



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20444 HEARING DATE: MAY 2, 2019

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Record No.: 2015-016326CUA
Project Address: SEAWALL LOTS 323 AND 324 (DBA TEATRO ZINZANNI)
Zoning: C-2 (Community Business) Zoning District
 40-X Height and Bulk District
 Waterfront Special Use District No. 3
 Article 10 Northeast Waterfront Landmark District

Block/Lots: 0138/001 & 0139/002 (2 lots)

Project Sponsor: Jay Wallace
 TKZ Broadway, LLC
 170 Columbus Avenue, #240
 San Francisco, CA 94133
 (415) 955-100 ext. 4007

Property Owner: Port of San Francisco
 Pier One
 San Francisco, CA 94111

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ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 210.1, 240.3, AND 303 TO CONSTRUCT A TOURIST HOTEL AT SEAWALL LOTS 323 AND 324, LOT 001 IN ASSESSOR’S BLOCK 0138 AND LOT 002 IN ASSESSOR’S BLOCK 0139, WITHIN THE C-2 (COMMUNITY BUSINESS) ZONING DISTRICT, THE WATERFRONT SPECIAL USE DISTRICT NO. 3, AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE PROJECT WOULD DEMOLISH THE EXISTING SURFACE PARKING LOT AND CONSTRUCT A NEW MIXED-USE DEVELOPMENT THAT CONSISTS OF THREE COMPONENTS: AN APPROXIMATELY 26,100 GSF ENTERTAINMENT VENUE KNOWN AS TEATRO ZINZANNI; A 40 FOOT-TALL, FOUR-STORY, APPROXIMATELY 112,700 GSF HOTEL THAT WOULD ACCOMMODATE 192 GUEST ROOMS; AND AN APPROXIMATELY 14,000 GSF PRIVATELY FINANCED AND MAINTAINED PUBLIC PARK. THE PROJECT WOULD ALSO INCLUDE THE VACATION OF PORTIONS OF VALLEJO STREET AND DAVIS STREET.

PREAMBLE

On December 30, 2015, Jay Wallace of TZK Broadway, LLC (hereinafter “Project Sponsor”) filed Application No. 2015-016326ENV (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for an Environmental Review Application that includes the demolition of an existing surface parking lot and construction of a new mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an approximately 112,700 gsf 4-story 40-foot hotel that would accommodate 192 guest rooms, and; an approximately 14,000 gsf privately

financed and maintained public park, on two lots plus the vacation of portions of Vallejo Street and Davis Street (hereinafter "Project") at Seawall Lots 323 and 324, Block 0138 Lot 001 and Block 0139 Lot 002 (hereinafter "Project Site").

On October 17, 2018 a Draft Mitigated Negative Declaration (MND) for the Project was prepared and published for public review; and

The Final MND was available for public comment until November 19, 2018; and

On December 21, 2018, the Planning Department 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 Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2015-016326ENV, 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 Planning Department found that the Project could not have a significant impact on the environment pursuant to a final Mitigated Negative Declaration issued on December 21, 2018. The Planning Commission (hereinafter "Commission") has reviewed and concurs with said determination.

On April 14, 2016 the Project Sponsor filed an application with the Department for a Conditional Use Authorization to demolish the existing parking lot at the subject property in order to demolish an existing surface parking lot and construct a new mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an approximately 112,700 gsf hotel that would accommodate 192 guest rooms, and; an approximately 14,000 gsf privately financed and maintained public park, on two lots plus the vacation of portions of Vallejo Street and Davis Street.

On August 25, 2016 the Department received a General Plan Referral Application submitted by the Project Sponsor, for street vacations associated with the Project.

WHEREAS, the Department found that the Project could not have a significant impact on the environment pursuant to a final Mitigated Negative Declaration issued on December 21, 2018.

On March 6, 2019, the Historic Preservation Commission conducted a duly noticed public hearing on the current Project, Case No. 2015-016326COA, and found the Project to be consistent with Article 10 of the Planning Code and the Secretary of the Interior's Standards for Rehabilitation subject to conditions.

On May 2, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application and General Plan Referral Nos. 2015-016326CUA and 2016-011011GPR.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2015-016326CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2015-016326CUA, subject to the conditions contained in "EXHIBIT A" of this Motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the demolition of an existing surface parking lot and construction of a new mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an approximately 112,700 gsf, 4-story, 40-foot tall hotel that would accommodate 192 guest rooms; and an approximately 14,000 gsf privately financed and maintained public park. The Project would include the vacation of portions of Vallejo Street and Davis Street (approximately 14,461 square feet of street). Currently, Vallejo Street does not exist as an actual road and the easement bisects the Project Site at the location contemplated for the proposed privately-owned publicly-accessible park, and the continued existence of a functional public street would make this park space infeasible. The proposed street vacation area would be incorporated into the proposed park. Currently, Davis Street does not exist as an actual road and the easement is included in the existing surface parking lot which bisects the Project Site and the television station to the west.

3. **Site Description and Present Use.** The Project Site is located on two Port of San Francisco parcels that are triangular in shape and contain a combined surface area of approximately 42,719 square feet. The Project Site is bounded by the Embarcadero to the east, Broadway to the south, and Davis Street to the West. The Project Site also includes two unimproved adjacent street stubs located along Davis Street and Vallejo Street. The unimproved Davis Street portion is approximately 9,619 square feet and the unimproved Vallejo Street portion is approximately 4,842 square feet. The Project Site also includes a small lot adjustment to the Davis Street property line at the corner of Davis Street and Vallejo Streets which is approximately 608 square feet. All of the above combined Project Site totals approximately 57,788 square feet. The Project Site is currently being used as a surface parking lot with approximately 225-stripped, self-parked stalls and leased on an interim basis to a parking operator. The Port retains the net parking revenues from the Project Site's current use.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-2 Zoning District in the Waterfront Special Use District No. 3, Northeastern Waterfront Special Sign District, Northeast Waterfront Historic District (Article 10), Northeast Waterfront Area Plan, Northeast Embarcadero Study Area Plan, and is governed by the Port of San Francisco's Waterfront Land Use Plan (WLUP). The Project Site is located approximately four blocks north of the City's Central Business District, approximately two blocks west/southwest of Port's James R. Herman Cruise Terminal, and approximately five blocks south of Pier 39. The northern edge of the Project Site abuts a 3-story office building that is occupied by KGO television. The Gateway Apartments, an approximately 65-foot 5-story apartment building is located across Broadway from the Project Site. Small 2—and 3-story office buildings are located across Davis Street from the Project Site, and various Port tenants, including the Waterfront Restaurant, are across the Embarcadero from the Project Site. The Port and City and County of San Francisco have recently approved a 100% affordable housing project at 88 Broadway and 735 Davis Street which is across the street to the west of the Project Site.
5. **Public Outreach and Comments.** The Department has received correspondence from two people regarding the Project. This correspondence has primarily expressed opposition to the Project, though the Department has received twenty letters in support from neighborhood groups, labor unions, civic organizations, and business groups (see attachment). Much of the opposition expressed concerns losing extra vehicular surface parking for visitors to the nearby buildings and a desire to see housing built in place of an entertainment venue.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Planning Code Section 210.1 establishes permitted uses within the C-2 Zoning District. Entertainment and recreation uses as well as retail sales and service uses are principally permitted. Hotel/Motel uses require a Conditional Use Authorization and are subject to Section 303 and 240.3.

The Project proposes a 192 guest-room hotel which requires a Conditional Use Authorization (see Item #7 for discussion of Conditional Use Findings). The 290-seat theater, welcoming and bar area, kitchen and restaurant at the ground floor of the Project are all principally permitted uses.

- B. Floor Area Ratio (Sections 123, 124, and 210.2).** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. For C-2 zoning districts, the numerical basic FAR limit is set out in Section 210.1. The FAR for the Project Site in this C-2 District is 4.8 to 1 due to its proximity to an RC-4 District.

The Project Site is approximately 57,778 square feet in size, including the portions of Vallejo Street and Davis Street proposed to be vacated. Therefore, up to 288,890 square feet of gross floor area ("gfa") is allowed under the basic FAR limit. The Project's total gross floor area is 182,932 gross square feet ("gsf"), for a floor-area ratio of approximately 3.2-to-1.

- C. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1(b) requires that when a new building is constructed in C-2 Districts, street trees, enhanced paving, and other amenities such as lighting, seating, bicycle racks, or other street furnishings must be provided.

The Project Sponsor shall comply with this requirement. The conceptual plan shows sidewalk enlargement, enhanced paving, installation of street trees, lighting, and street furniture on various public rights-of-way. The precise location, spacing, and species of the street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process, including the privately-financed public park which would go where the portions of Vallejo Street and Davis Street are proposed.

- D. Street Frontage in Commercial Districts (145.1(c)).** Section 145.1(c)(3) of the Planning Code requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in all C-2 Districts shall have a minimum floor-to-floor height of 10 feet, as measured from grade when located in a 40-foot height district. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of

the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Project includes two buildings, with collective frontage onto Davis Street, Broadway, and the Embarcadero. The ground-floor building height will be minimum 10-feet and all facades of the building are proposed to be properly fenestrated with transparent windows and doorways.

- E. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires one off-street freight loading space for retail sales and services use between 10,001-60,000 gsf and one off-street freight loading space for all other uses between 100,001-200,000 gsf.

The Project provides façade openings for pedestrian access at Broadway, the Embarcadero and Davis Street. Vehicular access for freight loading is provided via Davis Street with a curb cut of 30-foot wide and garage opening of less than 27-foot wide. The Project includes approximately 26,100 square feet of entertainment use and 112,700 square feet of hotel use; thus, the Project requires at two off-street freight loading spaces. The Project is proposing two off-street loading spaces along Davis Street.

- F. **Bicycle Parking (155.1-155.2).** Sections 155.1- 155.2 establish bicycle parking requirements for new developments, depending on use. For projects with an entertainment use Five Class 1 spaces are required for facilities with a capacity of less than 500 guests. Also, for entertainment uses one Class 2 space for every 500 seats or for every portion of each 50-person capacity. For hotel uses, one Class 1 space for every 30 rooms is required and Minimum two spaces. For hotel uses, one Class 2 space for every 30 rooms-plus-One Class 2 space for every 5,000 square feet of Occupied Floor Area of conference, meeting or function rooms. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by guests and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

The Project requires a total of 11 Class 1 bicycle parking spaces. The Class 1 parking spaces are provided in secure rooms on level one of the hotel, accessed off Davis Street and includes 20 spaces. The Project requires 8 Class 2 bicycle parking spaces. In the conceptual plan, Class 2 bicycle parking is shown located on the Davis Street sidewalk and includes 14 spaces.

- G. **Shower Facilities and Lockers (Section 155.4).** Section 155.4 requires shower facilities and lockers for new developments, depending on use. For non-retail sales and services uses (i.e. hotel and entertainment), four showers and 24 lockers are required where occupied floor area exceeds 50,000 square feet.

The Project provides 4 showers and 24 lockers on the first floor, adjacent to the back of house area, meeting Code Section 155.4.

- H. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 7 points for both Land Use Category A and B.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point targets established in the TDM Program Standards, resulting in a required target of 7 points for both Land Use Category A and B. As currently proposed, the Project will achieve its required points through the following TDM measures for both land use categories A and B:

- Bicycle Parking (Option A)
- Showers and Lockers
- Bicycle Repair Station
- Delivery Supportive Amenities
- Real Time Transportation Displays
- Parking Supply (Option K)

- I. **Public Art (Section 429).** In the case of all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 sf in a C-2 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 Sponsor shall comply with this Section by dedicating one percent of its construction cost to works of art. The Project Sponsor proposes art on-site that is adjacent to the entertainment venue and the rest of the Project's public open spaces—which can be enjoyed by everyone using that space. The art selection is not a requirement at this time, however some art locations are noted on plans in Exhibit B. The Project Sponsor is considering a few sculptures that are complimentary to the proposed entertainment use proposed at the Project Site.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. Section 240.3(e) however, states "In considering any application for development on property under the jurisdiction of the Port Commission on which a specific use or uses require a conditional use, the specific use or uses requiring a conditional use within a project, and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning Commission shall consider the following criteria in lieu of those stated in Section 303(c):" On balance, the Project complies with said criteria in that:

- A. That such use or feature as proposed is consistent with the Waterfront Land Use Plan (WLUP) and its WLUP Waterfront Design and Access goals, policies and criteria, adopted by the Port

Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

The Project is consistent with the WLUP as it will help reunite the City with the Waterfront by providing a new cultural and entertainment venue and new public park along the Embarcadero that will attract people to the Waterfront and connect the existing open spaces along the Embarcadero. The Project meets the Northeast Waterfront Historic District requirements and is consistent with the Secretary of the Interior's standards for new construction in historic districts.

- B. Assurance of a general profile for development having higher portions near Telegraph Hill or other inland areas and lower portions near The Embarcadero;

The unique shape of the Project Site does not lend well to creating a structure within the narrow triangular piece to the north of Vallejo Street and therefore the higher portion of the development will be next to Broadway while still maintaining Broadway as a view corridor to the water. The City and Port have recently approved entitlements for the construction of a new 100% affordable housing development project at 88 Broadway and 735 Davis Street. That housing development will be 6-stories in height. The Project's proposed 4-story hotel will step down in height from that housing development towards the waterfront.

- C. Assurance of view corridors along public streets between Telegraph Hill or other inland areas and the waterfront and Bay, in accordance with the view policies of the Northeastern Waterfront Plan, a part of the General Plan;

The WLUP designates this portion of Broadway as a "Street Corridor View of Water" and this portion of Vallejo Street as a "Street Corridor View of Architecture with Waterfront Identity". The Project has no impact on Broadway's existing public views, nor on Davis Street's existing public views. The Project will have an impact on the street level view from Vallejo Street to the Pier 9 Bulkhead Building if standing at Sansome Street and Front Street. However, Vallejo Street is not designated or considered a "Street with a major view", a "Street with views of maritime activities", or a "Street view street." The view from Vallejo Street will still include many valuable views of the Embarcadero and other places featuring a waterfront identity, such as Pier 15, Pier 7, and Pier 9 from the Davis Street and Vallejo Street intersection and the Project's public open spaces.

- D. Provision of open spaces available to the public consistent with the Waterfront Design and Access goals, policies and criteria; and

As mentioned above, the Project does not impact the street views from Davis Street and Broadway and provides a new privately-financed public park that will be open to the public 24/7 and connects to existing open spaces along the Embarcadero. The Project meets the design policies and criteria as it orients primary uses and pedestrian entrances toward Broadway and the Embarcadero by providing a clear expression of pedestrian entrances and orientation toward the new public park.

- E. Adherence to the character of surrounding areas of the City.

The Historic Preservation Commission found the Project to be consistent with the Secretary of Interior Standards in a historic district. The Project's architectural design and articulation, including use of dimensional brick construction creates a visually interesting street façade that is consistent with the surrounding buildings in this neighborhood.

The Planning Commission shall consider the following criteria as stated in Section 303(g) for hotels and motels in addition to the criteria set forth in Section 240.3(e) above : On balance, the Project complies with said criteria in that:

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

The Project's employment of hotel workers will have a positive impact on the job stability of this industry, providing Union jobs - H.E.R.E. Local 2 of the hotel works and Teamster Local 856 for the front desk and concierge workers. These workers will come primarily from the local, existing San Francisco population so adverse impacts from this employment will not be significant.

- G. The measures that will be taken by the Project Sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation.

The Project will provide Union jobs - H.E.R.E. Local 2 of the hotel works and Teamster Local 856 for the front desk and concierge workers. These workers will come primarily from the local, existing San Francisco population so adverse impacts from this employment will not be significant. The Project Sponsor will also enter into a First Source Hiring Plan setting forth its good faith efforts to employ qualified economically disadvantaged San Franciscans, thereby minimizing increased demand for regional transportation.

- H. The market demand for a hotel or motel of the type proposed.

There appears to be a good market for a boutique hotel along the Embarcadero, (see attached Hotel Market Study). At present, occupancy rates in San Francisco are above 80 percent, substantially above the 62 percent nationwide average. With this level of occupancy, the competitive market will be operating at capacity during peak periods and will be unable to accommodate additional demand especially given the unique nature of this integrally connected multi-use hotel and theater/cultural venue undertaken in partnership with Teatro ZinZanni, a dinner-theater-performance venue that operated for more than 11 years in San Francisco. The City of San Francisco is vastly under-served with regard to hotel supply and generates a significant amount of unsatisfied demand. It is anticipated that the addition of the proposed hotel with 192 guestrooms would be readily absorbed into the marketplace in 2021, without significantly affecting occupancy for any competitive properties. Market conditions clearly support the

need for new hotel stock, particularly in the upscale, branded hotel range that would appeal to both tourists and business travelers.

