



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec 415)
- Childcare Requirement (Sec 414)
- Jobs Housing Linkage Program (Sec 413)
- Downtown Park Fee (Sec 412)
- Public Open Space (Sec 138)
- First Source Hiring (Admin. Code)
- Transportation Sust. Fee (Sec 411A)
- Public Art (Sec 429)

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Planning Commission Motion No. 19811 Downtown Project Authorization

HEARING DATE: DECEMBER 8, 2016

Case No.: 2015-000878DNX/CUA/OFA
 Project Address: 300 GRANT AVENUE/272 SUTTER STREET
 Zoning: C-3-R (Downtown Retail) District
 80-130-F Height and Bulk District
 Downtown Plan Area
 Block/Lot: 0287/013, 014
 Owner: Grant Avenue Properties LLC
 C/O St. Bride's Managers LLC Attn: John Loehr
 Two Stamford Landing, Suite 115
 69 Southfield Avenue
 Stamford, CT 06902
 Project Contact: Steve Atkinson, Arent Fox LLP
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ADOPTING FINDINGS RELATING TO A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309, TO ALLOW A PROJECT THAT INCLUDES THE DEMOLITION OF TWO COMMERCIAL BUILDINGS AND CONSTRUCTION OF ONE APPROXIMATELY 72,905 SQUARE FOOT COMMERCIAL BUILDING COMPRISED OF RETAIL AND OFFICE USES, APPROXIMATELY 83-FOOT-TALL, EXTENDING TO 96 FEET 1 INCH ARCHITECTURAL FEATURES, WITH EXCEPTIONS FOR FREIGHT LOADING (SECTIONS 152.1 AND 161), HEIGHT LIMITS IN 80-130-F ZONING DISTRICT (SECTION 263.8), AND BULK (SECTION 272), LOCATED AT THE NORTHEAST CORNER OF GRANT AVENUE AND SUTTER STREET, LOTS 013 AND 014 IN ASSESSOR'S BLOCK 0287, WITHIN THE 80-130-F HEIGHT AND BULK DISTRICTS, THE C-3-R (DOWNTOWN, RETAIL) ZONING DISTRICT, AND DOWNTOWN PLAN AREA.

PREAMBLE

WHEREAS, on September 17, 2015, Steve Atkinson, Arent Fox LLP ("Applicant") filed an application on behalf of the Owner with the San Francisco Planning Department (hereinafter "Department") for a Downtown Project Authorization for a Determination of Compliance pursuant to Section 309 with requested exceptions from Planning Code ("Code") requirements for "Exceptions to Height Limits in 80-130-F Height and Bulk Districts", "Freight Loading", "Bulk", for a project involving demolition of two Category V (Unrated) buildings and new construction of one 72,905 square foot, six-story, mixed-use commercial building, on the subject property located on Lot 013 and Lot 014 in Assessor's Block 0287; and

WHEREAS, In January 2007, the San Francisco Planning Commission (Planning Commission) adopted the 300 Grant Avenue Mitigated Negative Declaration, Case No. 2004.1245E, (MND); and

On July 12, 2007, the Planning Commission held a duly noticed public hearing on two appeals of the MND and declined to uphold the MND pending changes to the document; and

An Amended Mitigated Negative Declaration (AMND) was published on May 29, 2008 to address revisions to the project as well as the Planning Commission's comments. The Planning Commission held a subsequent public hearing on June 12, 2008 at which time the Planning Commission rejected the appeals and adopted a Final Mitigated Negative Declaration, as amended (FMND) in Motion No. 17614; and

An appeal of the FMND was filed with the San Francisco Board of Supervisors (Board of Supervisors) on July 2, 2009 and at a duly noticed public hearing on August 12, 2008, the Board of Supervisors upheld the FMND in Motion No. M08-135; and

On September 2, 2016, the Planning Department mailed a "Notification of Project Receiving Environmental Review" to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. No comments related to environmental review were received in response; and

The Planning Department has prepared an Addendum to the Final Mitigated Negative Declaration (Addendum to FMND) pursuant to 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 Addendum to FMND finds that since the preparation of the FMND in 2008, there have been no changes in the project or the project's circumstances or no new information leading to new significant impacts not previously analyzed in the FMND, or to a substantial increase in the severity of previously-identified significant impacts, or to new mitigation measures that would reduce the project's significant impacts, but that the project sponsor declines to implement. Therefore, the analysis in the FMND remains valid and no supplemental environmental analysis is necessary.

The Planning Department, Office of the Commission Secretary, is the custodian of records for this action, and such records are located at 1650 Mission Street, Fourth Floor, San Francisco, California.

