

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

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

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

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

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

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

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

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

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

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

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

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

MONITORING - AFTER ENTITLEMENT

- 43. 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

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

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

- 45. 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

- 46. 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>

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

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

48. **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>

49. **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

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

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