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

The Project is not within the C-3-O(SD) Commercial Special Use District.

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

NORTHEASTERN WATERFRONT AREA PLAN ELEMENT Objectives and Policies

OBJECTIVE 1:

TO DEVELOP AND MAINTAIN ACTIVITIES THAT WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S ECONOMIC VITALITY AND PROVIDE ADDITIONAL ACTIVITIES WHICH STRENGTHEN THE PREDOMINANT USES IN EACH SUBAREA OF THE NORTHEASTERN WATERFRONT, WHILE LIMITING THEIR CONCENTRATION TO PRESERVE THE ENVIRONMENTAL QUALITY OF THE AREA.

Policy 1.1

Accommodate where appropriate, additional activities which will strengthen the predominant economic functions of each subarea of the Northeastern Waterfront.

Policy 1.2

Consistent with other policies of this Plan, encourage uses on Port property which return revenue to the Port to support and improve its facilities.

The Project is consistent with the other policies of the City's General Plan and encourages uses that return revenue to the Port through a long-term ground lease payment, hotel transient occupancy tax revenue, possessory interest tax payments and other fees and taxes associated with the Project. The Project will replace an underutilized surface parking lot with three new public-serving uses that will strengthen the predominant economic functions of the gateway to North Beach and Chinatown, serve as an important feature of The Embarcadero and provide new public uses and economic functions that are consistent with many of the Policies, Objectives and plans set forth in the City's General Plan and its Northeastern Waterfront Area Plan, the Port of San Francisco's Waterfront Land Use Plan and Waterfront Design and Access Plan.

OBJECTIVE 2:

TO DIVERSIFY USES IN THE NORTHEASTERN WATERFRONT, TO EXPAND THE PERIOD OF USE OF EACH SUBAREA AND TO PROMOTE MAXIMUM PUBLIC USE OF THE WATERFRONT WHILE ENHANCING ITS ENVIRONMENTAL QUALITY.

Policy 2.1

Develop uses which generate activity during a variety of time periods rather than concentrating activity during the same peak periods.

Policy 2.2

Diversify activities to encourage the use of the Northeastern Waterfront by a broad spectrum of the population.

Policy 2.3

Encourage land uses having different peak periods of activity within each subarea of the Northeastern Waterfront to contribute to the area's diversity, to expand the period of use, to decrease peak period traffic congestion, to facilitate efficient use of the transit system and to preserve and enhance the environmental quality of the waterfront.

Policy 2.4

Promote the development of new maritime activities, public open space and public access improvements as part of major new development on piers.

The Project will include public open space and public access improvements in, around and adjacent to the Project Site and as an integral part of the Project. The Project involves uses that generate activity during a variety of time periods (i.e. guests arriving and departing from the Hotel at various hours, pedestrians strolling along The Embarcadero during mid-day and afternoon excursions, visiting the public park and patrons to the entertainment venue), rather than concentrating activity only during the AM or PM peak periods. The creation of the entertainment venue will contribute to the area's diversity and create new jobs in the arts, culture, and hospitality industries consistent with this General Plan policy and Administrative Code 90A.2. The Project's use of off-site parking enhances numerous City policies and its adoption of convenient mass transit at the Project Site's front door will facilitate efficient use of the City's transit system. The Project will be designed with attention to details, streetscapes and landscape features and will be constructed consistent with the Secretary of the Interior's standards and Article 10 to ensure respect for the historic district and the waterfront.

OBJECTIVE 5:

TO DEVELOP LIMITED ADDITIONAL OFFICE AND COMMERCIAL SPACE IN ORDER TO SERVE THE CITY'S ECONOMIC NEEDS AND TO ENCOURAGE A MIXTURE OF USES AND ACTIVITIES ALONG THE NORTHEASTERN WATERFRONT.

Policy 5.4

Except on piers, permit additional hotel space in locations which would enhance the mixture of uses. In areas where hotels are already concentrated, additional such facilities should be limited and should only be provided if they complement adjacent uses.

The Project involves the development of a new 192-room hotel on Seawall Lots 323 and 324, two upland seawall lots that have been planned for hotel use in the Port's Waterfront Land Use Plan for more than more than two decades. Moreover, the Project meets POLICY 5.4 because hotels are not overly concentrated in the vicinity of the Project Site.

OBJECTIVE 7:

TO STRENGTHEN AND EXPAND THE RECREATION CHARACTER OF THE NORTHEASTERN WATERFRONT AND TO DEVELOP A SYSTEM OF PUBLIC OPEN SPACES AND RECREATION FACILITIES THAT RECOGNIZES ITS RECREATIONAL POTENTIAL, PROVIDES UNITY AND IDENTITY TO THE URBAN AREA, AND ESTABLISHES AN OVERALL WATERFRONT CHARACTER OF OPENNESS OF VIEWS, WATER AND SKY AND PUBLIC ACCESSIBILITY TO THE WATER'S EDGE.

Policy 7.1

Develop recreation facilities attractive to residents and visitors of all ages and income groups.

Policy 7.2

Provide a continuous system of parks, urban plazas, water-related public recreation, shoreline pedestrian promenades, pedestrian walkways and street greenways throughout the entire Northeastern Waterfront.

Policy 7.3

Connect the recreation and open space facilities of the Northeastern Waterfront with those of the Golden Gate National Recreation Area.

Policy 7.4

Encourage and provide open space and public recreation facilities as part of any development, to provide facilities for people residing and working in the Northeastern Waterfront and in adjoining neighborhoods.

Policy 7.7

Where desirable and feasible, provide amenities which enhance public enjoyment of open spaces and public access areas by providing public restrooms, drinking fountains, information kiosks, sales of refreshments from push carts and other services.

Policy 7.11

Develop a continuous bicycle path along the Northeastern Waterfront that is linked with the city-wide bicycle route system.

The Project develops the new POPOS, a new publicly accessible open space that will be designed and constructed to be attractive to residents and visitors and will provide amenities to enhance public enjoyment of the new POPOS such as information kiosks, push carts and other services. The Project will add to the continuous system of parks, urban plazas, water-related public recreation, pedestrian promenades and walkways that already exist in the Northeastern Waterfront and will extend the existing connections between the Northeastern Waterfront and the Golden Gate National Recreation Area along The Embarcadero. The Project will be linked to the city-side bicycle route system and public bicycles and Class 1 and Class 2 bicycle parking in full compliance with City Codes will be a part of the Project.

OBJECTIVE 8:

TO FACILITATE THE MOVEMENT OF PEOPLE AND GOODS WITHIN THE NORTHEASTERN WATERFRONT IN SUCH A WAY AS TO MINIMIZE THE ADVERSE IMPACT OF THIS MOVEMENT.

Policy 8.1

Intercept and divert as much automobile traffic as feasible away from the water's edge and areas of intense pedestrian activity in order to make conditions more pleasurable, safe, and interesting for the pedestrian, and in order to facilitate the commercial and recreational development of the area.

Policy 8.2

Limit additional parking facilities in the Northeastern Waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) Short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) Long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Policy 8.7

Facilitate pedestrian access to the shoreline, including access for the handicapped, through the provision of convenient, safe pedestrian crossings along The Embarcadero. Provide promenades and walkways of sufficient width to accommodate comfortably and safely the movement of pedestrians throughout the Northeastern Waterfront.

The Project removes an existing parking facility near the water's edge and has been designed to locate parking away from the site by using shared parking at nearby facilities and to minimize the impact of parking by encouraging the use of transit and alternative forms of transportation, such as bicycles, walking and shared ride vehicles. The Project will facilitate pedestrian access to the inland side of the waterfront by providing a series of attractive amenities along The Embarcadero and will provide walkways of sufficient width as determined by relevant City agencies to accommodate all persons comfortably and safely.

OBJECTIVE 10:

TO DEVELOP THE FULL POTENTIAL OF THE NORTHEASTERN WATERFRONT; AND TO ENHANCE ITS UNIQUE AESTHETIC QUALITIES OFFERED BY WATER, TOPOGRAPHY, VIEWS OF THE CITY AND BAY, AND ITS HISTORIC MARITIME CHARACTER.

Policy 10.1

Preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area. Larger buildings and structures with civic importance may be appropriate at important locations.

Policy 10.2

Preserve and create view corridors which can link the City and the Bay.

Policy 10.3

Use continuous planting and other ground surface treatment to physically and visually link the waterfront with adjacent inland areas.

Policy 10.9

Encourage the provision of street furniture which is of appropriate design to the historic maritime character of the Northeastern Waterfront.

Policy 10.13

Remove exposed surface parking from over water, and along the Embarcadero roadway to improve shoreline appearance and access to the Bay.

Policy 10.27

Locate buildings to minimize shadows and wind on public open spaces.

Waterfront views from Vallejo Street will not be substantially impacted due to the rising topography of Vallejo Street, the low height of the Project (40 feet) and the translucent (and bird-safe) design for the entertainment venue's glass pavilion. The Project will use planting and other ground surface treatment to physically and visually link the waterfront with adjacent land uses.

The Project is being built within the 40-X Height and Bulk District for the site thereby preserving the physical form of the waterfront and reinforcing San Francisco's hill form westerly from the Bay toward Telegraph Hill. Consistent with the Waterfront Land Use Plan, and other City policies. The Project will construct the new POPOS with public walkways and public open space around and through the Project Site which will provide new view corridors to the Bay and will provide new amenities in the neighborhood that will make for an inviting experience, in the place of a surface parking lot.

The entertainment venue and the hotel will attract many more members of the public to the waterfront, allowing a greater number of people to experience the historic district, other Port properties, and the Bay, and the POPOS will be a new public amenity for the neighborhood and the City.

OBJECTIVE 18:

TO DEVELOP A DIVERSITY OF ADDITIONAL ACTIVITIES WHICH WOULD STRENGTHEN THE EXISTING PREDOMINANT USES IN THE BASE OF TELEGRAPH HILL SUBAREA AND ACTIVITIES WHICH WOULD EXPAND THE PERIOD OF USE, BUT OF AN INTENSITY WHICH WOULD PROVIDE A RELIEF FROM THE ADJACENT DOWNTOWN AND FISHERMAN'S WHARF AREAS.

Policy 18.3

Encourage moderate development of uses such as shops, restaurants, entertainment and hotels which activate the waterfront during evenings and weekends, but to a lesser overall intensity and concentration than present in the adjacent downtown and Fisherman's Wharf areas.

Policy 18.4

Design new development on Seawall Lots 323 and 324 as an orientation point for the waterfront which also highlights the intersection of Broadway and The Embarcadero.

Policy 18.5

Plan and design new developments on inland sites and adjacent piers in a manner which complements and enhances the surrounding area, and which unites the waterfront with the rest of the City.

The Project involves a new development designed to conform to the site's Height and Bulk District (40X) involving restaurants, entertainment and a hotel that will activate the waterfront during evenings and weekends, as well as the new POPOS. It is designed to be an orientation point for the waterfront and its highlights the intersection of Broadway and The Embarcadero through the hotel's main entry point and enhancements to The Embarcadero and Broadway streetscapes and the unique entertainment venue and glass pavilion hosting Teatro Zinzanni and the historic entertainment tent.

ARTS ELEMENT

Objectives and Policies

GOAL I.

SUPPORT AND NURTURE THE ARTS THROUGH CITY LEADERSHIP.

OBJECTIVE I-1:

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

Policy I-1.1

Promote inclusion of artistic considerations in local decision-making.

Policy I-1.2

Officially recognize on a regular basis the contributions arts make to the quality of life in San Francisco.

Policy I-1.4

Provide access to the creative process and cultural resources for all neighborhoods, cultural communities, and segments of the city and its populations.

The Project will allow for the establishment of a new entertainment venue hosting local, regional, national and international performances and talent on a regular basis. The regular activity not only makes a contribution to the quality of artists lives, but also the hundreds of others who provide essential musical, costume, staging, lighting, set building, costuming, and other performance-related professional services and enriches the lives thousands of local, regional, national and international patrons who come to the show annually and it will open its doors to a variety of community groups for special events and school age children for workshops and special events.

OBJECTIVE I-2:

INCREASE THE CONTRIBUTION OF THE ARTS TO THE ECONOMY OF SAN FRANCISCO.

Policy I-2.1

Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy I-2.2

Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

The Project will contribute to the San Francisco economy by providing a wide variety of jobs, goods and services in the theater and arts community and will play a significant role in attracting visitors and locals to the City's Northern Waterfront. It will generate jobs in theater and stage production and construction and design, and in costumes, make-up, music, food and beverage services, installation, security, transportation and many other industries necessary to the production, performance, and exhibition of entertainment at the entertainment venue.

OBJECTIVE II-2:

SUPPORT ARTS AND CULTURAL PROGRAMS WHICH ADDRESS THE NEEDS OF DIVERSE POPULATIONS.

The theater supports arts and cultural programs that are accessible to and performed by diverse populations.

OBJECTIVE II-3:

PROMOTE ARTS EDUCATION PROGRAMS THAT REFLECT THE CULTURAL DIVERSITY OF SAN FRANCISCO.

The theater supports arts and cultural programs that are accessible to and performed by diverse populations.

OBJECTIVE III-1:

ENHANCE THE CONTRIBUTION OF ARTISTS TO THE CREATIVE LIFE AND VITALITY OF SAN FRANCISCO.

Through the employment of hundreds of new artists and persons directly related to the arts community, the Project enhances the contribution of artists to the creative life and vitality of San Francisco.

OBJECTIVE V-3:

DEVELOP AND EXPAND ONGOING PARTNERSHIPS WITH THE PRIVATE SECTOR IN SUPPORT OF THE ARTS.

Policy V-3.1

Develop partnerships with the private sector and the business community to encourage monetary and non-monetary support of the arts, as well as sponsorships of arts organizations and events.

The Project involves a partnership between the private sector and the arts community through the construction and partnerships with the theater space and Zinzanni.

OBJECTIVE VI-1:

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.5

Develop and maintain a mid-sized downtown performing arts facility available to community-based, culturally diverse arts groups easily accessible to visitors.

Policy VI-1.9

Create opportunities for private developers to include arts spaces in private developments citywide.

Policy VI-1.10

Assist artists and arts organizations in attaining ownership or long-term control of arts spaces.

The Project develops and maintains a mid-sized downtown arts facility that is easily accessible to visitors and includes ZinZanni having a long-term lease at the Project.

OBJECTIVE VI-2:

INCREASE OPPORTUNITIES FOR PUBLIC ART THROUGHOUT THE CITY.

The Project will have public art as part of its development.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 2:

INCREASE RECREATION AND OPEN SPACE TO MEET THE LONG-TERM NEEDS OF THE CITY AND THE BAY REGION.

Policy 2.4

Support the development of signature public open space along the shoreline.

Policy 2.8

Consider repurposing underutilized City-owned properties as open space and recreational facilities.

Policy 2.12

Expand the Privately-owned Public Open Spaces (POPOS) requirement to new mixed-use development areas and ensure that spaces are truly accessible, functional and activated.

The Project repurposes part of the City-owned property for open space and creates a new park along the waterfront.

OBJECTIVE 3:
IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE

Policy 3.1

Creatively develop existing publicly-owned rights-of-way and streets into open space.

The Project takes a portion of the publicly-owned right-of-way and turns it into an open space.

URBAN DESIGN ELEMENT
Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.1

Recognize and protect major views in the city, with particular attention to those of open space and water.

Policy 1.2

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.5

Emphasize the special nature of each district through distinctive landscaping and other features.

Policy 1.6

Make centers of activity more prominent through design of street features and by other means.

Policy 1.8

Increase the visibility of major destination areas and other points for orientation.

The Project is designed to emphasize and be consistent with the Northeastern Waterfront Historic District and includes the distinctive glass pavilion for the entertainment venue and will become an orientation point as a gateway to North Beach and Chinatown. The Project does not impact any major views in the City because Vallejo Street is not designated as a street with a major view, as more particularly described below in response to Policy 10.2, nor does it alter the existing street pattern.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

No active, or planned-for active, "street areas" are being given up for private ownership or use, or for the construction of public buildings. Rather, the ROW Parcel is not currently used as street areas or for street purposes (instead it is a surface parking lot), and there is no plan to use the ROW Parcel for a street. Moreover, the Port is not "giving up" street areas for private ownership as the Port will remain the fee owner of the ROW Parcel. Additionally, POLICY 2.8 creates a rebuttable presumption that allows for the giving up of street areas in certain circumstances as set forth in Policy 2.9. The ROW Parcel vacation would be offset by the new POPOS which will provide the public with new park areas, passive recreational areas, walkways and pathways and enhance pedestrian walkways and sidewalks in and around the Project, as well as a new easement for an emergency vehicle truck access easement through the ROW Parcel for the benefit of the San Francisco Fire Department.