WHEREAS, On September 10, 2015 the Project Sponsor submitted a request for a Major Permit to Alter for the demolition of two Category V (Unrated) buildings and new construction under Article 11 of the Planning Code, located within the Kearny-Market-Mason-Sutter Conservation District (Case No. 2015-000878PTA). On November 2, 2016, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting and adopted Motion No. 0291, approved the requested Major Permit to Alter; and

WHEREAS, On December 8, 2016, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-000878DNX/CUA/OFA. 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, the Planning Department staff, and other interested parties; and

MOVED, that the Commission hereby authorizes the Downtown Project Authorization requested in Application No. 2015-000878DNX/CUA/OFA, subject to the conditions contained in **Exhibit A** of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed 10,500-square-foot subject site area would encompass two parcels at the northeast corner of Grant Avenue and Sutter Street: 300 Grant Avenue (290 Sutter Street) and 272 Sutter Street. The 300 Grant Avenue building, currently occupied by a variety of retail tenants, is three stories. The 272 Sutter Street building is a one-story building occupied by retail use.
3. **Properties and Neighborhood.** The Project Site is located in the Downtown Plan Area, two blocks from the Union Square, and also located within the Kearny-Market-Mason-Sutter Conservation District. Land uses in the vicinity consist primarily of retail uses in buildings ranging from two to ten stories.

This District is a regional center for comparison shopper retailing and direct consumer services. It covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Like the adjacent Downtown Office District, this District is well-served by City and regional transit, with automobile parking best located at its periphery. Within the District, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities and minimization of conflicts between shoppers and motor vehicles. A further merging of this District with adjacent, related Districts is anticipated, partially through development of buildings which combine retailing with other functions.

4. **Proposed Project.** The proposed project involves demolition of the two subject buildings, merger of the two parcels and construction of one six-story with basement commercial building, approximately 83-foot-tall extending to approximately 96 feet 1 inch of architectural

features, to be comprised of retail use on floors basement through three, and approximately 29,703 gross square feet office use on floors four through six.

The building will occupy the entire project site with three visible facades facing Sutter Street, Grant Avenue, and Harlan Place. The building is proposed to be constructed to the property line, except for the approximate 2-foot setback at the ground story. Improvements to Harlan Place are proposed to enhance the public realm, and streetscape improvements are proposed at all three frontages. No off-street parking is proposed, and loading is proposed on-street at the Harlan Place alley.

The vertical tripartite design as proposed is consistent with the surrounding buildings that are composed of well-defined components of a base, shaft and capital. The façades of the proposed building will be divided into bays, characteristic of the District, demarcated by cement columns that extend into vertical metal piers. At the street level, each bay module is defined by bulkhead, coated aluminum storefront glazed system, and demarcated by ovoid white cement columns. The continuous vertical piers are expressed through the cement columns at the base that extend into coated steel piers to articulate the façade and provide a sense of scale. Further, the continuous vertical piers anchor the base of the building and strongly define the storefront bay modules. The new construction proposes to respond to the character of the District in a contemporary manner. Although an external screen is not typical, the incorporation of the screen helps define the tripartite building composition, while providing texture and depth, Details which are compatible with the surrounding buildings and the District.

5. **Public Comment/Public Outreach.** The Planning Department has received one communication in support of the project. A letter of concern was submitted to the Historic Preservation Commission from the representative of the Triton Hotel.
6. **Planning Code Compliance:** The Commission finds and determines that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Floor Area Ratio (Sections 123, 124, and 210.2).** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set out in Section 210.2. The FAR for the C-3-R District is 6.0 to 1. Under Section 123, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights (TDR).

The Project Site is 10,500 square feet in size, after the merger of two lots. Therefore, up to 63,000 square feet of gross floor area ("gfa") is allowed under the basic FAR limit, and up to 94,500 square feet of gfa is permitted with the purchase of TDR. The Project's total gross floor area is approximately 69,550 gfa, for a floor-area ratio of approximately 6.62-to-1. 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 (approximately 6,550 square feet).

The Project, which is compatible with the character of the Kearny-Mason-Market-Sutter Conservation District and in conformance with the Secretary of the Interior's Standards, would be constructed

according to current local building codes and would comply with all current seismic safety standards, in order to insure a high level of seismic safety.

- B. Publicly Accessible Open Space (Section 138).** Planning Code Section 138 requires new buildings in the C-3-R zoning district to provide public open space at a ratio of one square foot per 100 square feet of all uses except residential, institutional, or use in a predominantly retail/personal services building. The public open space must be located on the same development site or within 900 feet.

The Project proposes approximately 69,550 square feet (gsf) of non-residential use. It requires a total of 696 square feet of non-residential publicly-accessible open space. The Project proposes to improve the adjacent Harlan Place, a dead-end alley by re-paving approximately 4,400 square feet of the asphalt-paved street with high quality pavers to improve the pedestrian experience. Other improvements include installation of a temporary bollard system at the intersection with Grant Avenue to block off vehicular traffic, and programming the street for daytime use by people, at minimum between 11 a.m. and 3 p.m., through the installation of temporary moveable tables and chairs into the Harlan Place alley for use by the general public. The Sponsor shall be responsible for ensuring that the trash dumpsters by use at the subject site and other properties along Harlan Place do not linger in the Alley, so as to provide an enhanced pedestrian experience. In addition, the Sponsor will engage with the nearby food service vendors, including but not limited to the food service at the adjacent Triton Hotel and the Irish Bank at the end of the alley, which will enhance public use of the area.

