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BOARD OF SUPERVISORS
SAN FRANCISCO

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION**

2016 APR 18 PM 4:58

BY BT

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 1066 Market Street.

March 17, 2016
Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

April 18, 2016
Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. _____.

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. _____.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1753 CXV.

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

- a) Set forth the part(s) of the decision the appeal is taken from:

Please see attached

- b) Set forth the reasons in support of your appeal:

Please see attached

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Donald Falk
Name


Donald Falk
Name

215 Taylor St, San Francisco, CA 94102
Address

215 Taylor St, San Francisco, CA 94102
Address

(415) 358-3923
Telephone Number

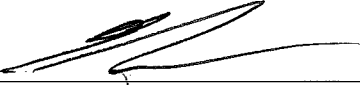
(415) 358-3923
Telephone Number


Signature of Appellant or
Authorized Agent

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1753CM, a conditional use authorization regarding (address) 1066 Market St.
SF CA, District 6. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE



David Campos

[Signature]

[Signature]

[Signature]

4-14-16

4-15-16

4-15-16

4-18-16

4-18-16

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 APR 18 PM 4:58
BY BJ

(Attach copy of Planning Commission's Decision)

Conditional Use Appeal
Case no.: 2013.1753CXV
4/14/2016

1066 Market Street is a 304 unit project, intended as rental units, including 36 on-site Below Market Rate units and ground floor retail. If the units rent at prevailing market rates, they will average around \$2,300-\$3,500/month.

We are appealing this project because of an insufficient acknowledgement of the community in which the proposed project is located, both in the design of 1066 Market and in the Conditional Use Authorization. Additionally, the project is not "necessary or desirable, and compatible with, the neighborhood or the community" as per Planning Code section 303 (c), nor is it consistent with the City's General Plan or Downtown Area Plan. We request that project be modified better fit the Tenderloin community.

Although the project's primary address is on Market Street, the vast majority of the project can be found on the corner of Jones and Golden Gate Street, that is, in the Tenderloin. The Tenderloin is the lowest income and most racially diverse neighborhood in San Francisco, although that status is in peril. The median income for a Tenderloin resident is approximately \$23,000/year, equating to an "affordable" rent of \$575/month. By contrast, if the units in 1066 Market St rent at current market rates, rents will be approximately four times the amount affordable to most Tenderloin residents. Most Tenderloin residents will not be eligible to live in the 36 BMR units, which are targeted towards households earning no more than approximately \$40,000 annually, an amount few Tenderloin residents receive. San Francisco's affordable housing crisis is particularly acute for the Tenderloin's extremely low income households. This dynamic is not acknowledged in the project or in the Conditional Use Authorization.

The Tenderloin is also witnessing displacement of its lower income residents, both through evictions and through natural turnover. The neighborhood has seen a steeper increase in breach-of-lease evictions than in other neighborhoods across the City. Additionally, when residents voluntarily leave rent-controlled units --approximately half the Tenderloin's housing stock--, the rents climb so high that lower-income residents cannot afford to occupy them as the next tenants. The demographics of people moving into the Tenderloin do not match the demographics moving out, and the predominantly low income nature of the Tenderloin is being lost.

The growing presence of more wealthy residents in the Tenderloin threatens to lead to a number of negative outcomes, including a shift away from \businesses who serve the existing community towards enterprises which do not serve the Tenderloin's low-income residents. Nonprofit agencies who serve the neighborhood's existing residents are threatened as well. In the past few months, the area surrounding 1066 Market Street has seen a group of nuns running a free food service threatened with eviction, as well as the eviction of several low-income tenant serving non-profits including the Eviction Defense Collaborative and Tenants Together. The neighborhood will soon be gaining a high-end cocktail bar and chocolatier; neither business serves low-income residents. The Conditional Use Authorization, and the design of the project, do not acknowledge this important community dynamic.

As currently configured the project does not acknowledge the surrounding Tenderloin community, and so the project will not be "compatible" with the neighborhood, and thus not eligible for the CU Authorization.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Street Tree (Sec. 138.1) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Public Art (Sec. 429) |

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Planning Commission Motion No. 19594 HEARING DATE: MARCH 17, 2016

Case No.: 2013.1753CXV
Project Address: 1066 Market Street
Zoning: C-3-G (Downtown General)
120-X Height and Bulk District
Block/Lot: 0350/003
Project Sponsor: Julie Burdick - (415) 772.7142
Multifamily Investments
Shorenstein Properties
235 Montgomery Street, 16th Floor
San Francisco, CA 94104
jburdick@shorentstein.com
Staff Contact: Tina Chang - (415) 575-9197
Tina.Chang@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 124(F) AND 303, TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO, FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR THE LIFE OF THE PROJECT TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 90 PERCENT OF THE AREA MEDIAN INCOME AT 1066 MARKET STREET WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING AND THE 120-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 12, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of 1066 Market LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Environmental Review, to allow the demolition of an existing two-story, 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot and the new construction of a 14-level, 12-story mixed-use building containing approximately 304 dwelling units, with ground floor retail, bicycle parking and two levels of subterranean parking with 102 spaces (hereinafter "the Project") at 1066 Market Street (hereinafter "Project Site").