Policy 2.9

Review proposals for the giving up of street areas in terms of all the public values that streets afford.

The Project creates a new hotel, entertainment venue and POPOS on the ROW Parcel. There is no plan to use the ROW Parcel for street purposes. The Project also meets POLICY 2.9 because the publicly accessible uses proposed at the Project are consistent with the General Plan, Planning Code, Port Policies and State Lands requirements and the Project when judged against the criteria of POLICY 2.9 tips heavily in support of the Project.

Any impacts from the ROW Parcel vacation will be offset by the building of the new POPOS which will afford the public with new park areas, passive recreational areas, walkways and pathways and enhanced pedestrian walkways and sidewalks in and around the Project. The Project also includes a new easement for emergency vehicle truck access through the ROW Parcel that was designed for the benefit of the San Francisco Fire Department and has been endorsed by the Fire Department during the design process.

The POLICY 2.9 characteristics that support the Project's proposal for the giving up of street areas are as follows:

- a. No release of a street area shall be recommended which would result in:
 1. Detriment to vehicular or pedestrian circulation.

The Project will not cause any detriment to vehicular or pedestrian circulation insofar as the Project Site is not currently used for vehicular or pedestrian circulation but instead is used as a surface parking lot for short-term storage of private automobiles. There are no existing or future plans to use the ROW Parcel as a street and doing so would be contrary to City policy to reduce vehicular traffic on The Embarcadero.

2. Interference with the rights of access to any private property.

The Project will not interfere with the right of access to any private property.

3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement.

The Project will not inhibit access of fire protection but instead has been designed with the direct input of, and approval from, the San Francisco Fire Department and the Port's Fire Marshal to ensure that the San Francisco Fire Department has adequate and safe passage through and around the Project Site for any emergency purposes. Moreover, the Project will not interfere with utility lines or services as all Project approvals and permits will require coordination and compliance with utility providers requirements.

4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations.

The Project does not obstruct, diminish or eliminate a "significant view" insofar as the Vallejo Street view to Pier 9 is not considered a significant view as described previously in response to Policy 10.2, Page 10-11 of this Memo.

5. Elimination or reduction of open space which might feasibly be used for public recreation.
The Project will create the new park for use by the public and does not eliminate or reduce any open space.
6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility.

The Project does not propose to eliminate any street space adjacent to a public facility.

7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street.

The Project does not eliminate any street space that has formed the basis for creation of any lot or occupancy of any building.

8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk.

The Project would not result in additional dwelling units in a multi-family area, excessive density of workers in a commercial area and the building will be built to conform to the 40-X Height and Bulk District for the area.

9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment.

The Project will not reduce street space, but instead creates the new POPOS that will be accessible to the public for public enjoyment.

10. Removal of significant natural features, or detriment to the scale and character of surrounding development.

The Project does not remove any significant natural feature because it is redeveloping an undeveloped, surface parking lot, nor does it cause any detriment to the scale and character of the surrounding area because it is being designed to conform to the 40-X Height and Bulk District for the area and in accordance with the Secretary of the Interiors Standards, the City's Planning Code Article 10, the Northeastern Waterfront Area Plan and the Port's Waterfront Land Use Plan.

11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.

The Project does not have an adverse effect to any element of the General Plan or upon an area plan or other plan of the Department of City Planning. Rather, the Project is consistent with all of the other plans governing the Project Site.

12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

The site has been planned for a hotel, entertainment venue and park form more than two decades since the Port's Waterfront Land Use Plan was first adopted in 1996. As such, the ROW Parcel's use, and that of Seawall Lots 323 and 324, has been known for some time. Release of the ROW Parcel will facilitate a better and fully integrated design for the Project along The Embarcadero and the waterfront, as explained in greater detail in Section b. below.

As shown above, none of the 12 conditions that would discourage approval of a vacation action are present. Moreover, the vacation action meets the criteria listed under subsection b(1) and b(3), below, which results in a favorable finding in support of the proposed vacation given the following: (a) it would facilitate a public serving, Public Trust consistent project (hotel and entertainment venue) and (b) would create a signature public space, the POPOS, that would offer a variety of high quality public spaces. The vacation would also meet the criteria of subsection b(5) in that they specifically support and are consistent with the policies of the Waterfront Land Use Plan and the Waterfront Design and Access Plan.

- b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment Project or other Project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern.

The Project allows for the Project to fulfill many of the Port's Waterfront Land Use Plan's preferred uses for the Project Site, which include preferred use designations for a hotel, theater and open space and the

ROW Parcel vacation is necessary to complete the Project. Moreover, the Project meets this subsection of POLICY 2.9 because its streetscape improvements will improve the pattern of the existing street and pedestrian pattern in the area from its current state as a surface parking lot to new publicly accessible preferred uses. Additionally, the Project will create a new POPOS that will be accessible to the public which in addition to creating new open space will also improve pedestrian transit in and around the site without effecting the vehicular traffic at all on any of the four adjacent streets (The Embarcadero, Broadway, Davis and Vallejo).

2. In furtherance of an industrial Project where the existing street pattern would not fulfill the requirements of modern industrial operations.

This ROW Parcel vacation is not applicable to this subsection as the Project does not include an industrial project.

3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site.

The street vacation is necessary for the Project to be built because of the nature of the public assembly uses (i.e. theater, entertainment, cultural uses in the Entertainment venue) and hotel and open space uses designed for the public, all of which are allowed by the Public Trust doctrine on the Site. As the hotel and entertainment venue need to share back of house spaces, it is essential to the Project's success that these uses be located adjacent to each other which requires in turn that the released ROW Parcel be occupied by the theatre use and the park be located to the north of the theatre use. Each of these uses also conform to the preferred use designations of the Port's Waterfront Land Use Plan, and which are consistent with the General Plan, the Northeastern Waterfront Area Plan and San Francisco Administrative Code Section 90A.

4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element.

The Project will create the new park that will have small-scale pedestrian walkways through the open space, including a paved crossing from Davis and Vallejo through the site to The Embarcadero and from Davis Street through the Site to Green Street to the north.

5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The Project furthers the public values and purposes of streets as expressed in the Urban Design Element and elsewhere in the General Plan as described in the memorandum.

Policy 2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

The Project involves the ROW Parcel, which is an unmapped, undeveloped, right-of-way areas, not active or even proposed to be active street areas, and it will be constructed pursuant to a Port ground lease, which means that the Port will always retain ownership to the Project Site and the ROW Parcel. The Project also meets POLICY 2.10 because the release of the unused ROW Parcel furthers the public values and purposes of streets as expressed in the Urban Design Element and elsewhere in the General Plan and is consistent with the preferred uses for the Project Site as set forth in the Port's Waterfront Land Use Plan.

COMMERCE AND INDUSTRY ELEMENT
Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.7

Recognize the natural boundaries of districts and promote connections between districts.

The Project encourages a project that has substantial net benefits (jobs, revenues, art and entertainment, open space and the like) and it minimize undesirable consequences on the environment as determined by the Initial Study.

OBJECTIVE 2:

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

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The Project attracts a new hotel and the entertainment venue to the city.

OBJECTIVE 3:

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

Policy 3.1

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

The Project expands commercial uses in the hotel and entertainment fields which are strong industries for creating opportunities for unskilled and semi-skilled workers.

**TRANSPORTATION ELEMENT
Objectives and Policies**

OBJECTIVE 16:

DEVELOP AND IMPLEMENT PROGRAMS THAT WILL EFFICIENTLY MANAGE THE SUPPLY OF PARKING AT EMPLOYMENT CENTERS THROUGHOUT THE CITY SO AS TO DISCOURAGE SINGLE-OCCUPANT RIDERSHIP AND ENCOURAGE RIDESHARING, TRANSIT AND OTHER ALTERNATIVES TO THE SINGLE-OCCUPANT AUTOMOBILE.

Policy 16.1

Reduce parking demand through the provision of comprehensive information that encourages the use of alternative modes of transportation.

Policy 16.3

Reduce parking demand through the provision of incentives for the use of carpools and vanpools at new and existing parking facilities throughout the City.

Policy 16.5

Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.

Policy 16.6

Encourage alternatives to the private automobile by locating public transit access and ride-share vehicle and bicycle parking at more close-in and convenient locations on-site, and by locating parking facilities for single-occupant vehicles more remotely.

The Project encourages alternatives to private automobiles, emphasizes public transit access and by utilizing off-site parking facilities and a comprehensive system of information technology to address transportation needs.

OBJECTIVE 17:

DEVELOP AND IMPLEMENT PARKING MANAGEMENT PROGRAMS IN THE DOWNTOWN THAT WILL PROVIDE ALTERNATIVES ENCOURAGING THE EFFICIENT USE OF THE AREA'S LIMITED PARKING SUPPLY AND ABUNDANT TRANSIT SERVICES.

Policy 17.2

Encourage collaboration and cooperation between property owners, neighboring uses and developers to allow for the most efficient use of existing and new parking facilities.

The Project encourages collaboration and cooperation between off-site parking facilities and the development.

OBJECTIVE 23:

IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Policy 23.1

Provide sufficient pedestrian movement space with a minimum of pedestrian congestion in accordance with a pedestrian street classification system.

The Project will provide improved pedestrian movement in accordance with City standards.

OBJECTIVE 24:

IMPROVE THE AMBIANCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.5

Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open spaces or "living streets" by adding pocket parks in sidewalks or medians, especially in neighborhoods deficient in open space.

The Project transforms the ROW Parcel into a neighborhood-serving open space.

ENVIRONMENTAL PROTECTION ELEMENT

Objectives and Policies

OBJECTIVE 7:

ASSURE THAT THE LAND RESOURCES IN SAN FRANCISCO ARE USED IN WAYS THAT BOTH RESPECT AND PRESERVE THE NATURAL VALUES OF THE LAND AND SERVE THE BEST INTERESTS OF ALL THE CITY'S CITIZENS.

Policy 7.1

Preserve and add to public open space in accordance with the objectives and policies of the Recreation and Open Space Element.

The Project adds to public open space in accordance with applicable City and Port policies.

OBJECTIVE 10:

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS.

Policy 10.1

Promote site planning, building orientation and design, and interior layout that will lessen noise intrusion.

Policy 10.2

Promote the incorporation of noise insulation materials in new construction.

The design of the glass pavilion for the entertainment venue lessens noise intrusion from that preferred use.

OBJECTIVE 12:

ESTABLISH THE CITY AND COUNTY OF SAN FRANCISCO AS A MODEL FOR ENERGY MANAGEMENT.

Policy 12.1

Incorporate energy management practices into building, facility, and fleet maintenance and operations.

The Project incorporate best practices for energy management into the building.

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

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

The Project would demolish a surface parking lot and replace it with a mixed-use development that would include new entertainment and active hotel uses on the ground floor. Visitors that stay at the proposed hotel would help support existing neighborhood-serving retail uses.

- 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 Site does not possess any existing housing. The Project would strengthen neighborhood character by respecting the character-defining features of the landmark district in conformance with the Secretary of the Interior's Standards. The creation of a new, compatible building would help fill out the subject landmark district and would be replacing a surface parking lot that does not contribute to the character of the district and neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project does not currently possess any existing affordable housing. The Project would have no effect on the affordable housing supply of the City.

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

The Project Site is served by nearby public transportation options. The Project is located along a Muni E and F lines and is within walking distance of the BART Station at Embarcadero and Montgomery Streets. The Project would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The Project also provides sufficient bicycle parking for employees and hotel guests.

- 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 include commercial office development. The Project would demolish a surface parking lot and replace it with a mixed-use development that would include new active uses on the ground floor. The Project would not have any effect on industrial jobs but may increase job opportunities in the service sector through employment at the proposed hotel.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project Site. The Project, which lies within the boundaries of the Northeast Waterfront Landmark District, is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

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

The Project would not affect access to sunlight or vistas for existing parks and open spaces and would result in a new public park that would be privately financed and maintained.

10. The General Plan Consistency Findings set forth in Resolution No. 20443, Case #2016-011011GPR (Findings of Consistency with the General Plan Referral for Street Vacations) apply to this Motion and are incorporated herein by reference as though fully set forth.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-016326CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 21, 2018, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

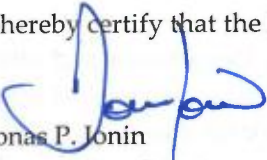
The Planning Commission hereby adopts the MND and the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the MND and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 2, 2019.


Jonas P. Jonin
Commission Secretary

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

NAYS: None

ABSENT: Melgar

ADOPTED: May 2, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an approximately 112,700 gsf hotel that would accommodate 192 guest rooms, and; an approximately 14,000 gsf privately financed and maintained public park (d.b.a. **Teatro ZinZanni**) located at Seawall Lots 323 and 324, Block 0138 and Lot 00, and Block 0139 and Lot 002, pursuant to Planning Code Section(s) 210.1, 240.3, AND 303 within the C-2 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **December 21, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2015-016326CUA** and subject to conditions of approval reviewed and approved by the Commission on **May 2, 2019** under Motion No. **20444**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **May 2, 2019** under Motion No. **20444**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. **20444** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
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. **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
7. **Additional Project Authorization.** The Project Sponsor must obtain a General Plan Referral for vacations for portions of Vallejo Street and Davis Street and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
8. **Mitigation Measures.** Mitigation measures described in the MMRP attached as "EXHIBIT C" are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **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
11. **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

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

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

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

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

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

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

15. **Transformer Vault Location.** The location of individual Project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this Project: inside the building along Davis Street. This location has the following design considerations: near the loading dock and with adequate street trees in front of the building to block the view of the blank wall. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

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

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

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

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

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

18. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

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

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

PARKING AND TRAFFIC

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

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

details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

21. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than **11** Class 1 or 8 Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the Project Sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the Project Sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

22. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than **four** showers and **24** clothes lockers.

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

23. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide **two** off-street loading spaces.

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

24. **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

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

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

26. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
27. **Child-Care Requirements for Office and Hotel Development.** In lieu of providing an on-site child-care facility, the Project has elected to meet this requirement by providing an in-lieu fee, as applicable, pursuant to Planning Code Section 414.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
28. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org
29. **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
30. **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
31. **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

32. **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

MONITORING - AFTER ENTITLEMENT

33. **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
34. **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
35. **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

36. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:
- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the

operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

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

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

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

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

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

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

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

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

37. **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>

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

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

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

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

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

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

41. **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

42. **Hours of Operation.** The entertainment use of the subject establishment is limited to the following public hours of operation: Sunday through Saturday from 5:30 p.m. to 11:30 p.m.

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



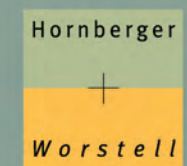
ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project

TZK Broadway, LLC
December 21, 2018 Design Package



KENWOOD INVESTMENTS



Prepared for:
Teatro ZinZanni, Presidio Companies,
and Kenwood Investments

by:
Hornberger + Worstell

Site Context



ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project



Project Site



Existing Site
Embarcadero Looking South



Existing Site
Davis Looking North



Existing Site
Broadway/Embarcadero Corner Looking North



Existing Site
Broadway/Davis Corner Looking East

Existing Site Images



KGO - from Davis & Vallejo



KGO - from Green St.