The Sponsor is required to submit a Programming and Maintenance Plan, to be approved by the Planning Department, Department of Public Works and Fire Department, prior to approval of Architectural Addenda. Other improvements under strong consideration, with review and approval by Planning, Public Works and Fire Department, include development of a shared street on Harlan Place to match the street frontage of the Project, or sidewalk widening, for benefit of pedestrian access, tree planting and/or landscaping, inclusion of permanent benches and potentially installation of public art, as appropriate for this location.

The Project Sponsor shall comply with this requirement.

- C. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1(b) requires that when a new building is constructed in C-3 Districts, street trees, enhanced paving, and other amenities such as lighting, seating, bicycle racks, or other street furnishings must be provided.

The Project Sponsor shall comply with this requirement. The conceptual plan shows a curb bulb-out on Grant Avenue, enhanced paving on Grant Avenue, Sutter Street and Harlan Place, raised crosswalk at Harlan Place, bicycle parking, and potential installation of street trees, lighting, and street furniture on Harlan Place. The precise details of the streetscape improvements will be further refined throughout the building permit review process.

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

lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The proposed ground floor base is a double-height commercial space approximately 19 feet in height, defined by a bronze-colored aluminum storefront display system, with transparent glazing, and pedestrian-scale awnings, which are compatible with the District.

The proposed active retail use at ground floor extends greater than 25 feet of building depth along the Sutter Street and Grant Avenue, with exception for required egress along Sutter Street. The interior spaces housing the retail use are as close as possible to the grade along Grant Avenue; the primary entry points to the ground floor retail space are accessible from the flat corner from the Sutter Street and Grant Avenue streets. Although Harlan Place is not 40 feet wide, the Harlan Place frontage is lined with code-compliant active use –retail and a small lobby for the upper floor office use, with the easternmost bay dedicated to the loading bay and egress, measuring approximately 25% of total frontage. The Project complies with this Code section.

- E. **Shadows on Public Sidewalks (Section 146).** 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 should be shaped so as to reduce substantial shadow impacts on public sidewalks, if doing so would not create an unattractive design and without unduly restricting the development potential of the site in question.

Section 146(a) does not apply to Grant Avenue or Sutter Street, and therefore does not apply to the project. Regarding Section 146(c), due to the height of the existing structure the Project would create new shadows on sidewalks adjacent to the Site. A shadow analysis was conducted for the originally proposed 130-foot-tall Project (Final Amended Mitigated Negative Declaration, Case No. 2004.1245E; certified June 12, 2008), which shows that the Project would cast some additional shadow on the block of Grant Avenue between Sutter and Bush Streets during the

morning hours only. Compared to an 80 foot building, a 113 foot high project (as was approved in 2008) would cast approximately one-half hour of additional shadow on Grant Avenue's west sidewalk; however, the shadow would generally leave the west sidewalk by between 10: 30 A.M. and 10: 45 A.M. each day. Also, the shadow from the previously analyzed Project would never reach the Chinatown Gate. Generally, the new shadows created would not exceed levels commonly expected in urban areas. Shadows from the proposed 83 foot tall project would expected to be less than those from the previously approved 113-foot-tall project.

- F. Off-Street Parking (Section 151.1).** Planning Code Section 151.1 does not require any off-street parking spaces be provided, but instead provides maximum parking amounts based on land use type.

The Project does not propose any off-street parking, therefore meets this requirement.

- G. Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages (Section 155(r)).** Section 155(r) prohibits curb cuts along Mission Street between the Embarcadero and Annie Street for garage entries, private driveways, or other direct access to off-street parking or loading, except when the curb cut would create new publicly-accessible streets and alleys.

Both Sutter Street and Grant Avenue are protected frontages. No curb cuts exist or are proposed at these frontages. The Project meets this requirement.

- H. Bicycle Parking (155.1-155.2).** Sections 155.1- 155.2 establish bicycle parking requirements for new developments, depending on use. For office, one Class 1 space is required for every 5,000 occupied square feet, and two Class 2 spaces are required for the first 5,000 gross square feet, plus one Class 2 space for each additional 50,000 occupied square feet. One Class 1 space is required for every 7,500 square feet of occupied floor area devoted to Restaurants, Limited Restaurants, and Bars. One Class 2 space is required for every 750 square feet of occupied retail area devoted to Restaurants, Limited Restaurants, and Bars, and in no case less than two Class 2 spaces. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by residents and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

The Project requires a total of 9 Class 1 bicycle parking spaces, by use: 4 spaces (retail), 5 spaces (office). The Class 1 parking spaces are provided in secure rooms in the basement accessed by an elevator. The Project requires 13 Class 2 bicycle parking spaces, by use: 11 spaces (retail), 2 spaces (office). In the conceptual plan, Class 2 bicycle parking is shown located on the sidewalks. The Project complies with this Code Section 155.1-155.2.

- I. Shower Facilities and Lockers (Section 155.4).** Section 155.4 requires shower facilities and lockers for new developments, depending on use. For non-retail sales and services uses (i.e. office), two showers and 12 lockers are required where occupied floor area exceeds 20,000 square feet but is no greater than 50,000 square feet. For retail sales and services uses, one show and six clothes lockers are required where occupied floor area exceeds 25,000 square feet but is no greater than 50,000 square feet.