On June 18, 2014, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor filed 1) an application with the Department for Compliance with Planning Code Section 309 with exceptions for Rear Yard requirements (Section 134), parking requirements, to provide parking at a ratio exceeding 0.25 to 1 (Section 151.1) and freight loading, to provide one off-street freight loading space instead of two (Sections 161), and exception from ground level wind current (Section 148) within the C-3-G (Downtown General) Zoning and 120-X Height and Bulk District to demolish the existing structure and surface parking lot, and construction of the Project; 2) an application with the Department for Conditional Use Authorization (CUA) to a) allow a higher density of residential units, at one unit per 90 square feet instead of one unit per 125 square feet as permitted by Planning Code Section 215(a), and b) to exempt on-site inclusionary units from FAR calculations per Section 124(f); 3) an application for Variance from Section 135(G)(2), use of inner as usable open space.

On December 26, 2014, the "Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts" Ordinance became effective, amending Section 309 such that parking requirements were no longer modifiable per Section 309. Additionally, Section 151.1 was amended by the same Ordinance to permit up to one parking space for each two dwelling units. Therefore, the requested amount of parking no longer required an exception per Section 309. Accordingly, On November 19, 2015, Julie Burdick of Shorenstein Residential LLC, on behalf of the Project Sponsor submitted an amended application to the Department for Compliance with Planning Code Section 309 removing the request for exception to parking requirements. Updated applications for Conditional Use Authorization and a Variance was also submitted to the Department, however, there were no changes to the authorization and variance requests.

On January 13, 2016 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until February 2, 2016; and

On February 2, 2016, an appeal of the Mitigated Negative Declaration was filed with the Department.

On March 17, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2013.1753X~~C~~V and the Appeal of the Mitigated Negative Declaration, 2013.1753E.

On March 17, 2016, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On March 17, 2016, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department/Planning Commission 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 IS/MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2013.1753CXV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2013.1753CXV, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The "L" shaped, 27,310 square foot (sf) project site has approximately 55-feet of frontage on Market Street, where it is sandwiched by a three-story commercial building to the west and two-story commercial building to the east. The Project also has frontage on Jones Street to the west, north of the aforementioned three-story commercial building, and Golden Gate Avenue to the north of the project site. A 5,066 gross square foot (gsf) vacant commercial building and adjoining 23,419 gsf surface parking lot currently occupies the project site. The commercial building, which was constructed in 1966, fronts Market Street on the south side of the property. The privately owned parking lot holds approximately 102 vehicles. Existing vehicle and pedestrian access to the surface parking lot is provided on Golden Gate Avenue and Jones Street. Two curb cuts / driveways currently exist on the project site, including one on Golden Gate Avenue and one on Jones Street. Pedestrian access to the commercial building is provided on Market Street. There are no trees on the project site; five street trees are located along the sidewalks surrounding the site. The site slopes down gradually from the northwest to the southeast, with an elevation change of approximately 10 feet. The project site is located in C-3-G (Downtown General) Zoning District and a 120-X Height and Bulk District.

3. **Surrounding Properties and Neighborhood.** The project site is located within the Downtown Plan Area at 1066 Market Street in the Downtown/ Civic Center neighborhood of San Francisco. Within the Downtown / Civic Center neighborhood are smaller districts and micro-neighborhoods, such as the Market Street Theater and Loft Historic District, of which this Project is a part. Land uses in the surrounding area include a mix of low- and mid-rise mixed-use commercial buildings, tourist and residential hotels, multifamily housing, entertainment uses and government institutions. Properties in the immediate vicinity of the project site include a three-story commercial/ retail building to the south at 1072-1098 Market Street; a 10-story, low-income and senior housing development to the west at 129 Golden Gate Avenue; a seven-story, 82 unit homeless housing facility at 41 Jones Street; a nine-story, 108-unit apartment a two-story commercial/ retail building at 1028-1056 Market to the east, which is currently occupied by a "pop-up" food and beverage court ("The Hall"). The Hall is temporarily occupying the space while the property's project sponsor finalizes the entitlement of the proposed project which includes the demolition of the existing building and the new construction of a 12-story, mixed-use residential-over-ground-floor retail development.

4. **Project Description.** The Project includes the demolition of an existing two-story, vacant, commercial building and adjoining 23,419 square foot surface parking lot, and the new construction of a 12-story, 14-level, mixed-used building containing approximately 304 dwelling units, with commercial retail on the ground floor, bicycle parking and two levels of subterranean parking with 102 parking spaces. The building's height ranges from approximately 113 to 120 feet tall. The proposed dwelling unit mix consists of approximately 61 studios (approximately 20 percent of total units), 76 junior one-bedroom units (approximately 25 percent of total units), 56 one-bedroom units (about 18 percent of total units) and 111 two-bedroom units (about 37 percent). Residential amenities include a lounge, lobby, fitness center, leasing office and bicycle parking. The Project will provide 304 Class 1 and 18 Class 2 bicycle parking spaces.