900 Front St. KGO - from Front & Vallejo



KGO - from The Embarcadero across project park site



Golden Gateway Commons - Broadway



Golden Gateway Commons - Broadway



Golden Gateway Commons - from The Embarcadero



Golden Gateway Commons - from The Embarcadero



The Waterfront Restaurant & Cafe - Pier 7 & The Embarcadero



Pier 9 & The Embarcadero

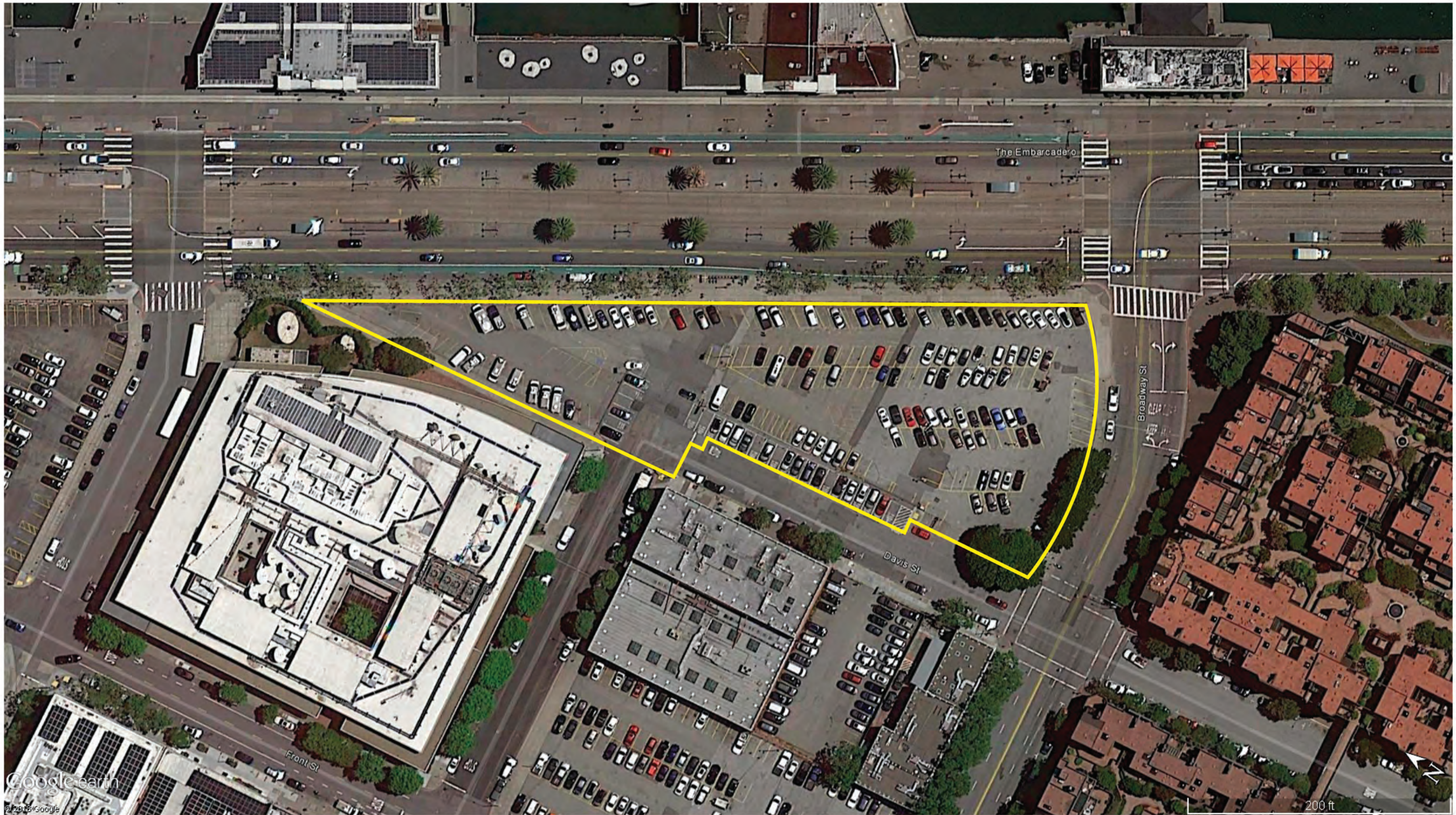


60 Broadway - from Davis St.



753 Davis - from across project site

Existing Context Images / Nearby Buildings



Project Site

Historic District Images



ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project



151 Union



1050 Battery

1010 Battery

Section 6. FEATURES

(a) Overall Form and Continuity.

- Building height is generally within a six-story range, with the higher structures closer to the base of Telegraph Hill and lower buildings near the water. Many of the oldest structures are one or two stories in height.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Embarcadero Elevation - Proposed Scheme

Historic District Images



1035 Battery



1050 Battery



1050 Battery

1010 Battery

Section 6. FEATURES

(b) Scale & Proportion:

- The buildings are of typical warehouse design, large in bulk, often with large arches and openings originally designed for easy vehicular access. The earlier brick structures blend easily with the scaled-down Beaux Arts forms of the turn of the century and the plain reinforced-concrete structures characteristic of twentieth century industrial architecture.

Northeast Waterfront Historic District

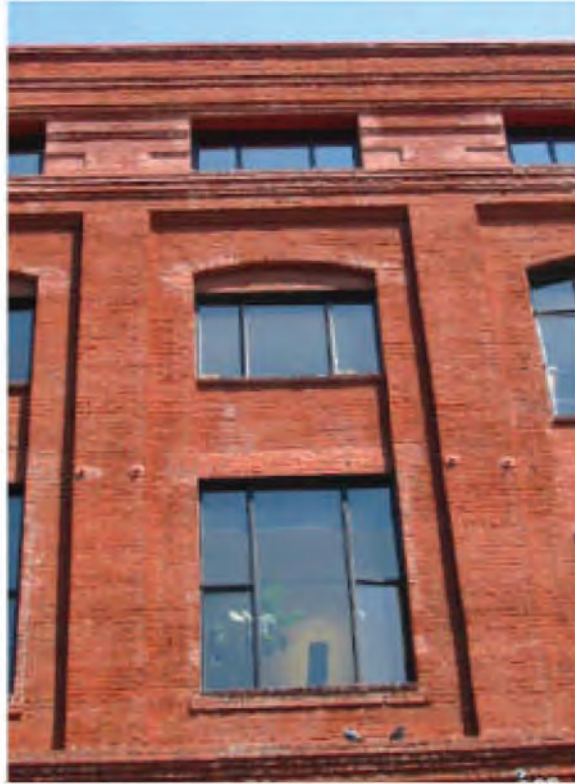
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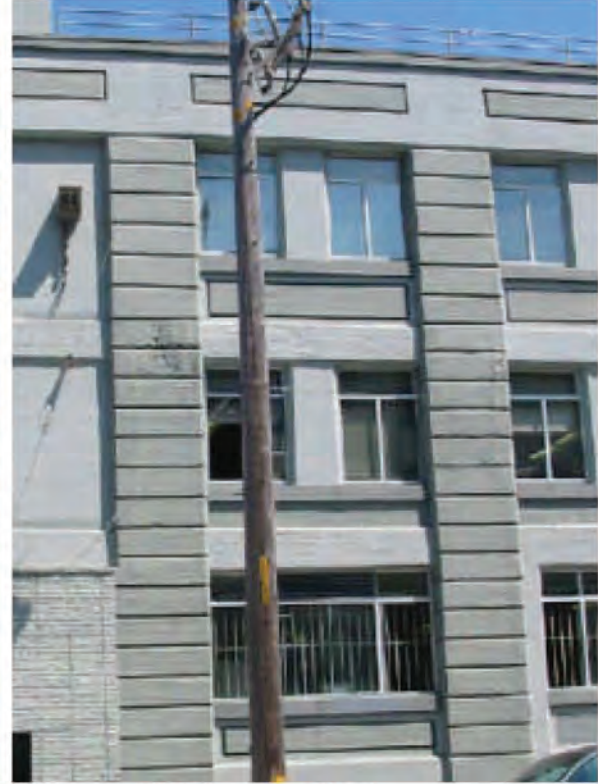


Embarcadero Elevation - Proposed Scheme

Historic District Images



151 Union Street



1088 Sansome Street



150 Green Street



1010 Battery



847 Front Street



Icehouse Alley: glass bridge approved by HRC 1992

(c) Fenestration.

- Minimal glazing is deeply recessed, producing a strong shadow line. The earliest structures have a few windows expressing their warehouse function. They are varied in size, rhythmically spaced and relate in shape and proportion to those in nearby buildings. Larger industrial sash window began to be incorporated in structures built from the 1920's and onward. Door openings are often massive to facilitate easy access of bulk materials.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Historic District Images



Embarcadero | Teatro ZinZanni Entrance

Section 6. FEATURES

(c) Fenestration.

- They are varied in size, rhythmically spaced and relate in shape and proportion to those in nearby buildings. Larger industrial sash window began to be incorporated in structures built from the 1920's and onward. Door openings are often massive to facilitate easy access of bulk materials.

(d) Materials:

- Standard brick masonry is predominant for the oldest buildings in the District, with reinforced concrete introduced after the 1906 fire. Some of the brick facades have been stuccoed over. One of the structures still has its metal shutters, which were once typical of the area.

(e) Color.

- Red brick is typical, with some yellow and painted brick. Muted earth tones predominate in shades of red, brown, green, gray and blue.

(f) Texture.

- Typical facing materials give a rough-textured appearance. The overall texture of the facades is rough-grained.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



60 Broadway



150 Green Street



1035 Battery



Cobblestones - John Maher St.



55 Union St.



1010 Battery

Section 6. FEATURES

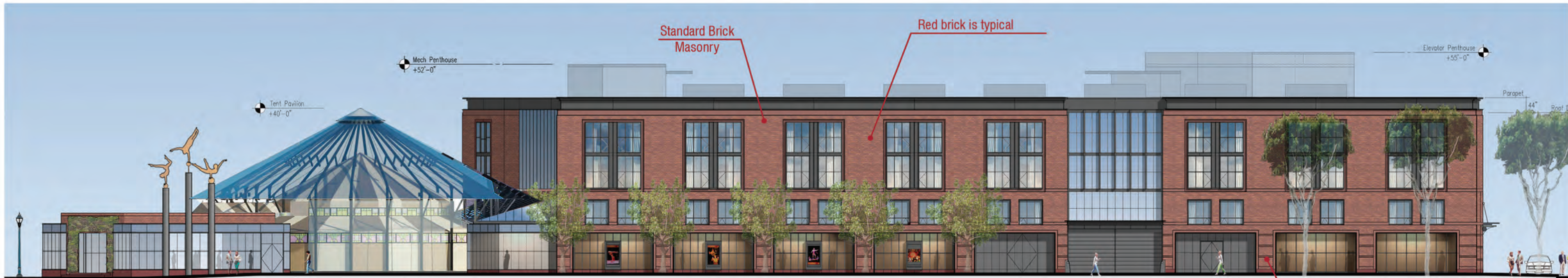
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Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Davis Elevation - Proposed Scheme

Historic District Images



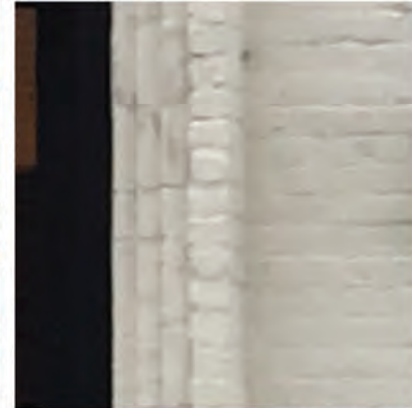
150 Green St.



825 Battery



55 Union



100 Green St.

Section 6. FEATURES

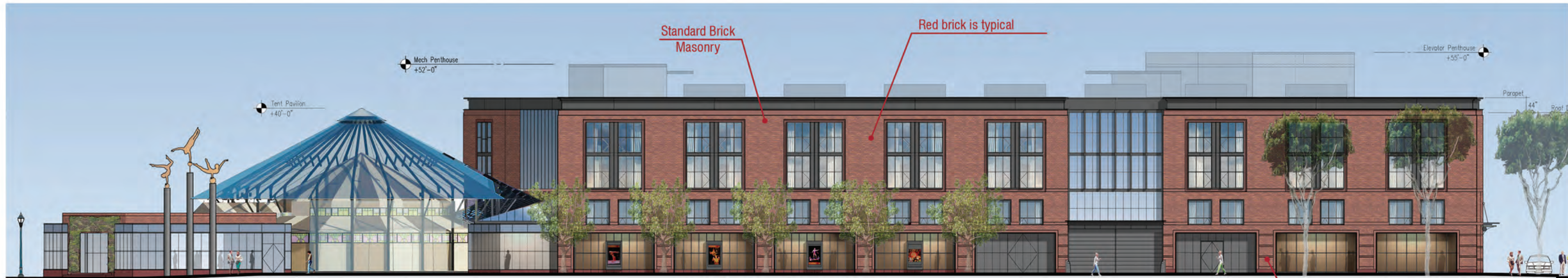
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Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Davis Elevation - Proposed Scheme

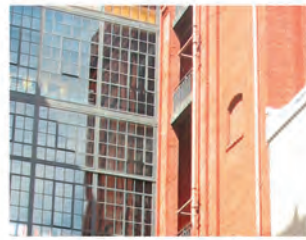
Historic District Images



1010 Battery



1088 Sansome



Icehouse Alley: glass bridge approved by HRC 1992



1025 Battery

Section 6. FEATURES

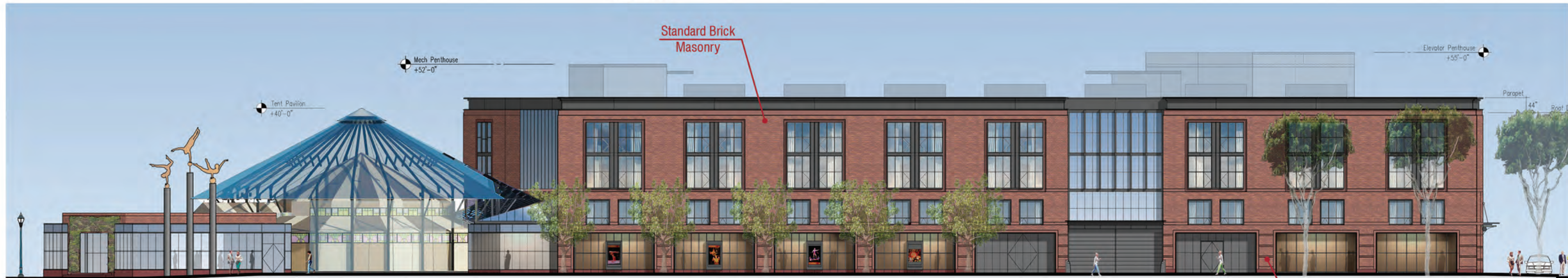
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Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Standard Brick Masonry

Mech Penthouse +52'-0"

Tent Pavilion +40'-0"

Elevator Penthouse +55'-0"

Parapet 44" Roof D

Davis Elevation - Proposed Scheme

Rough-textured
Rough-grained
Brick

Historic District Images



1001 Front St.



55 Union & 1050 Battery



1105 Battery



John Maher St.



101 Green St.

Section 6. FEATURES

(g) Detail.

- Arches are common on the ground floor, and are frequently repeated on upper floors. Flattened arches for window treatment are typical. Cornices are simple and generally tend to be abstract versions of the more elaborate cornices found on the downtown commercial structures from the nineteenth century. Most of the surfaces of the later buildings are plain and simple, reflecting their function. Some of the earlier brickwork contains suggestions of pilasters, again highly abstracted. Where detail occurs, it is often found surrounding entryways.

Northeast Waterfront Historic District
Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Broadway Elevation - Proposed Scheme

Historic District Images

1088 Sansome



151 Union St.



55 Union St.



1105 Battery

855 Battery

151 Union St.

Sec. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS

(b) Additional Standards for Certain Features.

(1) Facade Line Continuity.

- Facade line continuity is historically appropriate. Therefore, setbacks and arcades, not generally being features of the Northeast Waterfront Historic District, are not acceptable.

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code



Broadway Elevation - Proposed Scheme

Historic District Images



Existing Rooftop View



Proposed Rooftop View

Sec. 7. ADDITIONAL PROVISIONS FOR CERTIFICATES OF APPROPRIATENESS

(3) Roof Treatment.

- Historically the view from Telegraph Hill over the Northeast Waterfront District has been one of roofs characterized by numerous regularly spaced industrial skylights. In renovation or new construction, these particular design features should be retained or incorporated.