The Project provides 3 showers and 18 lockers on the basement level, adjacent to the Class 1 bicycle parking spaces, meeting Code Section 155.4. The Project complies with Code Section 155.4.

- J. **Height (Section 260).** Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The project is located within the 80-130-F Height and Bulk District.

The Project proposes construction of one commercial building with height of approximately 83 feet, to top of roof, extending to approximately 96 feet 1 inch to architectural features. The project requires an exception through Section 309 of the Planning Code for exceeding the base height of 80 feet pursuant to Section 263.8 of the Planning Code, as discussed in Section #7A of this Motion.

- K. **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 will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

For this Project, a preliminary shadow fan did not indicate that the proposed building height (approximately 83 feet to top of roof and extending to architectural features of 96 feet) would result in net new addition of shadow on properties under the jurisdiction of the Recreation and Parks Department. Further, a shadow analysis was conducted for the originally proposed 130-foot-tall Project (Final Amended Mitigated Negative Declaration, Case No. 2004.1245E; certified June 12, 2008), which concluded that a 130 foot-high building on the site would not introduce net new shadow on properties under the jurisdiction of the Department of Recreation and Parks (Rec and Park). Since the current proposal is designed as a shorter building, the finding remains as such, in that the Project does not add net new shadow to properties under the jurisdiction of Rec and Park.

- L. **Transportation Sustainability Fee (TSF) (Section 411A).** Projects that result in more than twenty new dwelling units or new construction of a non-residential use exceeding 800 square feet are required to pay the TSF to help meet the demands imposed on the City's transportation system by new developments, funding transit capital maintenance, transit capital facilities and fleet, and pedestrian and bicycle infrastructure.

The Project Sponsor shall comply with this requirement and pay the fee.

- M. **Downtown Parks Fee (Section 412).** Section 412 requires all new office projects within the C-3 zoning districts to pay a fee for additional public park and recreation facilities in downtown.

The Project Sponsor shall comply with this requirement and pay the fee.

- N. **Jobs-Housing Linkage Fee (Section 413).** Section 413 requires new commercial projects to pay a fee to mitigate the increased burden caused by large-scale commercial development projects on low- and moderate-income housing in San Francisco.

The Project Sponsor shall comply with this requirement and pay the fee.

- O. **Child Care Requirement in C-3 (Section 414).** Section 414 requires large-scale office and hotel developments over 25,000 gross square feet in size to pay a fee to fund construction of child care facilities in C-3 districts, or otherwise directly contribute to the construction of a facility.

The Project Sponsor shall comply with this requirement and pay the fee.

- P. **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 Sponsor shall comply with this Section by dedicating one percent of its construction cost to works of art.

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

- A. **Height Limits in 80-130-F Height and Bulk District.** Section 263.8 establishes design requirements meant to limit height to 80 feet in the 80-130-F districts. Specifically, the purpose of allowing additional height above 80 feet only as an exception is to ensure that height above 80 feet will not adversely affect the scale of the affected area or block sunlight access to public sidewalks and parks. Pursuant to Section 263.8(b), exceptions to this requirement can be granted if the following specific criteria are met.

- (1) The height of the building or structure does not exceed 130 feet; and
- (2) The additional height will not add significant shadows on public sidewalks and parks; and
- (3) The structure provides an appropriate transition to adjacent higher or lower buildings; and
- (4) The additional height of the structure is set back an appropriate distance from the street frontage to maintain continuity of the predominant streetwall on the block.

The total height of the Project is less than the 130-foot maximum height limit as zoned for the parcel. The Project is designed as a 6-story building form, at a height of 83 feet to top of roof, which extends to a steel plate supported by the vertical piers of the scrim, measuring approximately 96-feet-tall. The additional habitable height beyond 80 feet is approximately only 3 feet. Extending beyond the 83-foot top of roof is a 4-foot extension of the architectural scrim that acts as a parapet and the termination of the building at 96 feet of a steel plate projecting cornice.

Within the KMMS Conservation District, building heights generally range from four to eight stories, although a number of taller buildings exist. Buildings on the block and immediately across the streets range from 3 to 11 stories. The proposed 6-story building, adjacent to a four-story commercial building and across Harlan Place from a 7-story hotel is an appropriate transition in an area of varied building heights. The continuity of the streetwall is maintained.

Pursuant to Section 295 of the Planning Code, a shadow analysis was conducted for the originally proposed 130-foot-tall Project (Final Amended Mitigated Negative Declaration, Case No. 2004.1245E; certified June 12, 2008), which concluded that a 130 foot-high building on the site The Project would not introduce net new shadow on properties under the jurisdiction of the Department of Recreation and Parks (Rec and Park). Since the current proposal is designed as a shorter building, the finding remains as such, in that the Project does not add net new shadow to properties under the jurisdiction of Rec and Park. Pursuant to Section 146 of the Planning Code, additional shadow analysis in the 2008 AMND shows that the Project would cast some additional shadow on the block of Grant Avenue between Sutter and Bush Streets during the morning hours only. Compared to an 80 foot building, a 113 foot high project (as was approved in 2008) would cast approximately one-half hour of additional shadow on Grant Avenue's west sidewalk; however, the shadow would generally leave the west sidewalk by between 10: 30 A.M. and 10: 45 A.M. each day. Also, the shadow from the previously analyzed Project would never reach the Chinatown Gate. Generally, the new shadows created would not exceed levels commonly expected in urban areas.