Approximately 4,540 square feet of commercial retail space provides active street frontage along Market Street, Golden Gate Avenue and Jones Street. Due to a grade change of approximately 13 feet between the northwest corner and southeast corner of the project site, street access to the building occurs from two separate ground floors: one with access from Market Street (Level 1) and another from Jones Street and Golden Gate Avenue (Level 2). A 6,333 square-foot open-air courtyard is located in the center of the proposed Project at Level 1, with an elevated walkway through the courtyard providing access to the at-grade lobby amenity and lounge area on Level 2. A patio intended for the 1,684 square foot commercial space fronting Market Street is located at the southeast corner of the open-air courtyard. The roof includes two terraces totaling approximately 6,000 square feet.

The Market Street façade has been designed with a tripartite vertical expression of a base, shaft and capital – typical of buildings within the Market Street Theater and Loft Historic District. The three sections of the building are delineated by a horizontal reveal. The height of the tall base references similar features on adjacent buildings that are also characterized by tall bases, and will be defined by use of a textured masonry cladding at the piers, multi-level recessed window wall and horizontal reveal. The top of the building on the Market Street façade rests above a horizontal reveal and is characterized by stucco-clad vertical piers that align with piers at the

base of the building as well as double-height recessed window groupings. The middle of the building is designed with punched openings in a "basket weave" composition that suggests both the vertically expressed double-hung windows and the slightly more horizontally expressed Chicago-style windows found in the district, which are three-part windows with a large fixed center panel flanked by two smaller windows.

The Golden Gate Avenue and Jones Street facades have also been designed with the basket weave composition found on the Market Street façade. The upper stories of the building would be clad in a panelized system of integrally colored pre-cast concrete units in graded color variations with a light, intermediate and dark shade, as well as an accent color. The base of these facades is characterized by double-height storefront windows, except for a small portion on Golden Gate Avenue, where the double-height windows could not be achieved due to on-site elevation changes. While a tripartite pattern can be found on these frontages, the expression of the three-part façade is more loosely implemented on the designs of the Golden Gate Avenue and Jones Street facades.

5. **Community Outreach and Public Comment.** As summarized in the enclosed letter from the Project Sponsor, community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents, schools, religious organizations, and non-profits, including the Tenderloin Neighborhood Development Corporation, Tenderloin Housing Clinic, Tenderloin Economic Development Project, UC Hastings, Community Housing Partnerships, Urban Solutions, SF Bike Coalition, CounterPulse, St. Francis Foundation / Tenderloin Help Improvement Project, Central Market Community Benefit District, Housing Action Coalition, SPUR Design Review Committee, Golden Gate Theatre, Building Trades Commission, Draussalem Mosque, Market Street for the Masses, Mid-Market Business Association, as well as project sponsors, property owners, resident coordinators and tenants of neighboring properties, including but not limited to those at 950 Market Street, 1007 Market Street, 1019 Market Street, 1072 Market Street, 1029 Market Street, 1075 Market, 111 Jones Street, 205 Jones Street, 50 Golden Gate, 129 Golden Gate Avenue, 180 Golden Gate Avenue, 25 Taylor, and 55 Taylor. At times, the Project Sponsor has met with the aforementioned stakeholders multiple times throughout the past 2.5 years.

To date, the Department has not received any correspondence expressing opposition to the Project; however, an appeal was filed on the Preliminary Negative Declaration. Twenty letters of support from the following organizations, business owners, residents and tenants have been received:

- Draussalem Mosque – Mosque at 20 Jones Street
- Encore Capital – property owner in Tenderloin / Mid-Market neighborhood and neighbor
- Group I – owner of 950-974 Market Street
- The Housing Action Coalition
- Hibernia Bank – Owner at 1 Jones Street
- International Art Museum of America – tenant at 1025 Market Street
- Marinello Schools of Beauty – tenant at 1035 Market Street
- Molly Jans – Tenderloin Resident

- Khadija Eddkhissi – Resident at 317 Leavenworth Street
- Zohra Araq – Resident at 55 9th Street
- Khadija Arif – Resident at 940 Washington
- Zainaba Boudlim – Resident at 141 Eddy Street
- Mosser Companies – Property Owner of 50 Golden Gate Avenue
- Pam Coates – Resident at 41 Jones Street
- PianoFight- Business owner at 144 Taylor Street
- Thanh Nguyen – Resident at 145 Taylor Street
- Tidewater Capital – Property owner at 1028 Market
- UC Hastings
- Warm Planet Bikes – tenant at 1098a Market Street
- WeWork – Tenderloin business

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Maximum Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the C-3-G District is 6.0:1. Under Sections 123 and 128 of the Planning Code, the FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (“TDR”).

The Project Site has a lot area of approximately 27,312 square feet. Therefore, up to 163,872 square feet of Gross Floor Area (“GFA”) is allowed under the basic FAR limit, and up to 245,808 square feet of GFA is permitted with the purchase of TDR. As shown in the conceptual plans for the Project, the building would include 298,278 square feet of GFA, of which 227,956 would count towards FAR. Conditions of approval are included to require the Project Sponsor to purchase TDR for the increment of development between 6.0 to 1 FAR and 9.0 to 1 FAR, for approximately 64,084 (227,956-163,872=64,084) square feet of floor area.