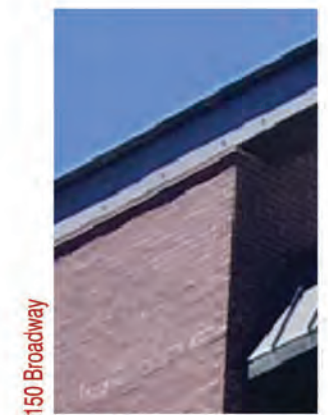
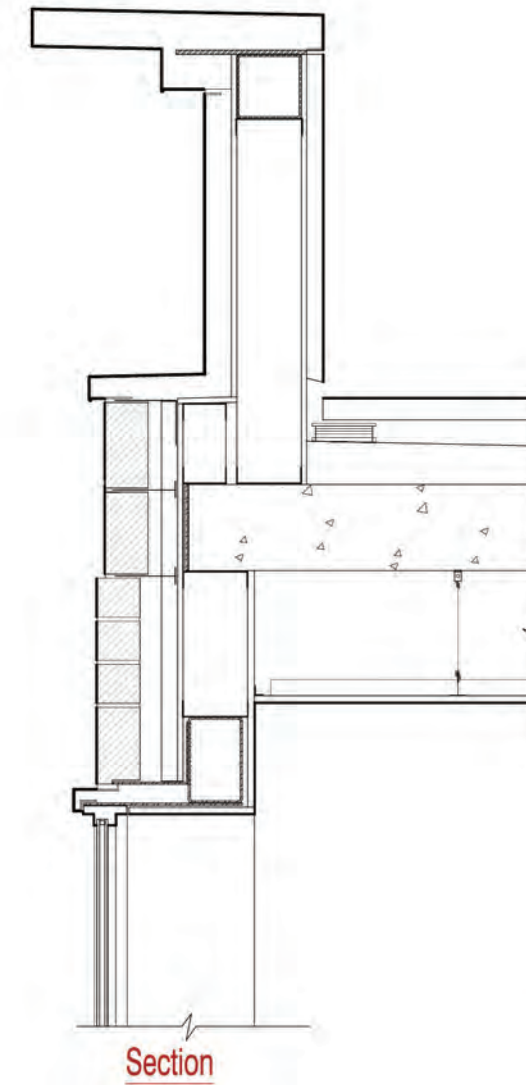


Davis Elevation - Proposed Scheme

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code

Northeast Waterfront Historic District
Appendix D, Article 10 San Francisco Planning Code

Historic District Images



150 Broadway

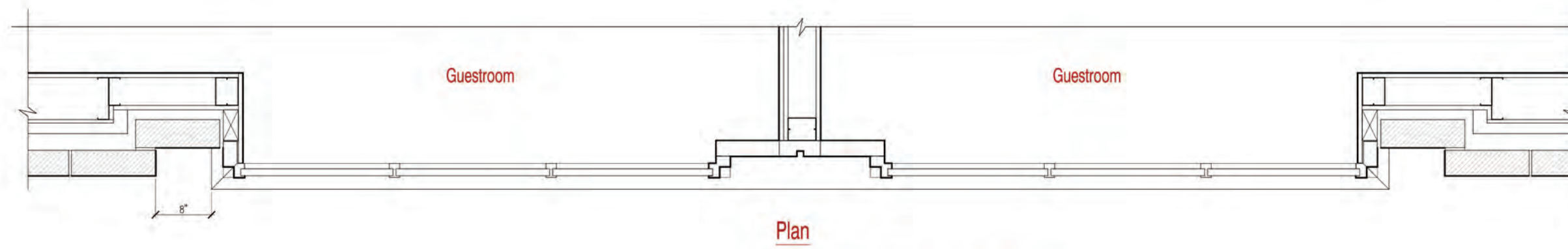
150 Broadway

HPC Approved 2003

District Images

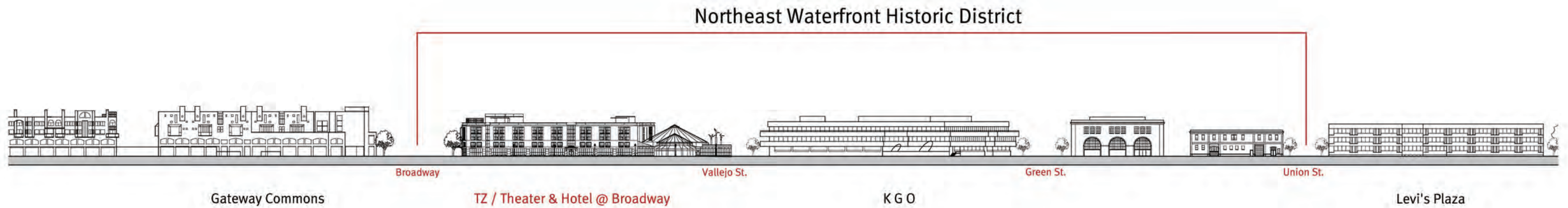
Sec. 6. FEATURES.
(g) Detail.

Cornices are simple and generally tend to be abstract versions of more elaborate cornices found on downtown commercial structures from the nineteenth century.



1050 Battery

Metal Cornice @ Flush Bay



Northeast Waterfront Historic District

Gateway Commons

TZ / Theater & Hotel @ Broadway

KGO

Levi's Plaza

All quotes from Article 10: Preservation of Historical Architectural and Aesthetic Landmarks, Appendix D: Northeast Waterfront Historic District - San Francisco Planning Code

Northeast Waterfront Historic District
Appendix D, Article 10 San Francisco Planning Code

Northeast Waterfront Historic District

Appendix D, Article 10 San Francisco Planning Code

Section 6. FEATURES

(b) Scale & Proportion:

- The buildings are of typical warehouse design, large in bulk, often with large arches and openings originally designed for easy vehicular access. The earlier brick structures blend easily with the scaled-down Beaux Arts forms of the turn of the century and the plain reinforced-concrete structures characteristic of twentieth century industrial architecture.

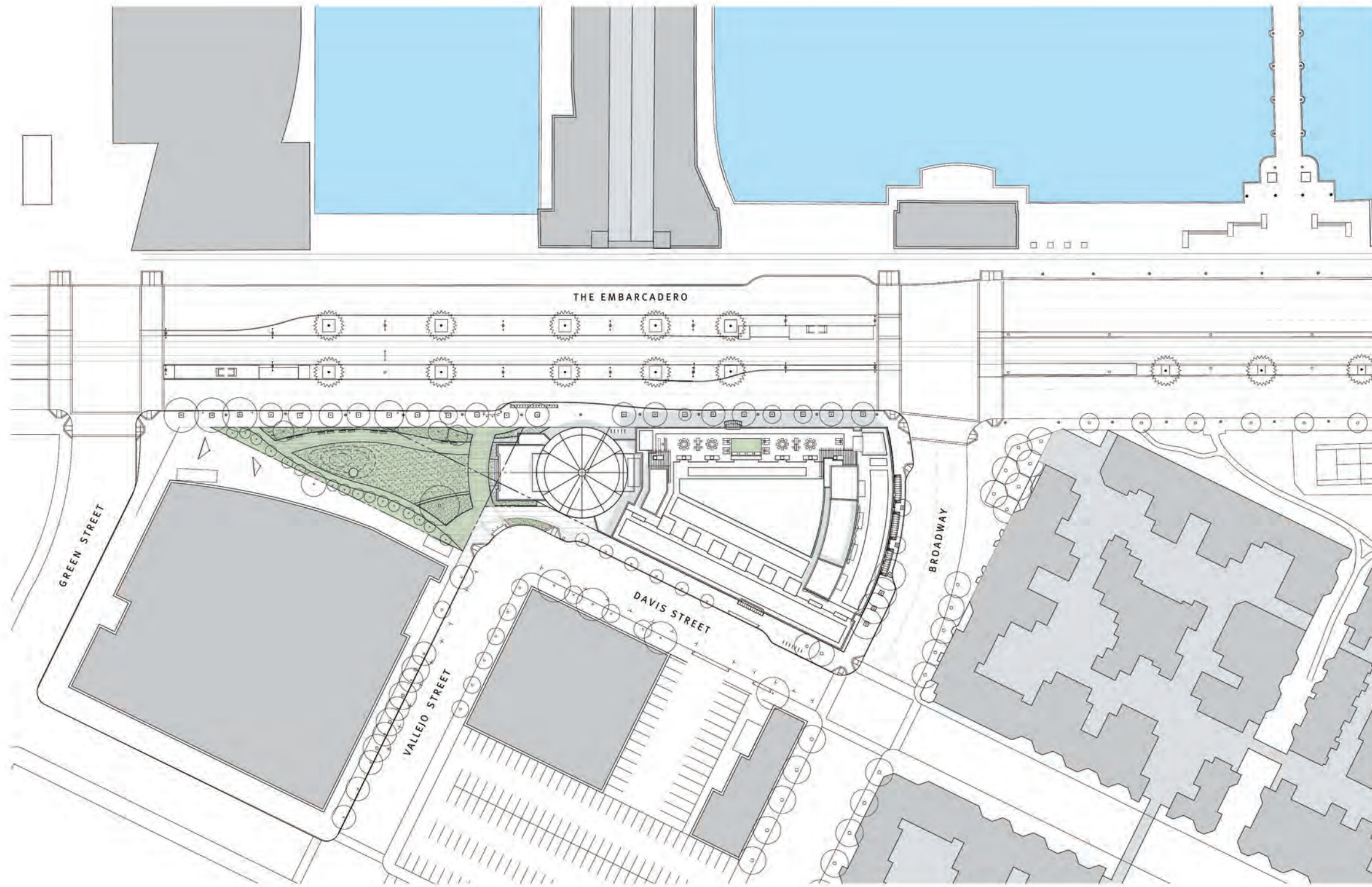
Embarcadero Elevation & Building Height Comparison