Therefore, it is appropriate to grant an exception to the height limit pursuant to Section 309.

- B. Off-street Freight Loading (Section 161).** Pursuant to Section 152.1 of the Code, in C-3, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts, two (2) off-street freight loading spaces are required for retail stores, restaurants, bars, nighttime entertainment and drugstores uses between 30,001 – 50,000 gross floor area (square feet).

The Project proposes approximately 40,147 gross square feet retail uses, therefore requires two off-street freight loading spaces. The Project would not provide any off street loading spaces, but would include a roll up door and loading dock area, accessible from Harlan Place, which is a dead-end alley. Both Sutter Street and Grant Avenue are protected frontages, therefore proposing curb cuts at these locations would be in conflict with the General Plan. Because of the narrowness of Harlan Place, providing a full-sized loading space from Harlan would be problematic. Providing direct off-street loading space to the basement would need to be accessed from either Grant Avenue or Sutter Street and would detract from providing active uses with lively street frontages. Spaces for delivery functions can be accommodated at the adjacent curb on Harlan Place and along a loading zone on Grant Avenue and would not significantly interfere with transit operations or traffic conditions.

Due to the proposal to satisfy the privately-owned public open space requirement by improvements to Harlan Place, including activation of the street as a pedestrian plaza at daytime between the hours at minimum 11 a.m. through 3 p.m., the freight hours will be limited to times outside of these open space activities, with hours also designated in consideration of adjacent uses.

Therefore, it is appropriate to grant an exception pursuant to Section 309.

- C. Bulk (Section 272).** The subject property is located within the 80-130-F Height and Bulk district. Pursuant to Section 270, projects within “-F” Bulk District have defined bulk dimensions starting at height of 80 feet and greater, with requirements in plan as follows: the maximum length is 110 feet and the maximum diagonal dimension is 140 feet.

From 80 feet to the approximately 83 feet height of the roof, the Project would have a length of 118'4" and a diagonal of 153'1". At the halo element, with a maximum approximate height of 96'1", the Project would have a length of 125'5" and a diagonal of 156 feet. The increased diagonal of the halo element compared to at the roof level results from the flat metal top element, which extends out 3 feet beyond the property line.

These exceedances occur at the top of the sixth, and final, floor and the area of the parapet. The proposed six-story mass at the streetwall is consistent with the Kearny-Mason-Market-Sutter Conservation District and consistent with the urban form created by the surrounding buildings and Conservation District, in that the building's façades express a continuous streetwall at all sides and all levels.

Moreover, the amount of the proposed bulk exception is relatively minor and would not justify the above-noted negative impacts on the building's form. From 80 83 feet, the Project's diagonal dimension exceeds the Code standard by slightly over 13 feet and would be barely perceptible. The length exceedance (feet) along Grant Avenue exceeds the Code standard by only 8 feet; however, most of this exceedance only extends for about 3 feet vertically (from the 80-foot height to approximately the 83-foot height of the roof) plus an additional 13 feet of the decorative halo feature which has little "mass". Strict compliance with the bulk limits would require the building to be set back further at the sixth level. The exception also provides a distinctly better design in that it respects the two corners of the building and ties the base of the building together better with the capital to complete the façade. Carving away the corners to comply with the bulk limits or setting back the 6th floor and decorative "halo" element and would be inconsistent with the character of adjacent buildings within the Kearny-Mason-Market-Sutter Conservation District, which do not employ setback penthouses.

Therefore, it is appropriate to grant an exception to Bulk pursuant to Section 309.

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

DOWNTOWN AREA PLAN

OBJECTIVE 2

MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.

Policy 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

Policy 2.2

Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.

Two buildings are proposed for demolition, 300 Grant Avenue (aka 290 Sutter Street) and 272 Sutter Street, with three floors of retail use and one floor of retail use, respectively. The Project proposes new

construction of a six-story mixed-use building to replace and expand three floors of retail use, and three new floors to be dedicated to new office use.

OBJECTIVE 3

IMPROVE DOWNTOWN SAN FRANCISCO'S POSITION AS THE REGION'S PRIME LOCATION FOR SPECIALIZED RETAIL TRADE.

Policy 3.1

Maintain high quality, specialty retail shopping facilities in the retail core.

Policy 3.3

Preserve retail service businesses in upper floor offices in the retail district.

The new mixed-use building promotes retail as the primary use on the ground floor through floor three, and basement. The proposal preserves the existing use conditions at the site by replacing three floors, with basement, of retail use. The Sponsor indicates that the tenant is not known, and the space could be occupied by one or several tenants. Preserving upper floor, in this case the second and third floors, for retail could be used by general or personal service retail, both of which are an important component of downtown retail. At street level, the Project's frontage is dedicated to retail use, exceeding code requirements for storefront transparency and ground floor ceiling heights, and access to retail is from all three frontages. The office lobby and entry to the top three floors of office use is discreetly accessible from Harlan Place (alley), permitting the retail street frontage to occupy the majority of frontage at all three facades. The Project is a contemporary structure compatible with the Kearny-Mason-Market-Sutter Conservation District and does not detract from the retail as the primary use at the site.