Additionally, the Project Sponsor seeks approval of Conditional Use Authorization to exempt floor area dedicated to the 36 below market rate units, or approximately 21,422 square feet, per Section 124(f). Therefore the Project complies with Section 124.

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

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

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

The Project includes 304 units. The Project would provide at least 36 square feet of private open space for 50 of the dwelling units through private balconies or terraces. A total of 12,192 square feet of commonly accessible open space would be required for the remaining 254 units without balconies or terraces, which would be provided in the form of a 6,333 square-foot inner courtyard at grade and two roof decks amounting to 6,000 square feet. In all, 12,333 square feet of common open space would be provided, exceeding the common open space requirement.

Section 135(g)(2) allows the use of inner courts to be counted as usable open space, provided that the enclosed space is (1) at least 20 feet in every horizontal dimension, (2) at least 400 square feet in area, and (3) the height of the walls above the court on at least three sides is such that no point on any wall is higher than one foot for each foot that such point is horizontally distant from the opposite side of the court. The proposed inner court meets two of the three criteria; the dimensions of the inner court are approximately 65 feet wide by 100 feet long amounting to approximately 6,333 square feet. However, the height of the walls surrounding the inner court exceeds the permitted dimension. Therefore, a variance from Section 135 is required.

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

Ground floor retail space in the C-3 Districts that is less than 5,000 square feet and less than 75 percent of the ground floor area is excluded from gross floor area and is therefore not required to provide the associated publically accessible open space. The Project includes approximately 4,578 square feet of ground floor retail space, which is exempt from the requirement. However, 315 square feet of the inner courtyard would be available to tenants of the proposed retail space fronting Market Street. The patio space adjacent to the Market Street-fronting retail space would be available for residents to use at any time.

- E. Street Trees (Sections 138.1).** Section 138.1 and Section 806 of the Public Works Code requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 806 may be waived or modified by the Director of Public Works, pursuant to Section 806, where DPW cannot grant approval due to practical difficulties.

The Project includes a total of approximately 370 feet of street frontage along Market Street (approximately 55 feet), Jones Street (approximately 152 feet) and Golden Gate Avenue (163 feet), resulting in a requirement of nineteen street trees. Thirteen (13) new street trees are proposed and five exist, resulting in a total of 18 trees. Conditions of approval have to been added to require the Project

to plant (13) street trees and pay an in-lieu fee for the remaining one (1) tree, thereby complying with Section 138.1.

Per Public Works Code, Article 16, Section 806, all street trees would be planted within the public right-of-way adjacent to the subject property, be of a species suitable for the site conditions; be a minimum of 24-inch box size; have a minimum 1 ¼ inch caliper, measured 6-inches above ground; be planted no higher than the adjacent sidewalk and provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils and generally conducive to tree root development and be watered, maintained and replaced if necessary by the property owner in accordance with Article 16 of the Public Works Code and be in compliance with applicable water use requirements of Administrative Code Chapter 63.

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

In addition to the street trees mentioned above, the Project proposes sidewalk widening along the Project's Golden Gate Avenue frontage, from 12-feet to 16-feet and a 6-foot bulb-out at the southeast corner of the Golden Gate Avenue and Jones Street intersection. These streetscape improvements have been vetted by the Street Design Action Team, an interagency body including the Planning Department, Municipal Transportation Authority and the Department of Public Works.

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

The Project complies with Section 140. All units facing public rights-of-way open onto streets greater than 20-feet wide. Units at the upper most levels of the building along Market Street and Golden Gate Avenue must expose onto an inner courtyard at least 75 feet in length. Since the north-south length of the courtyard is 100-feet wide, the Project's courtyard meets exposure requirements. Units along the Jones Street Frontage facing east meet exposure requirements, as the east-west width of the courtyard is 65 feet, and the units at the 11th and 12th floors are setback 10 feet from the edge closest to the inner court, for a total of 75 feet of open area at the upper most levels.

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

The Project includes 20-foot entry for parking along Jones Street and one off-street loading with immediately adjacent elevator access along Golden Gate Avenue. The Project complies with Section 145.1(c)(2).

- I. **Street Frontage in Commercial Districts: Active Uses (145.1(c)(3)).** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor.

The ground floor space along Market Street, Jones Street and Golden Gate Avenue have active uses with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. The only non-active uses along public frontages are the parking access and off-street loading space, and mechanical spaces, and building ingress and egress which are specifically exempt from the active uses requirement. The building lobby is considered an active use because it does not exceed 40 feet per 145.1(b)(2)(C).

- J. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c)(6)).** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 66 percent of the Project's Golden Gate Avenue non-residential façade is fenestrated with transparent windows and doorways, approximately 64 percent of the Jones Street non-residential façade contains transparent windows and doorways and approximately 83 percent of the Project's Market Street frontage meets transparency requirements with fenestration of windows and doorways.

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

Section 146(a) does not apply to construction on the north side of Market Street, Jones Street or Golden Gate Avenue, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace an underutilized, vacant, 2-story commercial building and surface parking lot with a 12-story, 14-level residential over ground-floor retail structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.