Proposed Project

ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project

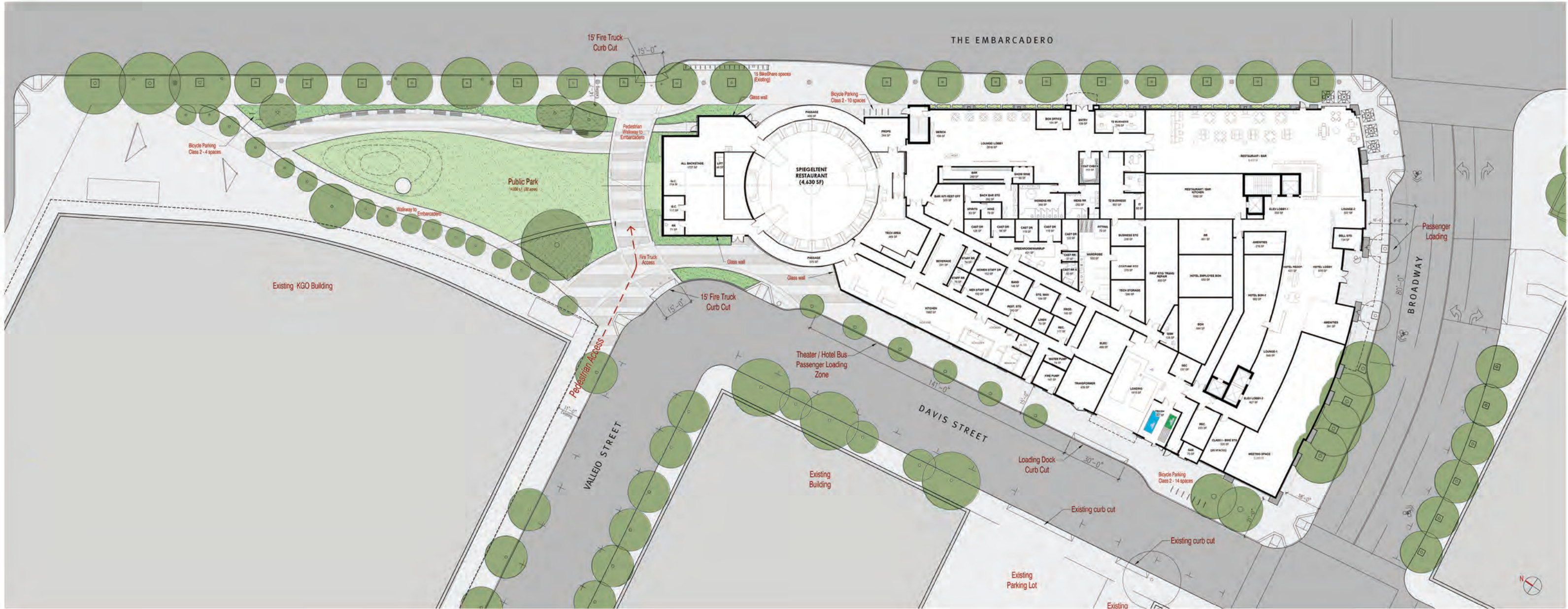




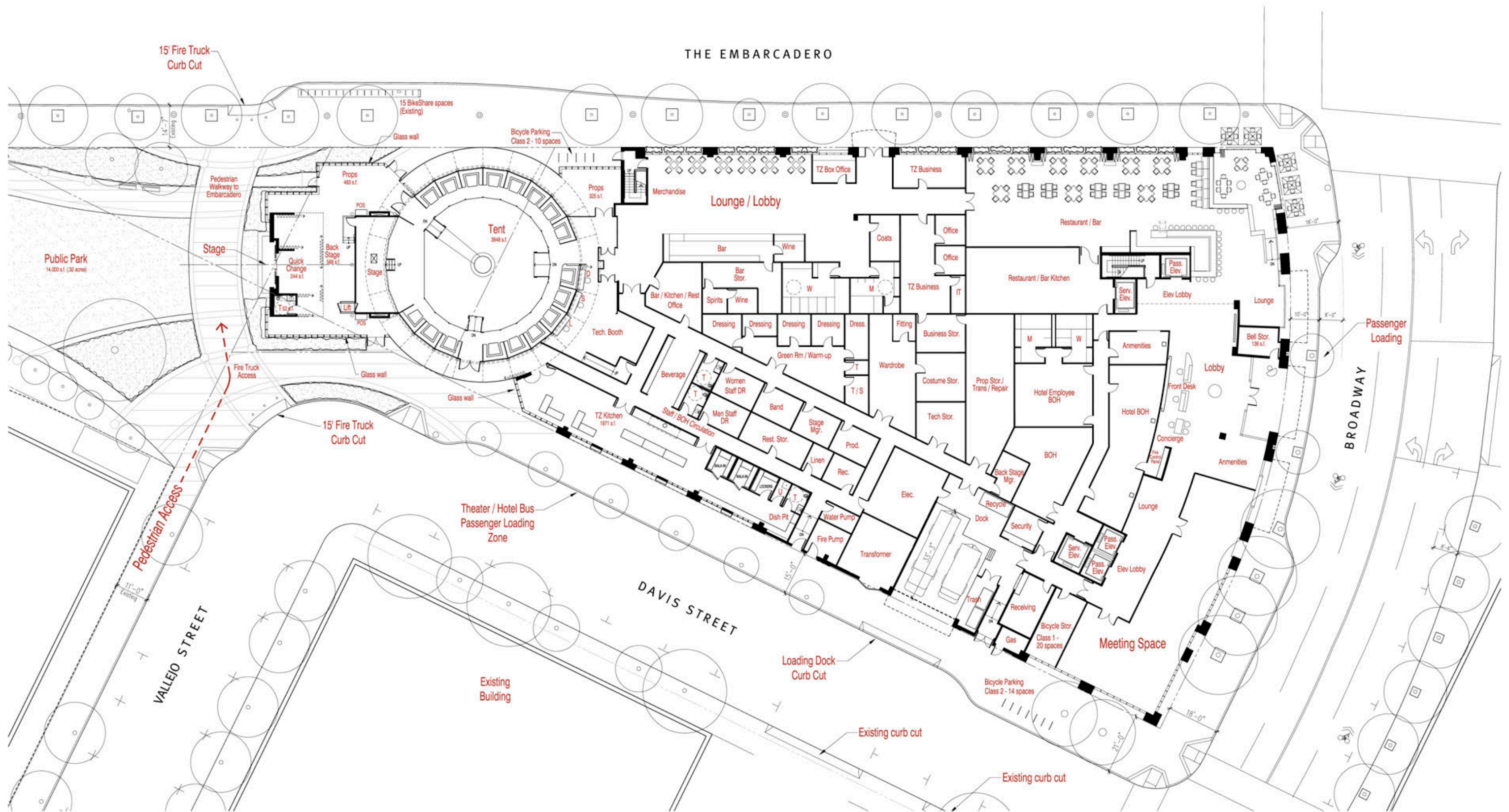
Project Area Plan



December 21, 2018 | 21



Site Plan

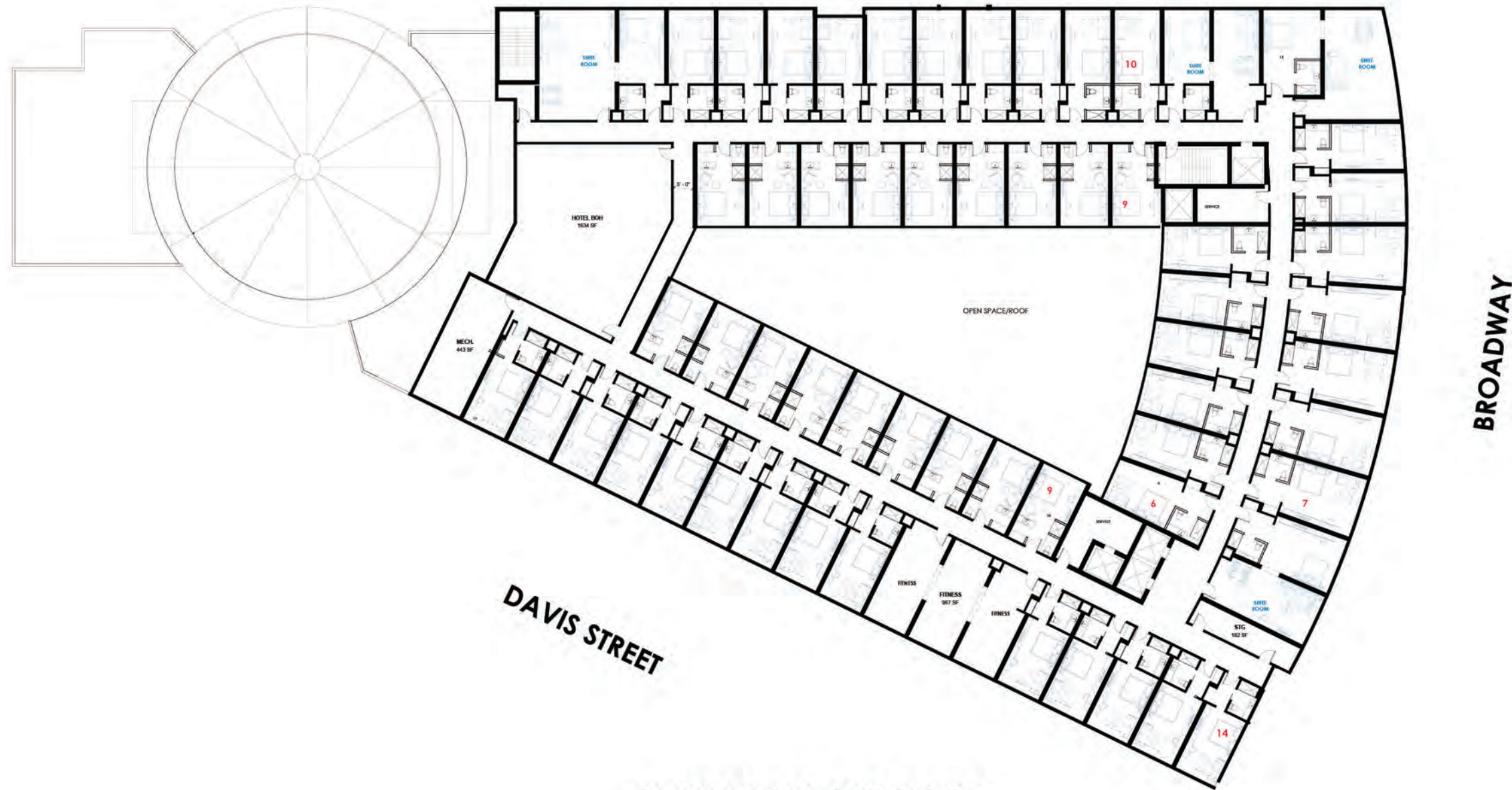


Ground Floor



February 8, 2019 | 23

THE EMBARCADERO



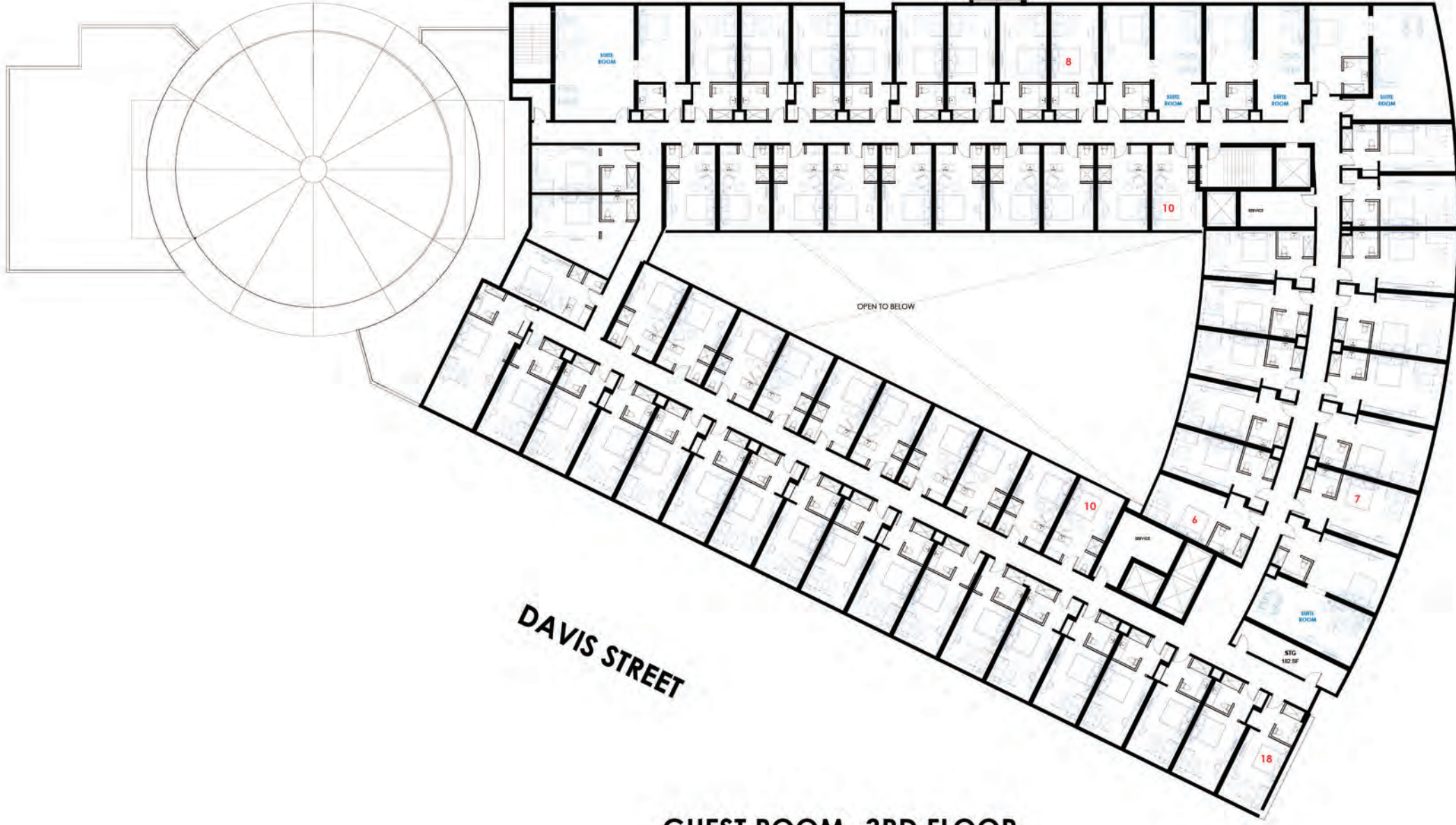
GUEST ROOM -2ND FLOOR

LEVEL 2 1



December 21, 2018 | 24

THE EMBARCADERO

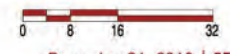


BROADWAY

DAVIS STREET

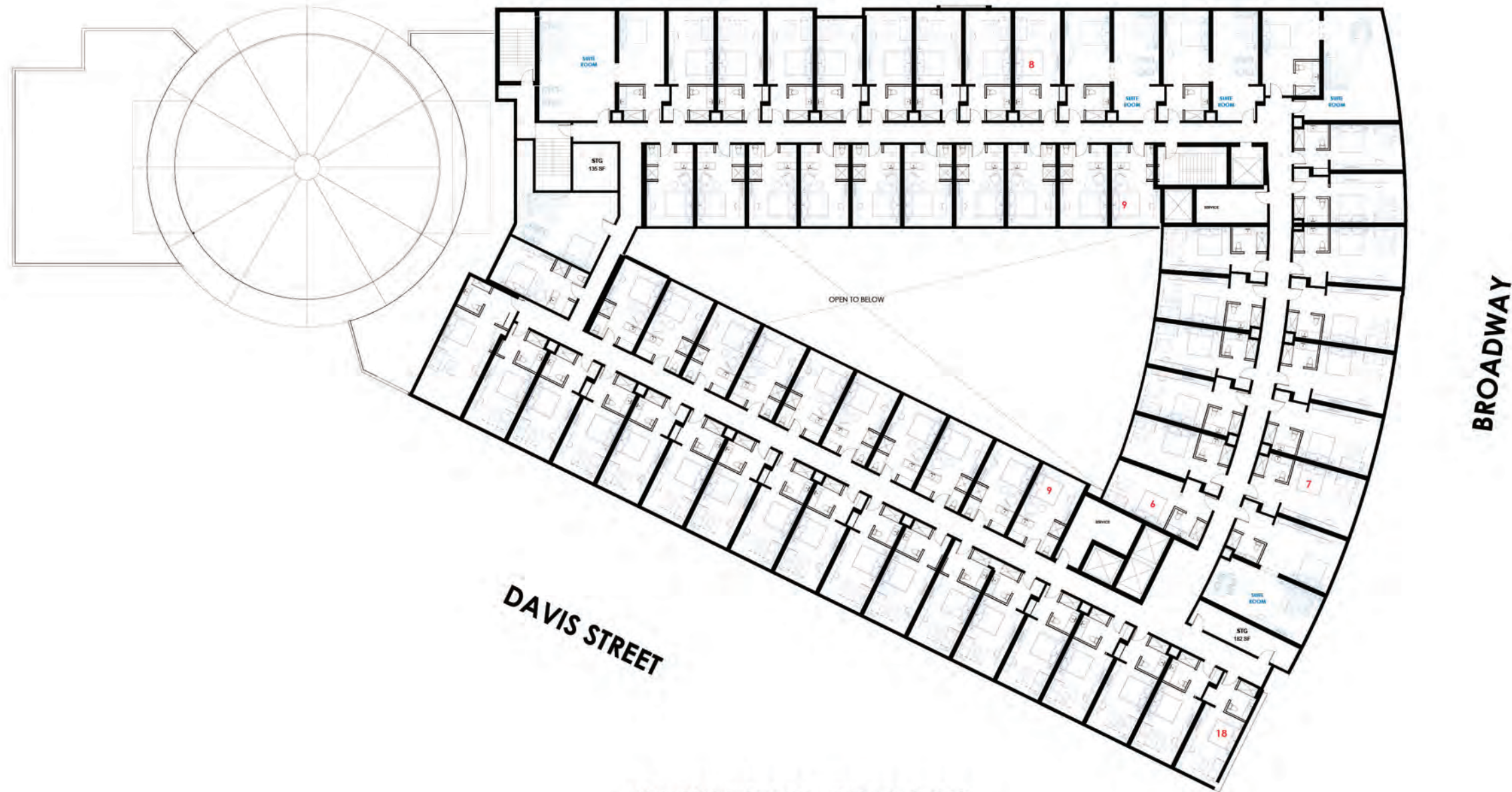
GUEST ROOM -3RD FLOOR

Level 3 1



December 21, 2018 | 25

THE EMBARCADERO



GUEST ROOM -4TH FLOOR

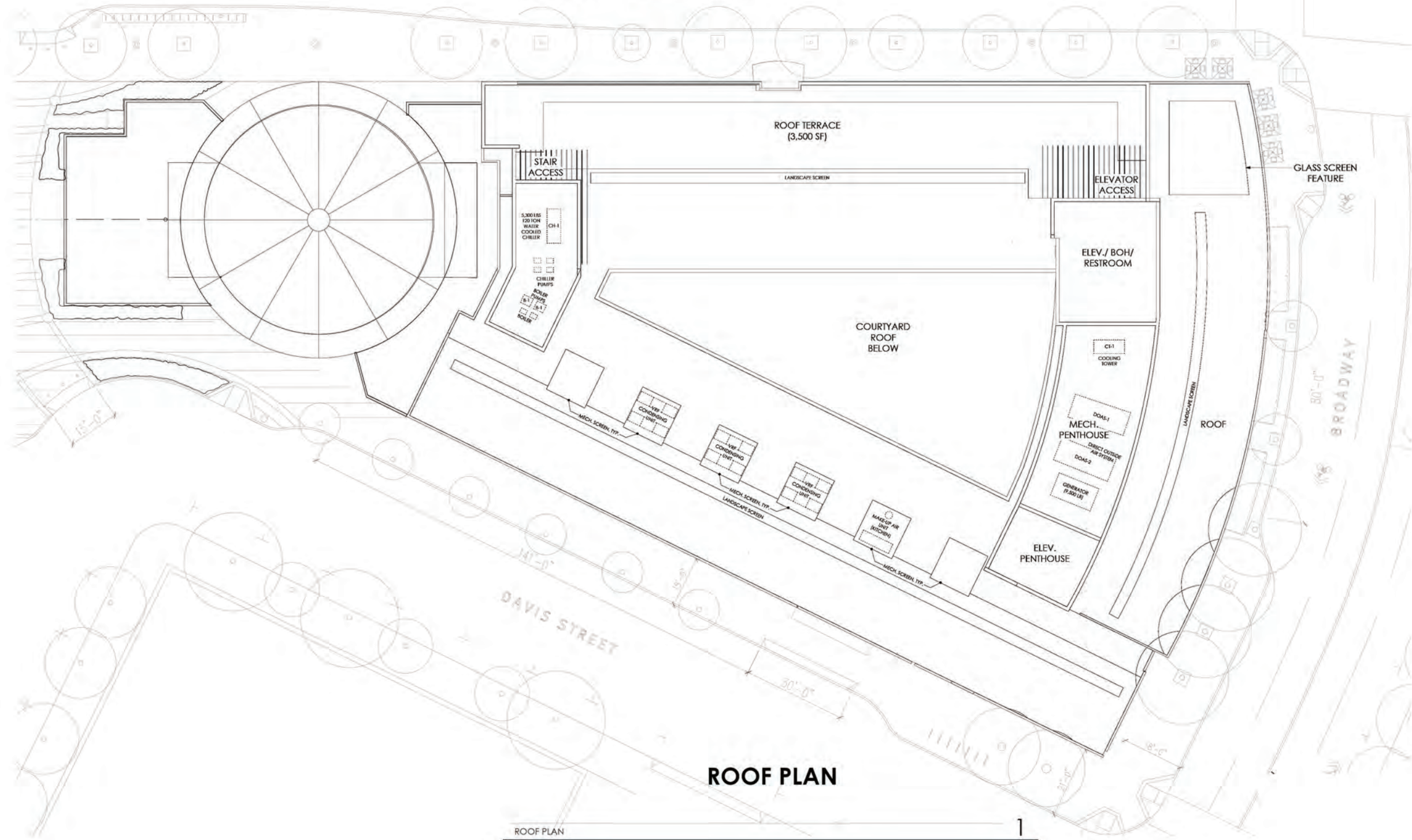
Level 4

1

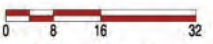


December 21, 2018 | 26

THE EMBARCADERO



ROOF PLAN



December 21, 2018 | 27

Architectural Drawings



ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project



Broadway