OBJECTIVE 6

WITHIN ACCEPTABLE LEVELS OF DENSITY, PROVIDE SPACE FOR FUTURE OFFICE, RETAIL, HOTEL, SERVICE AND RELATED USES IN DOWNTOWN SAN FRANCISCO.

The Project will incorporate retail use at the first three floors, reflecting the existing condition, and new floors are proposed as dedicated to office use, a use conditionally permitted within the C-3-R district. Density in C-3 Districts is primarily limited by floor area ratio, ("FAR"). The Project Site is 10,500 square feet in size, after the merger of two lots. Therefore, up to 63,000 square feet of gross floor area ("gfa") is allowed under the basic FAR limit, and up to 94,500 square feet of gfa is permitted with the purchase of TDR. The Project's total gross floor area is approximately 69,550 gfa, for a floor-area ratio of approximately 6.62-to-1. The proposed six floors at the corner of Grant Avenue and Sutter Street is an appropriately scaled building, surrounded by historic buildings ranging from two to eleven stories.

OBJECTIVE 9

PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

Policy 9.1

Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.

Policy 9.5

Improve the usefulness of publicly owned rights-of-way as open space.

Improvements to publicly-owned Harlan Place, adjacent to the subject site, will transform a dead-end vehicular alley into a lunchtime plaza. The west-facing alley receives sunlight and will be improved with high-quality pavers and activated with moveable chairs and tables.

OBJECTIVE 10

ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

Policy 10.2

Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

The pedestrian improvements to Harlan Place provide a midblock connection to the pedestrian alley at Mark Place (Irish Bank) as well as link the busy sidewalks one block from the Chinatown Gates along Grant Avenue to an improved pedestrian plaza.

GENERAL PLAN: COMMERCE AND INDUSTRY

OBJECTIVE 1

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

Policy 1.1

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

The Project would provide significant benefits by increasing the supply of office space in the Downtown area, and thus would create new jobs in a location that is easily accessible by multiple modes of transit services. The project would also contribute new high-quality retail space on the lower levels of the building. It would result in an increase in retail/personal services activity in the immediate neighborhood. The Project would also contribute revenue toward the improvement of San Francisco's transportation network, as well as funds for new open spaces, affordable housing, and other public services.

GENERAL PLAN: TRANSPORTATION

OBJECTIVE 2

USE THE EXISTING TRANSPORTATION INFRASTRUCTURE 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 area is served by a variety of transit options. The Project Site is one block from the Central Subway project currently under construction, three blocks from MUNI and BART lines on Market Street, and has direct access to abundant local and regional bus service on Sutter, Kearny, Bush and Stockton Streets, and is seven blocks from the future Transit Center. The area is also characterized by a rich pedestrian environment in downtown San Francisco, and is one block away from the Chinatown Gates. The Project will also pay a number of impact fees and other exactions meant to fund contemplated infrastructure and public realm improvements, as well as paying into City funds that support affordable housing.

GENERAL PLAN: URBAN FORM

OBJECTIVE 2

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

Policy 2.1

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

OBJECTIVE 14

CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.

Policy 14.1

Promote building forms that will maximize the sun access to open spaces and other public areas.

OBJECTIVE 15

CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.

Policy 15.1

Ensure that new facades relate harmoniously with nearby facade patterns.

Policy 15.2

Assure that new buildings contribute to the visual unity of the city.

The project site is consistent with the characteristics of the Kearny-Mason-Market-Sutter Conservation District, as outlined in Appendix E of Article 11 of the Planning Code.

Although a lesser height than some surrounding buildings and for a corner building, the six-story building is generally consistent with varied heights in the District and the proposed footprint continues the streetwall. The vertical tripartite design as proposed is consistent with the surrounding buildings that are composed of well-defined components of a base, shaft and capital. In the proposed building, fenestration and cladding will introduce a three-part composition on two elevations.

The façades of the proposed building will be divided into bays, characteristic of the District, demarcated by cement columns that extend into vertical metal piers. Specifically, the west façade (Grant Avenue) is divided into four bays, approximately 28 feet wide, and the north and south facades are divided into three

bays, approximately 23 feet wide, which is consistent with the large bay width of other buildings in the District.

At the street level, each bay module is defined by bulkhead, coated aluminum storefront glazed system, and demarcated by ovoid white cement columns. The continuous vertical piers are expressed through the cement columns at the base that extend into coated steel piers to articulate the façade and provide a sense of scale. Further, the continuous vertical piers anchor the base of the building and strongly define the storefront bay modules.

9. **Section 101 Priority Policy Findings.** Section 101.1(b)(1-8) establishes eight priority planning policies and requires review of permits for consistency with said policies. On balance, the Project does comply 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 enhanced.