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

A shadow analysis determined that the Project would not cast shadow on the nearest public open spaces including United Nations Plaza located 500 feet southwest of the project site, which does not fall under the Recreation and Park Department (RPD) jurisdiction, or Boeddeker Park located approximately 800 feet north, which does fall under RPD jurisdiction.

Therefore, the Project complies with Section 147.

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

The existing conditions at the Project Site indicate that 12 of the 55 test points exceed the Planning Code's comfort criterion at grade level. With the Project, an additional 5 comfort exceedances are created at grade level for a total of 17. At above grade levels, 4 comfort exceedances would exist. According to the wind tunnel text reports, any trees at grade would help improve localized wind speeds around public areas and building entrances. To improve comfort at above grade levels, porous wind screens and furniture are recommended and will be provided. The Project includes eight new street trees along Golden Gate Avenue and five new street trees along Jones Street for a total of 15 new streets (there are two existing streets on Jones which will be removed and replaced). A Section 309 exception is being sought because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speeds at the site to reach or exceed the hazard level of 26 mph for a single hour of the year. There are no hazardous wind speeds caused by the Project.

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

The Project contains 304 dwelling units. Per Planning Section 151.1, 152 parking spaces are principally permitted ($304/2 = 152$) for residential uses. The Project proposes, as a total of 102 parked cars, which is less than the principally permitted amount and thus complies with this requirement. The Project does not propose any parking for the retail uses.

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

The Project includes 298,278 gross square feet of development (227,956 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street loading space is provided, therefore a Section 309 exception is being sought.

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

The Project complies with Section 155.2 because it provides 304 Class 1 parking spaces, exceeding the Planning Code requirement to provide 152 Class 1 spaces ($100 + 204/4 = 51$ (for residential uses) + 1 (for commercial use) = 152 spaces required) and 17 Class 2 spaces ($304 \text{ units}/20 = 15.2$ (for residential uses) + 2 (for commercial uses) = 17 spaces required) for the residential units. The project will provide 304 Class 1 bicycle parking spaces and 18 Class 2 spaces. All Class 1 spaces are located at the first level, accessible by elevator from the Jones Street entrance, and Class 2 spaces are located on each of the Projects street frontages; Market Street includes 10 Class 2 spaces, Jones Street provides 4 spaces and Golden Gate Avenue provides another 4 Class 2 bicycle parking spaces for a total of 18.

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

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

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

The Project contains 304 dwelling units, which is allowed in the C-3-G District. The elimination of density controls in the C-3 Districts was recently approved through Ordinance No. 22-15 (Board File No. 141253); previously, density was principally permitted at a ratio of 1 unit per 125 sf of lot area and conditionally permitted above that amount.

- S. **Height (Section 260).** The property is located in a 120-X Height and Bulk District, thus permitting structures up to a height of 120 feet.

The Project would reach a height of approximately 120 feet to the roof of the building, with various features such as elevator/stair penthouses, mechanical structures, an enclosed recreation space, and parapets extending above the 220-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b). The Project's Market Street façade reaches a height of 113-feet, 119-feet - 11-inches along Jones Street, and 120-feet on Golden Gate Avenue.

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

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

- U. Inclusionary Affordable Housing Program (Section 415).** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee.

In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit a contract, in addition to the affordable housing affidavit, demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office.

The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on December 12, 2014 and a draft of the Costa Hawkins agreement on March 23, 2015. The EE application was submitted on February 12, 2014. Pursuant to Planning Code Section 415.3 and 415.6 the on-site requirement is 12 percent. Thirty six units (13 two-bedroom, 16 one-bedroom, and 7 studio

units) of the 304 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

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

The Project would comply with this Section by dedicating one percent of the Project's construction cost to works of art. The public art concept and location will be subsequently presented to the Planning Commission at an informational presentation.

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

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

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

The Conditional Use Authorization to exempt floor area dedicated to below market rate units would be desirable and compatible with the neighborhood for several reasons. The Project proposes a total of 304 dwelling units, of which 36 will be designated as below market rate units. The Project not only increasing the City's housing stock, but also provides affordable units for households whose income are within 120 percent Area Median Income, for the life of the project.

The Project is desirable because it would replace an underutilized commercial building and surface parking lot with a 12-story, 14-level mixed use, residential above ground floor retail building. The Project includes approximately 4,540 square feet of ground floor retail and approximately 12,300 square feet of common open space.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working in the area in that:
- a. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project would be constructed within existing height and bulk limits. The structure has been arranged on the site to be consistent with the surrounding streetscape and compatible with the surrounding buildings. Along Golden Gate Avenue frontage, the Project would be sandwiched by two structures of similar heights and bulks: the recently constructed building at 121 Golden Gate Avenue, which is 10 stories and the proposed structure at 1028 Market Street, which will be approximately 12 stories. The Project provides active uses along every street frontage and includes an inner court amounting to approximately 6,333 square feet at the ground floor.