The Embarcadero

Building Elevations

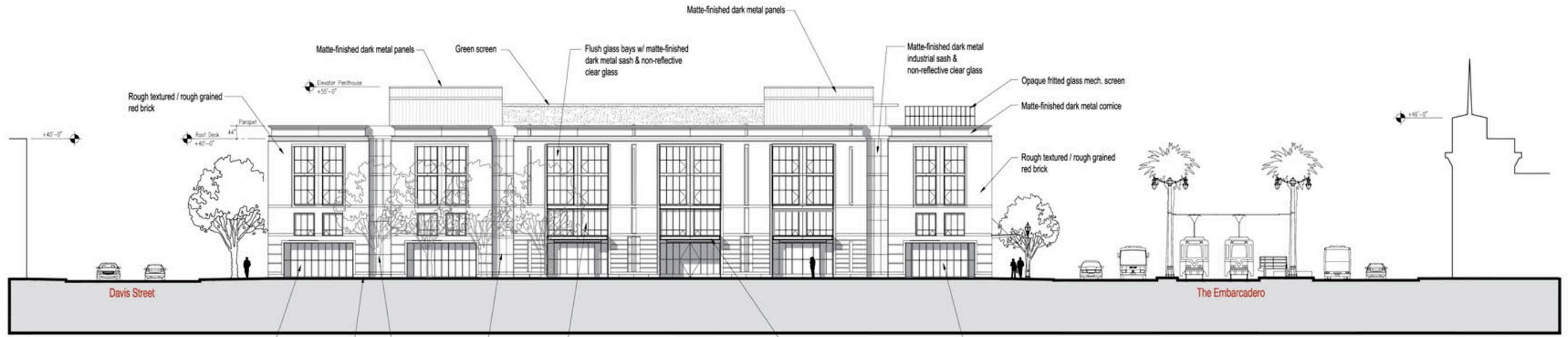


Park

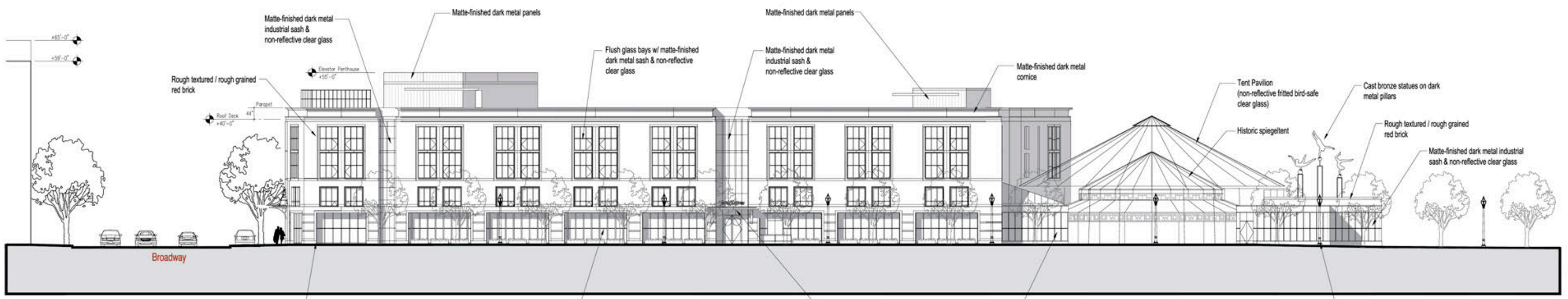


Davis Street

Building Elevations

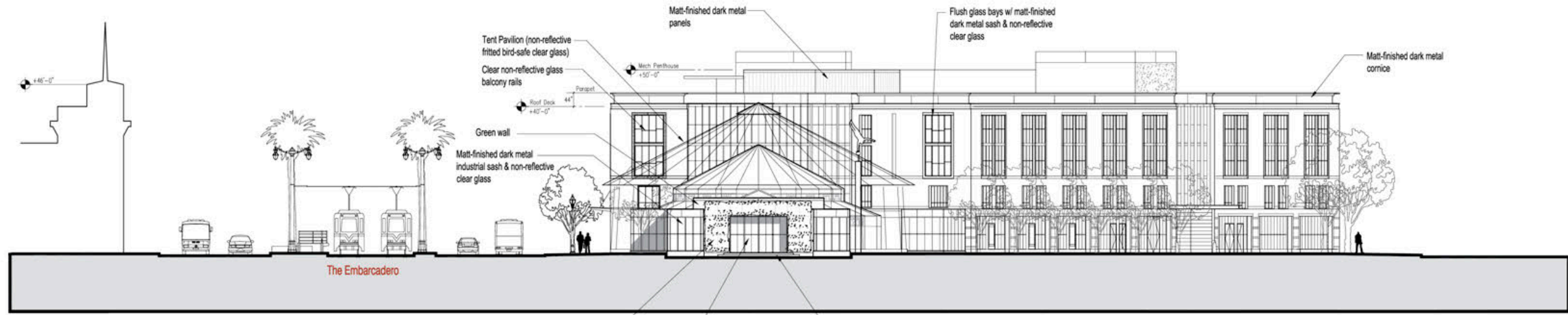


Broadway Elevation

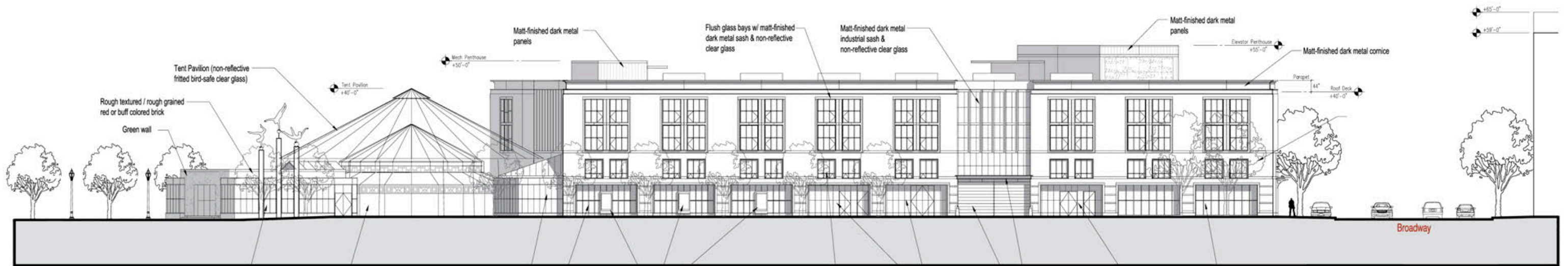


Embarcadero Elevation

Building Elevations | Preferred Proposal Reviewed by Planning Staff & ARC



Park Elevation
 Green wall
 Matt-finished dark metal paneled sliding doors
 Projecting ledge



Davis Street Elevation

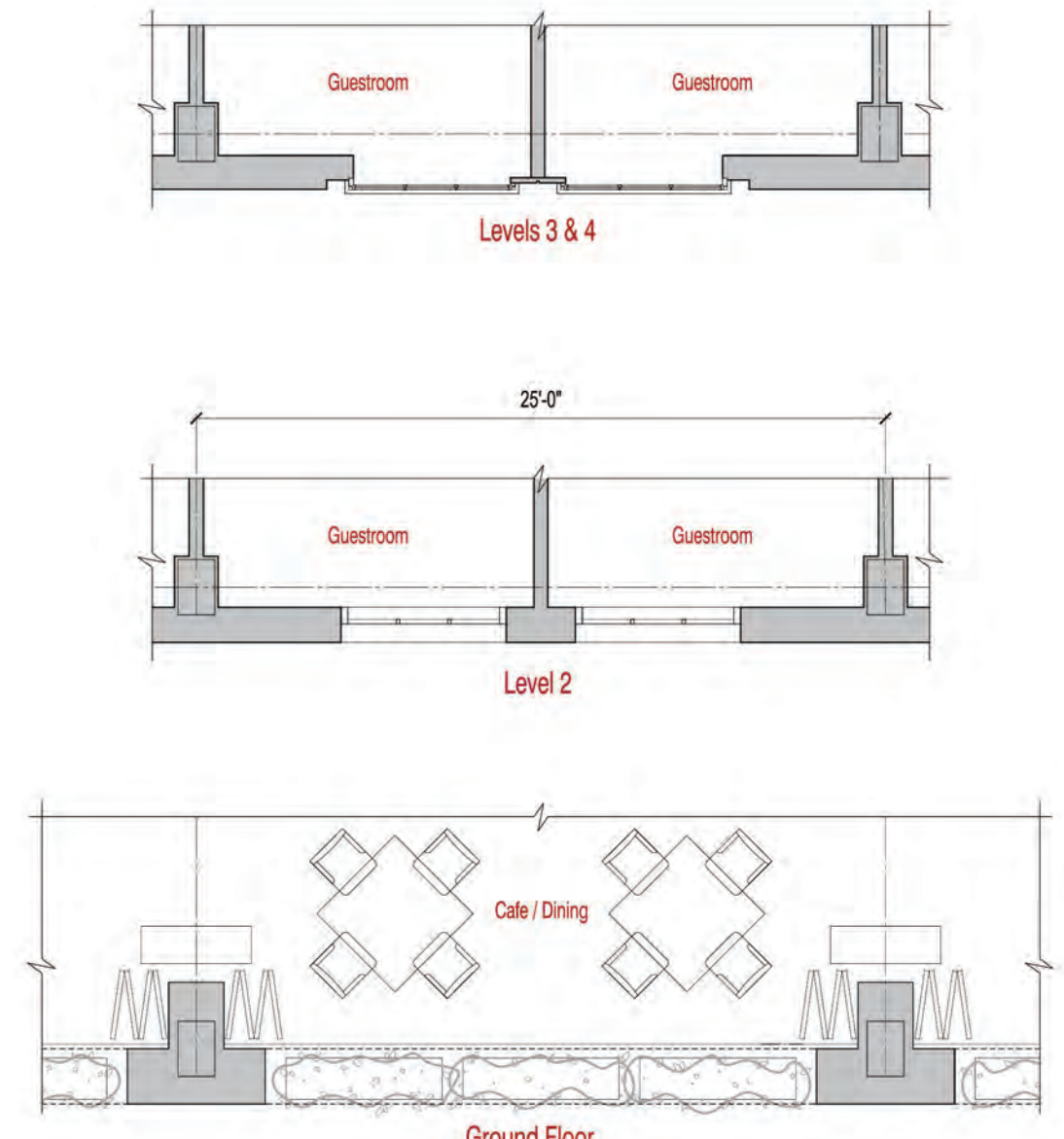
Building Elevations | Preferred Proposal Reviewed by Planning Staff & ARC



Wall Section

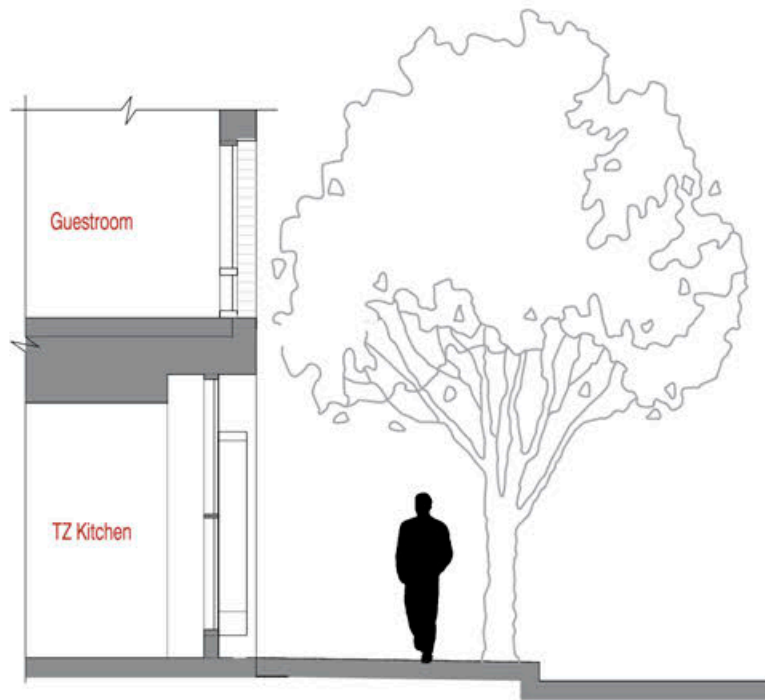


Elevation



Plan Sections

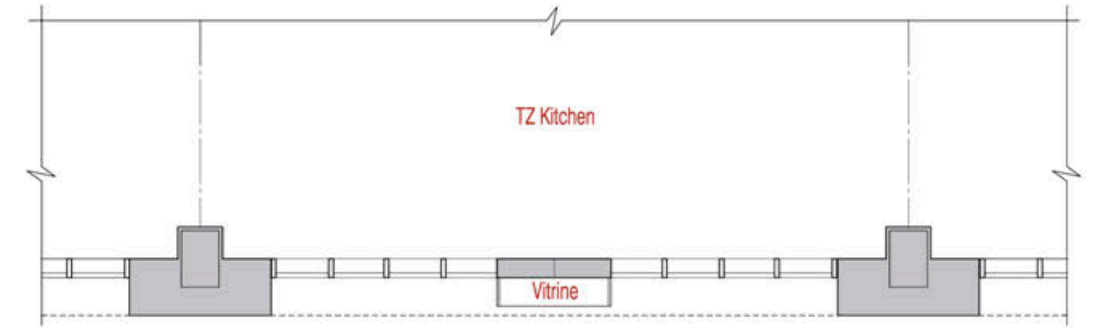
Embarcadero | Rectangular Shoulder & Flush Bay



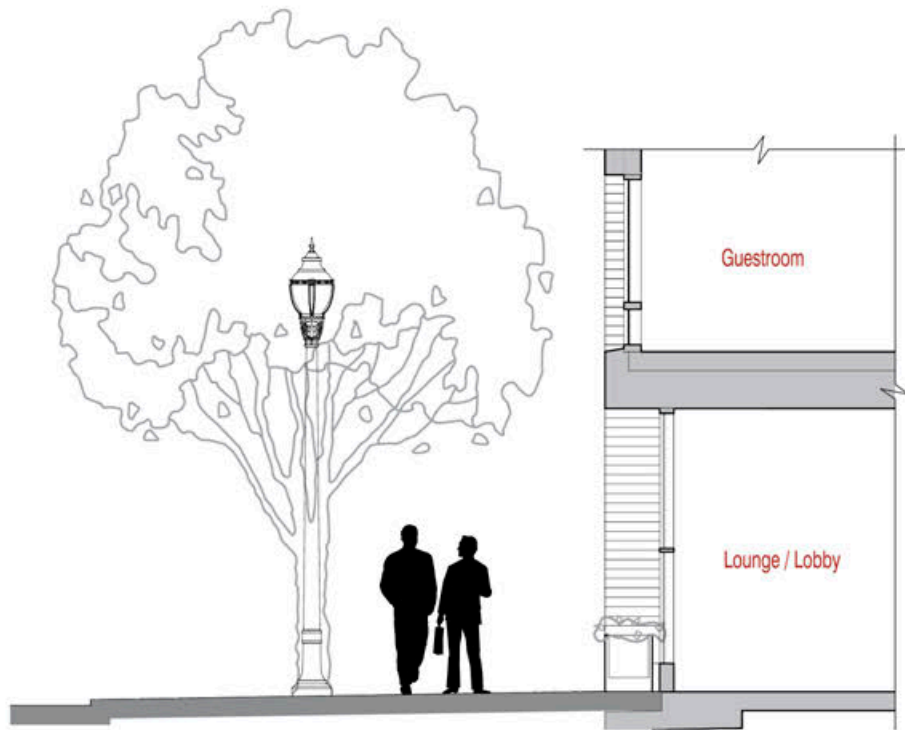
Partial Wall Section @ Davis



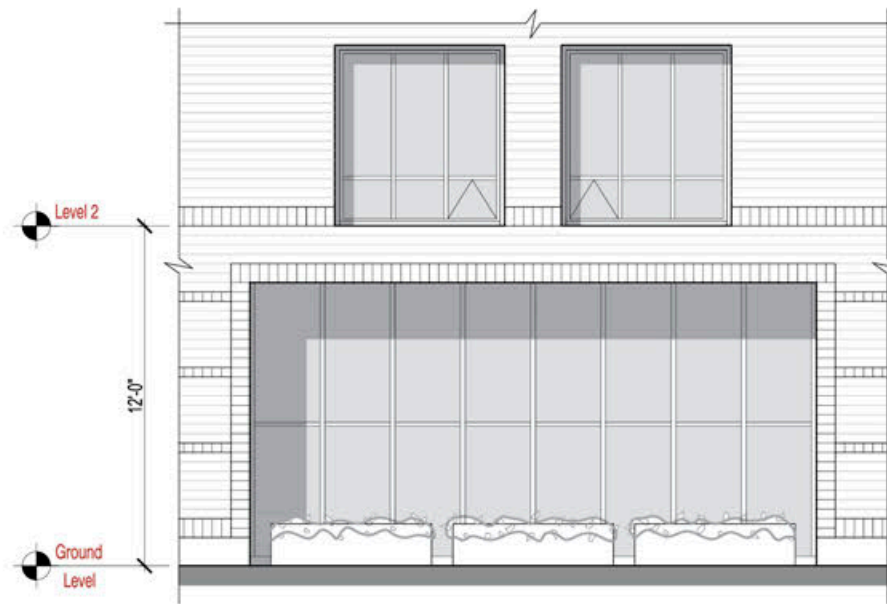
Davis St. Bay - Fixed Storefront & Vitrine