The Subject Property is located in the center of San Francisco's retail district and does not house many neighborhood-serving retail uses. The Project would include retail at the ground (first), second and third floors as well as basement, and new floors of office uses, and create ownership and employment opportunities for San Francisco residents. The influx of new employees and patrons to the area as a result of the Project will strengthen the customer base of existing retail uses in the area and contribute to the demand for new retail uses serving downtown workers and visitors to the area.

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

No housing would be removed by the Project. The Project will be compatible with the existing character of the Kearny-Mason-Market-Sutter Conservation District and will be consistent with the existing character of the District as a regional center for comparison shopper retailing and direct consumer services.

- c) The City's supply of affordable housing be preserved and enhanced.

The Project will enhance the supply of affordable housing by participating in the City's Jobs-Housing Linkage Program, pursuant to Section 413 of the Planning Code.

- d) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project Site, located downtown, is extremely well served by public transit. The Project Site is one block from the Central Subway project currently under construction, three blocks from MUNI and BART lines on Market Street, and has direct access to abundant local and regional bus service on Sutter, Kearny, Bush and Stockton Streets, and is seven blocks from the future Transit Center. The area is also characterized by a rich pedestrian environment in downtown San Francisco.

- 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 Site does contain retail uses on three floors of the 300 Grant Avenue building and one floor of the 272 Sutter Street building, which are proposed to be retained and enlarged, but does not contain any industrial uses. In addition, the Project's employees and patrons will increase the demand for, and patronage of, existing and new retail uses in the immediate Project vicinity and throughout Downtown.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code, meeting this policy.

- g) That landmarks and historic buildings be preserved.

The building at 272 Sutter Street was originally constructed in 1919 and the building at 300 Grant Avenue in 1908; both exhibit alterations. Both buildings were assigned ratings of 'D', minor or no importance, in the 1978 SF Heritage survey of Downtown buildings. According to Planning Department staff response (HRER dated January 23, 2007) and the Final Amended Mitigated Negative Declaration (Case No. 2004.1245E; certified June 12, 2008), it was determined that the existing buildings did not meet any of the qualifying criteria for eligibility in the California Register. Neither building was found to have any direct links to important historic activities, events, or associations with prominent persons, nor were they determined to be important examples of design or construction or important sources of historical and archeological information. Although both buildings remain in their original locations, various renovations over the years have destroyed all of the qualities of workmanship, design, materials, feeling, and association needed to retain their historical integrity and thus, their capacity to convey their significance. Since the 2007-2008 evaluation, no new information has been discovered to make the buildings eligible for re-classification as Category I, II, or IV Buildings.

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

Pursuant to Section 295 of the Planning Code, a shadow analysis was conducted for the originally proposed 130-foot-tall Project, which concluded that a 130 foot-high building on the site would not introduce net new shadow on properties under the jurisdiction of the Department of Recreation and Parks (Rec and Park). Since the current proposal is designed as a shorter building, the finding remains as such, in that the Project does not add net new shadow to properties under the jurisdiction of Rec and Park. No shading would occur at the Chinatown Gate.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

DECISION

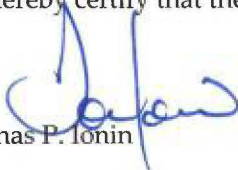
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2015-000878DNX/CUA/OFA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 17, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 19811. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

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

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion constitutes the 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 December 8, 2016.



Jonas P. Ionin

Commission Secretary

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

NAYS: Moore

ABSENT: None

ADOPTED: December 8, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** pursuant to Section 309 relating to a project that includes the demolition of two commercial buildings and construction of one six-story with basement commercial building comprised of retail and office uses, approximately 83-foot-tall, extending to 96 feet 1 inch for architectural features, located at the northeast corner of Grant Avenue and Sutter Street, Lots 013 and 014 in Assessor's Block 0287, within the 80-130-F Height and Bulk districts, the C-3-R (Downtown, Retail) Zoning District, and Downtown Plan Area, in general conformance with plans dated **November 17, 2016** and stamped "Exhibit B" included in the docket for Case No. 2015-000878DNX/CUA/OFA and subject to conditions of approval reviewed and approved by the Planning Commission on December 8, 2016 under Motion No. 19811. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 8, 2016**, under Motion No. 19811.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "Exhibit A" of this Planning Commission Motion No. 19811 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

6. **Additional Project Authorizations.** The Project Sponsor must obtain an Office Allocation Authorization under Section 321; and a Conditional Use Authorization pursuant to Sections 210.2 and 303 for office use on floors four through six. The Project Sponsor must satisfy all the conditions thereof for each additional project authorization. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

7. **Mitigation Measures.** Improvement and Mitigation measures described in the IMMRP are attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

8. **Transferable Development Rights.** Pursuant to Sections 123, 124, and 128, the Project Sponsor shall purchase the required units of Transferable 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 requirement shall be determined based on drawings submitted with the Building Permit Application.

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

DESIGN — COMPLIANCE AT PLAN STAGE

9. **Final Materials.** Per Case No. 2015-000878PTA, the Project sponsor shall continue to work with Preservation Staff of the Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Preservation Staff of the Planning Department prior to issuance. Modifications may be subject to review by the Historic Preservation Commission.