The Project includes approximately 227,956 floor area square feet of residential uses, of which, approximately 178,515 is rentable. The Project seeks to exempt 21,422 square feet (12 percent of 178,515), which would be dedicated to below market rate units, pursuant to Planning Code Section 124(f), which allows the floor area devoted to affordable housing constructed on-site in a C-3 District to exceed base floor area permissions. The units must be made affordable to households whose incomes are within 90% AMI for ownership units and 55% AMI for rental units. Since the Project would contain rental units, the units must be made affordable to households within 55% AMI.

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

The proposed project has been designed to minimize curb cuts along Jones Street and Golden Gate Avenue. These curb cuts for off-street parking and loading have been separated to allow for maximum active use exposure along each street, especially at the corner of Jones and Golden Gate. Pedestrian access to the building is located on Market Street and Jones Street and pedestrian commercial access is provided on all three bounding streets.

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

The residential and ground floor commercial uses will not produce noxious or offensive dust or odor. Ventilation considerations comply with current California Mechanical Codes and have been taken to reduce adverse effects to the neighboring community, such as minimal interior court garage exhaust and use of mero-13 filters for the building inhabitants. The interior court and amenity spaces on the 13th level include landscaping to reduce noise.

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

Parking and loading areas are enclosed and will include signage to safeguard pedestrians and / or cyclists from approaching vehicles. The landscaped interior courtyard and amenity spaces at the 13th level will include egress lighting and visual screening to create privacy while providing interaction with other residents and users. Street improvement will include street trees as required by the City and County of San Francisco. Lighting and signage will be per governing codes for this location.

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The square footage to be dedicated to Below Market Rate units complies with applicable provisions of the Planning Code and will not adversely affect the General Plan. The residential and retail uses contemplated for the Project are permitted within the C-3-G District. The Project complies with use and density requirements and is well served by transit and commercial services, allowing residents to commute, shop and reach amenities by walking, taking transit and bicycling. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in Item #8.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8

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

The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish an underutilized three-story commercial garage and surface parking lot and construct a mixed-use residential building above ground floor retail that contains 268 market rate units, 36 on-site affordable units compliant with Section 415 of the Planning Code, and approximately 4,578 gsf of retail use. The Property is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.

Policy 1.10

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

The Project supports this Policy. It is anticipated that because of the central downtown location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project is two blocks from Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also 1.5 blocks from the Civic Center BART and MUNI stations, and is within one block of at least 6 MUNI bus lines.

The Project provides 304 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

The Project supports this Policy. The Project would create 304 dwelling units, of which 61 (20%) are studios, 132 (43%) are one-bedroom units and 111 (37%) are two-bedroom units. The Project provides a range of unit types to serve a variety of needs, and will provide 12 percent on-site affordable units comprising of the similar dwelling unit mix, namely 22% studios, 43% one-bedrooms and 35% two-bedroom units.

OBJECTIVE 7:

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

In compliance with this policy, the Project would provide permanently affordable on-site housing by allocating 12% of units as affordable, in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.7

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

The Project supports these Policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings, and complies with the existing zoning in terms of land use, height, and density. The Project's design respects the architectural design of adjacent historic resources, with a traditional tripartite facade containing defined base, shaft and top, while remaining modern in expression. This new development will greatly enhance the character of the existing neighborhood and is an ideal site for new housing due to its central, downtown location, and proximity to public transportation. The current development of this location, with a surface parking lot and underutilized commercial building, represents an under-utilized site within the downtown core. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1

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

Policy 3.2

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

Policy 3.6

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

The Project employs design to relate to existing development in the neighborhood, which is characterized by mid- to high-rise, mixed-use buildings that help compose a district of Renaissance Revival-style buildings. Renaissance Revival-style buildings are typically expressed by tripartite design, vertical expression, punched windows, decorative brickwork and modillion cornices. The proposed project would replace an underutilized 2-story commercial building and surface parking lot that respects its context by providing a high-rise, mixed-used building of tripartite design, separated with horizontal reveals and punched

openings. The proposed structure complies with land use and development controls of the Planning Code and the surrounding development.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project would add approximately 4,578 square feet of new commercial space – divided between two tenant spaces – that is intended to serve residents in the building and surrounding neighborhood. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown General District, and is thus consistent with activities in the commercial land use plan.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the widening of the sidewalk along the Project's Golden Gate Avenue frontage and a 6-foot bulb-out at the Golden Gate Avenue and Jones Street

intersection, intended to reduce vehicular speed and provide greater refuge for pedestrians. The Project would also plant a consistent row of street trees along Jones Street and Golden Gate Avenue, along with bicycle racks enhance the pedestrian experience and provide convenience to bicyclists.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs particularly those of commuters.

Policy 1.6:

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

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

OBJECTIVE 2:

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

Policy 2.1:

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

The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is the most transit rich area of the City. The Project would provide only 0.5 parking spaces per dwelling and will not provide any parking for the proposed retail uses. All of these parking spaces would be located underground, and thus be less intrusive from an urban design standpoint.