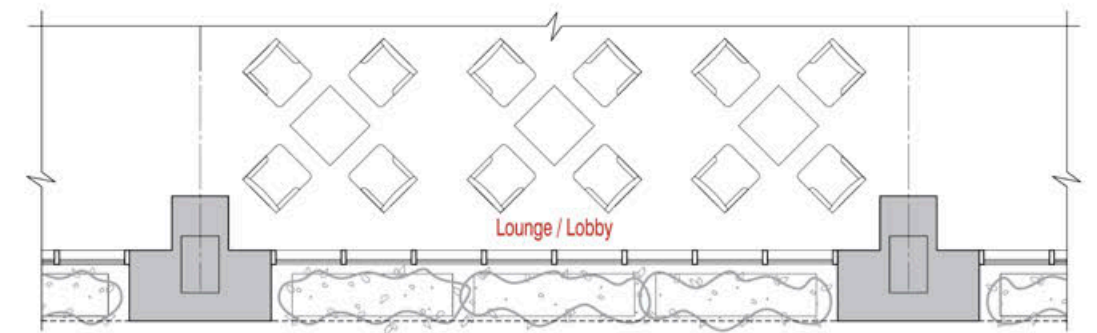
Partial Plan - Ground Floor



Partial Wall Section @ Embarcadero

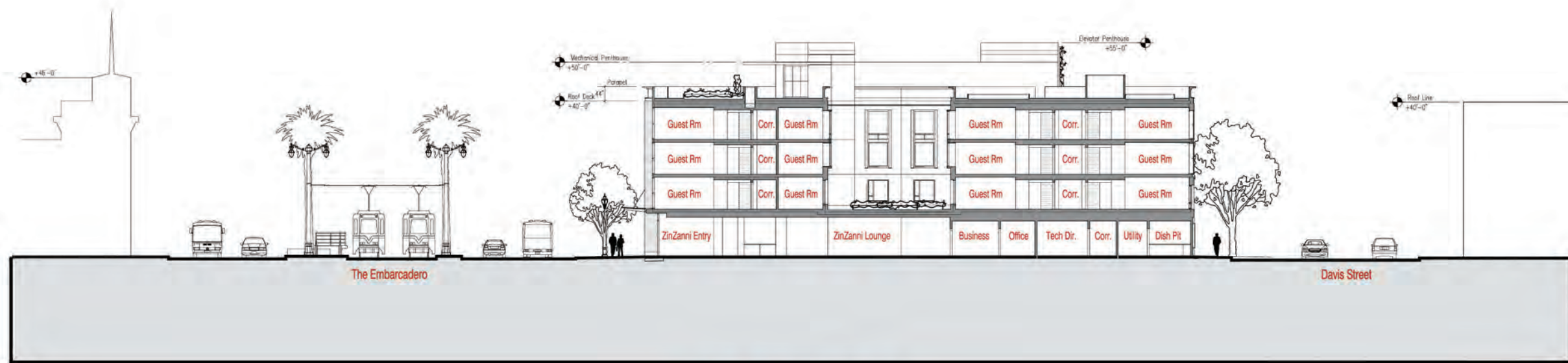


Embarcadero Bay - Fixed Storefront



Partial Plan - Ground Floor

Enlarged Bay - Fixed Storefront



Cross Section looking South



Longitudinal Section looking East

Building Sections



Cross Section looking South



Longitudinal Section looking West

Building Sections

Project Characteristics & Dimensions

ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project



TABLE 1 PROJECT CHARACTERISTICS

Lot		Dimensions
Size	59,750 square feet (HRGA cannot confirm. No data)	
Length	600 feet (Embarcadero)/210 feet (Broadway)/ 290 feet (Davis Street)	
Proposed Building		Area (gsf)
Height	40 feet (4 stories) (55 feet with elevator penthouse)	
Ground Floor (Hotel and Theater)	Lobby (Hotel Lobby + Elev Lobby + Elev Lobby)	1,460
	Pre-function (TZ Lounge + TZ Lobby)	3,010
	Food & Beverage (Restaurant/bar)	4,420
	Retail (TZ Merchant STG + Merch Sale)	1,900
	Tent	4,630
	Meeting (net) (Hotel)	2,360
	Mechanical/Circulation/Back of House	26,920
	<i>Total</i>	<i>43,700</i>
Level 2 ¹	30,600	
Level 3 ¹	30,500	
Level 4 ¹	30,500	
Roof	Open Roof Terrace	3,500
	Elevator/Mechanical Penthouse	4,220
	<i>Total</i>	<i>143,020</i>
Uses		Area (gsf)
Entertainment Venue	26,100 (includes all ground-floor uses, circulation, and back-of-house uses)	
Hotel	112,700	
Open Space	Publicly Accessible ²	14,000
	Common ³	3,500
	Private ⁴	0
Vehicle Parking Spaces	Number 0	
Bicycle Parking Spaces	Class I	20 (on ground floor)
	Class II	24 (in current site plan) (in two locations along project frontage); 15 existing (along The Embarcadero)
Loading Spaces	2	

Notes:

- ¹ Proposed room numbers: Level 2, 59 rooms; level 3, 67 rooms; and level 4, 66 rooms.
- ² Publicly accessible open space provided as a park in the northern corner of the site.
- ³ Common open space provided as an open roof terrace that would be accessible to hotel guests only.
- ⁴ No private open space (including patios/decks off of hotel rooms) would be provided.

Source: Homberger + Worstell Architects and HRGA Architects, 2018

Landscape Plan

ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

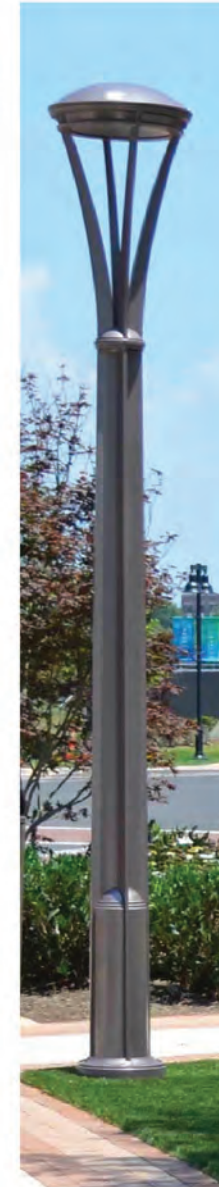
A Teatro ZinZanni & Kenwood Investments Project



THE EMBARCADERO



Site Plan | **New Theater and Hotel Park**



Landscape Images



Park Images - South Park, San Francisco



Visual Analysis | Park View looking South

Project Renderings

ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project





Aerial View



Visual Analysis | Park View from Davis Street



View: Broadway and The Embarcadero



View: Broadway and Davis



View: South Along The Embarcadero



Existing



Proposed

Visual Analysis | View From Telegraph Hill



Existing



Proposed

Visual Analysis | View from Sansome & Vallejo



Existing



Proposed

Visual Analysis | View from Vallejo



Existing



Proposed

Visual Analysis | View 3 - Looking North Along Davis Street



Existing



Proposed

Visual Analysis | View Looking North Along The Embarcadero



Visual Analysis | Park View looking South



Existing



Proposed

Visual Analysis | Park View from Davis Street

Materials



ZinZanni / Kenwood - The Theater & Hotel @ Broadway | San Francisco, California

A Teatro ZinZanni & Kenwood Investments Project

Dark anthracite color matte-finish metal cornice & marquis

Red brick 3-color blend



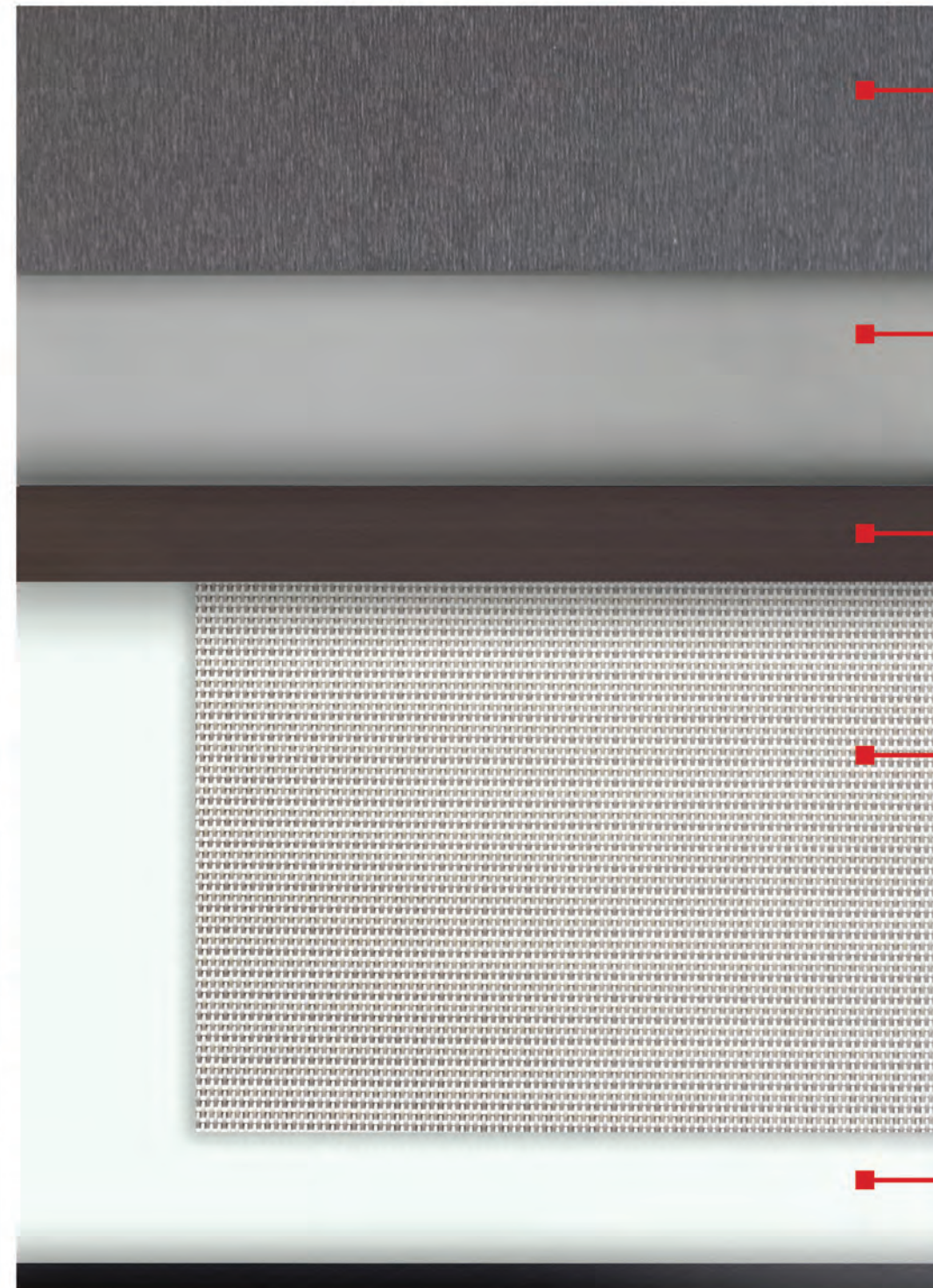
Matte-finish metal panels at mechanical enclosures

Back painted/fritted spandrel glass panel at mechanical screen and selected storefront locations

Dark anthracite color metal mullion sash

Privacy shade

Non-reflective clear glass



Exterior Materials

EXHIBIT 2: MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
<p>Mitigation Measure M-CR-2: Archeological Testing</p> <p>Based on a reasonable presumption that archeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.</p> <p>The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archaeological Consultants List maintained by the San Francisco Planning Department’s archeologist. The project sponsor shall contact the department’s archeologist to obtain the names and contact information for the next three archeological consultants on the list. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure at the direction of the environmental review officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines sections 15064.5(a) and 15064.5(c).</p> <p>Consultation with Descendant Communities: On discovery of an archeological site¹⁹¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative¹⁹² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and if applicable, any interpretative treatment of the associated archeological site. A copy of the final archeological</p>	<p>Project sponsor/ construction contractor (in the event of the discovery of human remains and associated burial-related cultural materials)/ archeological consultant, at the direction of the ERO.</p>	<p>Prior to the issuance of site permits and initiation of construction, during construction, and after the conclusion of all construction activities.</p> <p>During construction in the event of the discovery, or anticipated discovery, of human remains and associated burial-related cultural materials.</p>	<p>The ERO to review and approve an archeological testing plan and a final archeological resources report.</p> <p>In the event of the discovery of human remains and associated burial-related cultural materials, the Planning Department to monitor sponsor and contractor compliance.</p>	<p>The ERO to review and approve an archeological testing plan for the applicable project site before the start of construction. Depending on the findings of the archeological testing program, intermittent reports may be submitted by the qualified archeological consultant for each phase of construction within the applicable project site.</p> <p>The final archeological resources report will be submitted after the conclusion of all construction activities.</p>

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>resources report shall be provided to the representative of the descendant group.</p> <p>Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan. The archeological testing program shall be conducted in accordance with the approved testing plan. The archeological testing plan shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine whether additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the San Francisco Planning Department's archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>(A) The proposed project shall be redesigned to avoid any adverse effect on the significant archeological resource. OR</p> <p>(B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> • The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the archeological monitoring program a reasonably prior to any project-related soil-disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, 				<p>In the event of the discovery of human remains and associated burial-related cultural materials, considered complete after reburial or permanent disposition of any discovered human remains and burial-related cultural materials and approval of the final archeological resources report.</p>

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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foundation work, driving of piles (e.g., foundation, shoring), and site remediation, shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context.

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), how to identify the evidence of the expected resource(s) and the appropriate protocol in the event of apparent discovery of an archeological resource.
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project’s archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
- If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (e.g., foundation, shoring), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the plan’s scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is,

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of the selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an onsite/offsite public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and unintentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws, including immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and, in the event of the medical examiner’s determination that the human remains are Native American, notification of the Native American Heritage Commission, which shall appoint a Most Likely Descendant (MLD) (PRC section 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond 6 days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>funerary objects with appropriate dignity (CEQA Guidelines, section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept the recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement, if such as agreement has been made, or otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, state regulations shall be followed, including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC section 5097.98).</p> <p>Final Archeological Resources Report. The archeological consultant shall submit a draft final archeological resources report to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the draft final archeological resources report shall be distributed as follows: The California Archaeological Site Survey Northwest Information Center shall receive one copy and the ERO shall receive a copy of the transmittal of the report to the Northwest Information Center. The Environmental Planning Division of the San Francisco Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the report, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p>Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program</p> <p>If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the</p>	<p>Project Sponsor and qualified archeological consultant.</p>	<p>During construction.</p>	<p>Planning Department.</p>	<p>Considered complete after the archeological resource preservation plan</p>

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>ERO determines that the resource constitutes a tribal cultural resource and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation in place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifact displays and interpretation, and educational panels or other informational displays.</p>				<p>or interpretive plan of the tribal cultural resource in consultation with affiliated Native American tribal representatives have been approved by the ERO and implementation of preservation or interpretive program.</p>

AIR QUALITY

<p>Mitigation Measure M-AQ-2: Construction Air Quality</p> <p>The project sponsor or the project sponsor’s contractor shall comply with the following:</p> <p>A. Engine Requirements.</p> <p>Where access to alternative sources of power is available, portable diesel engines shall be prohibited. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for offroad and on-road equipment (e.g., traffic conditions, safe operating conditions).</p> <p>The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas, and at the construction site to remind operators of the 2-minute idling limit. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>	<p>Project sponsor and ERO or ERO’s designated representative and construction contractors.</p>	<p>The construction emissions minimization plan shall be submitted and approved before a construction permit is issued for each project phase or property and ongoing during construction.</p>	<p>The Planning Department, ERO, or the ERO’s designated representative for review and approval.</p>	<p>Considered complete after review and approval of Construction Emissions Minimization Plan, ongoing review and approval of quarterly reports, review and approval of a final report.</p>
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Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
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B. Waivers.

1. The Planning Department’s environmental review officer or designee may waive the alternative source of power requirement of subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for onsite power generation meets the requirements of subsection (A)(1).

2. The ERO may waive the equipment requirements of subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-2.

**TABLE M-AQ-2 OFF-ROAD EQUIPMENT
COMPLIANCE STEP-DOWN SCHEDULE**

<i>Compliance Alternative</i>	<i>Engine Emissions Standard</i>	<i>Emissions Control</i>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the contractor must meet Compliance Alternative 3. Alternative fuels are not a VDECS.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
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C. Construction Emissions Minimization Plan.

Before starting onsite construction activities, the contractor shall submit a construction emissions minimization plan to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.

1. The plan shall include estimates of the construction timeline by phase, with a description of each piece of offroad equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The plan shall include a certification statement that the contractor agrees to comply fully with the plan.

3. The contractor shall make the plan available to the public for review onsite during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. Monitoring. After start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the plan.

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators</p> <p>The project sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) tier 4 certified engine, or (2) tier 2 or tier 3 certified engine that is equipped with an ARB level 3 verified diesel emissions control strategy (VDECS). A nonverified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if BAAQMD approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (regulation 2, rule 2, and regulation 2, rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.</p>	Project sponsor and construction contractor.	Prior to issuance of a permit for each backup diesel generator.	Project sponsor shall submit documentation of compliance to the Planning Department for review and approval within 3 months of a request for such information.	Considered complete upon review and approval of documentation by Planning Department staff.