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

10. **Canopy/Awning/Marquee.** Pursuant to Planning Code Section 136.1, the Project Sponsor shall continue to work with Planning Department staff to ensure proposed canopy, awning or marquee are in compliance with projections over the public-right-of-way. Due to the site's location in an Article 11 Conservation District, canopy, awning or marquee installation requires approval of a Minor Permit to Alter prior to installation.

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

11. **Streetscape Plan 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 the plan generally meets the standards of the Better Streets and Downtown Plans and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sfplanning.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 architectural addenda. 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.sfplanning.org

13. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan and full building elevations 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.sfplanning.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.sfplanning.org

15. **Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the improvements to Harlan Place, as noted below. The Project Sponsor shall complete final design of all required open space improvements and additional Programming and Maintenance Plan, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required improvements prior to issuance of first temporary certificate of occupancy.

- a. The project sponsor shall submit improvements to Harlan Alley, at minimum shall include the following:
 - i. The project sponsor shall repave Harlan Place as a plaza using high-quality pavers. The pavers are to be installed between the proposed curbs in the vehicle lane and meet requirements of Department of Public Works and SFPUC. Special paving in the right-of-way will require a Major Encroachment Permit from the Department of Public Works. Other permits and legislation may be required to authorize the programming of the space. A partial shared street or sidewalk widening shall be investigated at Harlan Place in the area of the project frontage, for benefit of tree planting and permanent bench installation at Harlan Place.
 - ii. The project sponsor shall include a door at the northern façade ground-floor retail use and Harlan Place improved alley to facilitate access between the open space and adjacent retail space within the building.
 - iii. The project sponsor shall design a minimal barrier such as strings across bollards or planting movable boxes on casters or other mechanism incorporating public art that can be rolled into and out of the space when it is being used as a public gathering space. A permanent gate solution is not supportable.
 - iv. The project sponsor shall be responsible for setting up chairs and tables in Harlan Place plaza at minimum between 11 a.m and 3 p.m, seven days per week. Subsequently, the project sponsor shall dedicate storage space in the subject building for storage of tables and chairs. Tables and chairs design is to be light-weight and easily moveable in case of emergency.
 - v. The project sponsor shall engage with adjacent food service, at minimum at Triton Hotel and Irish Bank, to learn about extension of food service to this site (which may require additional permits from City Agency(ies), prepared/ to-go foods to be brought to this site, or some alternative proposed to have food service available at the open space.
 - vi. The project sponsor shall ensure that the dumpsters for the Project are retrieved after trash/recycling/compost service by the subject site. The project sponsor shall engage with adjacent property owners lining Harlan Place to work towards ensuring that the dumpsters at those properties are retrieved after trash/recycling/compost service. Dumpsters are not to be stored in the alley.
- b. The project sponsor shall submit a **Programming and Maintenance Plan** subject to review and approval by Planning Department, Department of Public Works and Fire Department. At minimum, the plan shall include:
 - i. Hours of operation for plaza, at minimum 11 a.m. to 3 p.m. seven days per week, with anticipation for extension with inclusion of community input and agency input
 - ii. Emergency vehicle access procedures
 - iii. Programming for plaza, including assigning task for moving tables and chairs, dedicated area for storage for tables and chairs
 - iv. Process for ensuring garbage collection at property and surrounding properties
 - v. Hours for on-street freight loading

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

16. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques including the standard City logo identifying it; the hours open to the public and contact information for building management. Work with staff planner to determine appropriate location of the plaques for this site. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

17. **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.
18. **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 SFMTA.

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

19. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, the Project shall provide no fewer than **9 Class 1** bicycle parking spaces, by use: 4 spaces (retail), 5 spaces (office), and **13 Class 2** bicycle parking spaces, by use: 11 spaces (retail), 2 spaces (office) bicycle parking spaces.

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

20. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than three (3) showers and eighteen (18) clothes lockers.

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

PROVISIONS

22. **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

23. **Downtown Park Fee - C-3 District.** Pursuant to Planning Code Section 412, the Project Sponsor shall pay the Downtown Park Fee.

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

24. **Jobs Housing Linkage.** Pursuant to Planning Code Section 413, the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP).

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

25. **Childcare Requirements for Office and Hotel Development Projects.** Pursuant to Section 414, the Project Sponsor shall pay the in-lieu fee as required.

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

26. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code.

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

27. **Art.** Pursuant to Planning Code Section 429, the Project shall include work(s) of art valued at an amount equal to 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.

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

28. **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

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

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

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

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

MONITORING

31. **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 or its successor(s) 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 415-558-6863, www.sfplanning.org.

32. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the 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.sfplanning.org

OPERATIONS

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

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

34. **Sidewalk Maintenance.** The Project sponsor shall maintain the main entrances to the buildings and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

35. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change,

the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project sponsor.

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

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

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

37. **Open Space Provision – C3 Districts.** Pursuant to Planning Code Section 138, the Harlan Place open space shall be maintained as accessible open space per the approved Programming and Maintenance Plan for the life of the project.

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