OBJECTIVE 11:

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

Policy 11.3:

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 322 bicycles (304 Class 1, 18 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART. Additionally such transit lines also provide access to AC Transit (Transbay Terminal) and CalTrain.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structure at 1066 Market Street is a vacant 2-story commercial space and surface parking lot. The Project would improve the existing character of the neighborhood by removing the surface parking lot and vacant structure. The proposed retail space, which includes ground floor retail space, is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

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

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

The Project would demolish an underutilized commercial space and surface parking lot, constructing a 120-foot tall, 12-story-over-basement (14 level), 304-unit residential building over ground floor retail, within easy commuting distance of downtown jobs.

The Project includes approximately 4,578 square feet of ground floor commercial space, with tenant spaces on Market Street and the corner of Jones Street and Golden Gate Avenue; these spaces would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on each of the three frontages.

OBJECTIVE 16:

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

Policy 16.4

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

The Project would promote Objective 16 by including a ground floor retail use which would promote pedestrian traffic in the vicinity. The Project would provide floor-to-ceiling, transparent windows in retail spaces, inviting pedestrians, and landscape the sidewalk area surrounding the Project Site with street trees and bike racks. This space would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street.

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 not displace existing neighborhood-serving retail uses because no retail uses currently exist at the Project Site. In addition to 304 residential units, the Project would include approximately 4,578 square feet of retail space in two separate commercial spaces. The Project would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. Moreover, the Project would not displace any existing neighborhood-serving retail uses. Instead, the Project would enhance neighborhood-serving retail by adding new retail space, which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services. The addition of this new space would also complement the pedestrian-friendly Downtown core and would continue the pattern of active ground floor retail along the Market Street, Jones Street and Golden Gate Avenue frontages.

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

The Project would not negatively affect the existing housing and neighborhood character. The Project would not displace any housing because the existing structure at 1066 Market Street is an underutilized, vacant commercial building and surface parking lot. The Project would improve the existing character of the neighborhood by removing the vacant structure and surface parking lot. The

proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core.

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

There is currently no housing on the site; therefore, no affordable housing will be lost as part of this Project. The Project would enhance the City's supply of affordable housing by providing 36 on-site affordable dwelling units, in compliance with the affordable housing requirements of Planning Code Section 415.

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

The Planning Department has determined that the 1066 Market Street a three-story, vacant commercial space and surface parking lot, is not individually eligible for listing on the California Register, but is located in an historic district. Accordingly, the building has been designed to respect the character defining features of the district. As such, the Project would not have an indirect impact on historic resources by negatively altering the existing visual setting of these resources.

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the 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. 2013.1753CXV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 23, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth and includes that portion of the Project described on the plans attached hereto as Exhibit B that is located within the Rincon Point South Beach Redevelopment Plan Area.

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 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 constitutes conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

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


Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Antonini, Hillis, Johnson,
NAYS: Moore, Wu
ABSENT: None
ADOPTED: March 17, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing three-story, vacant commercial structure and surface parking lot and construct a new, 12-story-over-basement, 14-level approximately 120-foot tall, 298,278 gross square foot building (of which 227,956 counts towards Floor Area Ratio (FAR)) containing approximately 4,578 gross square feet of ground floor commercial space, and 304 dwelling-units located at 1066 Market Street, Assessor's Block 0350, Lot 003 pursuant to **Planning Code Sections 303 and 124(f)** within the C-3-G Zoning District and a 120-X Height and Bulk District; in general conformance with plans, dated February 23, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1753CXV and subject to conditions of approval reviewed and approved by the Commission on **March 17, 2016** under Motion No. 19594. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. 19593, Case No. 2013.1753CXV (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances from Section 135(g)(2), use of inner courts, that requires approval from the Zoning Administrator.

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 **March 17, 2016** under Motion No. 19594.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19594 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

Motion No. 19594
March 17, 2016

CASE NO. 2013.1753CXV
1066 Market Street

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the Project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs shall, at the Project Sponsor's request, be extended by the Zoning Administrator where implementation of the Project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Project Sponsor must obtain a Variance from Section 135(g)(2), which does not provide the one-to-one ratio of depth to building height required by

Section 135(g)(2) of the Planning Code. The Project Sponsor must also obtain a Downtown Project Authorization, pursuant to Planning Code Sections 309, and request exceptions for rear yard per Section 134, reduction of ground-level wind currents per Section 148 and reduction of freight loading requirements per Section 161. The conditions set forth are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

10. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site Permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width,

interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 806 of the Public Works Code may be modified or waived by the Department of Public Works. The Project currently shows the installation of ten of the fifteen required street trees, with an in-lieu fee requirement applicable for five street trees. The Project shall install the thirteen (13) street trees and pay the in-lieu fee for the one (1) tree as set forth in Condition Number 23 below, unless the installation of the 13 trees proves infeasible, in which case the Project shall pay an in-lieu fee for any of the 13 trees not so installed. Also, all street trees must meet the standards per Article 16 of the Public Works Code, Section 806.

For information about compliance, contact the Department of Urban Forestry at 415-554-6700, www.sf-planning.org

11. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the widening of the sidewalk to 16-feet along the Project's Golden Gate Avenue frontage, and a the provision of a 6-foot bulbout at the southeast corner of the Jones Street and Golden Gate Avenue intersection. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

12. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Site Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

13. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the Site Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

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

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

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

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

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

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

PARKING AND TRAFFIC

17. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one parking space per two dwelling units as of right. With 304 dwelling units proposed, there is a maximum of 102 off-street parking spaces allowed as-of-right. With 102 off-street parking spaces total included, the Project Sponsor must design and designate 4 off-street parking spaces for persons with disabilities.

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

18. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide one off-street loading space and attain one dedicated on-street loading space with the Metropolitan Transportation Authority.

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

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

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

20. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 152 Class 1 bicycle parking spaces (151 for the residential portion of the Project and 1 for the retail portion) and 17 Class 2 spaces - fifteen for residential and 7 for commercial).

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

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

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

PROVISIONS

22. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of Section 806 of the Planning Department Code may be modified or waived by the Director of the Public Works Department.

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

23. **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

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

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

25. **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

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

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

27. **Art - Installation.** Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

Affordable Units

28. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 304 units; therefore, 37 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 37 affordable units on-site. If the number of market-rate units

change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

29. **Unit Mix.** The Project contains 61 studios, 132 one-bedroom and 111 two-bedroom units; therefore, the required affordable unit mix is 7 studios, 16 one-bedroom and 14 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
30. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
31. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
32. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
33. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.

- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

OPERATION

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

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

35. **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>

MONITORING

36. **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

37. **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

Alexandra Goldman

From: Luellen, Mark (CPC) <mark.luellen@sfgov.org>
Sent: Thursday, April 14, 2016 12:00 PM
To: Alexandra Goldman; Cook, Lorabelle (CPC)
Cc: Chang, Tina (CPC)
Subject: RE: CUA Final Motion 19594 - 1066 Market Street - 2013.1753CXV

Alexandra,

The PDF with Mr. Ionin's signature is sufficient.

Thank you

Mark Luellen
Senior Planner
Northeast Team Manager

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6478 | Fax: 415-558-6409
Email: mark.luellen@sfgov.org
Web: www.sfplanning.org



From: Alexandra Goldman [<mailto:AGoldman@TNDC.org>]
Sent: Thursday, April 14, 2016 11:46 AM
To: Cook, Lorabelle (CPC)
Cc: Chang, Tina (CPC); Luellen, Mark (CPC)
Subject: RE: CUA Final Motion 19594 - 1066 Market Street - 2013.1753CXV

Hi all-

Thanks for this. I just sent this to Tina, but, according to the appeal document it says that signatures are required for the Copy of the Planning Commission's Decision (and it says "facsimile is not acceptable"). Is what you sent me sufficient, or should I track down another version of it?

Thank you!

Alexandra Goldman, Senior Community Organizing and Planning Manager
Tenderloin Neighborhood Development Corporation (TNDC)
149 Taylor Street, San Francisco, Ca 94102
(415) 358-3920
agoldman@tndc.org

www.tndc.org



At TNDC, we believe that when people have homes, communities thrive. We envision a San Francisco where low-income people can afford housing that meets their basic needs, is close to the amenities and services that enhance their quality of life, and provides them with the safety and stability they need to fulfill their potential. Will you help us?

From: Cook, Lorabelle (CPC) [<mailto:lorabelle.cook@sfgov.org>]
Sent: Thursday, April 14, 2016 9:00 AM
To: Alexandra Goldman
Cc: Chang, Tina (CPC); Luellen, Mark (CPC)
Subject: CUA Final Motion 19594 - 1066 Market Street - 2013.1753CXV

Good Morning,

Please find the attached .pdf copy of **Motion No. 19594**, for record **#2013.1753CXV**.

**** Please let me know if you would also like to receive hard copies via USPS.****

Lorabelle Cook

**Current Planning
NE/NW Quadrants**
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-9100
Email: Lorabelle.Cook@sfgov.org
Web: www.sfplanning.org

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Donald Falk		
APPLICANT ADDRESS: 215 Taylor St San Francisco, CA 94102	TELEPHONE: (415) 358-3923	EMAIL: dfalk@tndc.org
NEIGHBORHOOD ORGANIZATION NAME: Tenderloin Neighborhood Development Corporation		
NEIGHBORHOOD ORGANIZATION ADDRESS: 215 Taylor St San Francisco, CA 94102	TELEPHONE: (415) 358-3923	EMAIL: dfalk dfalk@tndc.org
PROJECT ADDRESS: 1066 Market St.		
PLANNING CASE NO.: 2013.1753CXV	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: 415.558.6378
FAX: 415.558.6409
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: 415.558.6377
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

**TENDERLOIN NEIGHBORHOOD
DEVELOPMENT CORPORATION
ADMINISTRATIVE ACCOUNT**

201 EDDY ST
SAN FRANCISCO, CA 94102


Date 4/18/16

2583

11-35/1210
299

Pay to the
Order of San Francisco Planning Dept. \$ 562 ⁰⁰

Five hundred sixty two Dollars

 Security features
are included.
Details on back.

Bank of America

Market-Van Ness
1525 Market St
San Francisco CA
650.615.4700



For conditional use appeal

filing fee

VOID AFTER 90 DAYS

