

File No. 201357

Committee Item No. _____

Board Item No. 61

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 15, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
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OTHER

- Public Works Order No. 203775
- Tentative Map Decision - 7/1/19
- Mitigation Monitoring and Reporting Program
- Planning Commission Motion No. 19782 - 11/17/16
- Planning Commission Motion No. 19783 - 11/17/16
- Tax Certificate - 12/4/20
- Final Map
- _____
- _____

Prepared by: Lisa Lew

Date: December 11, 2020

Prepared by: _____

Date: _____

1 [Final Map No. 9767 - 950-974 Market Street]

2

3 **Motion approving Final Map No. 9767, an 11 lot vertical subdivision and 242 residential**
4 **unit condominium project within lot 3, located at 950-974 Market Street, being merger**
5 **and subdivision of Assessor’s Parcel Block No. 0342, Lot Nos. 001, 002, 004, and 014;**
6 **adopting findings pursuant to the General Plan, and the eight priority policies of**
7 **Planning Code, Section 101.1.**

8

9 MOVED, That the certain map entitled “Final Map No. 9767”, an 11 lot vertical
10 subdivision and 242 residential unit condominium project within lot 3, located at 950-974
11 Market Street, being merger and subdivision of Assessor’s Parcel Block No. 0342, Lot Nos.
12 001, 002, 004, and 014, comprising 13 sheets, approved October 26, 2020, by Department of
13 Public Works Order No. 203775 is hereby approved and said map is adopted as an Official
14 Final Map No. 9767; and, be it

15 FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own
16 and incorporates by reference herein as though fully set forth the findings made by the
17 Planning Department, by its letter dated July 1, 2019, that the proposed subdivision is
18 consistent with the General Plan, and the eight priority policies of Planning Code, Section
19 101.1; and, be it

20 FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes
21 the Director of the Department of Public Works to enter all necessary recording information on
22 the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerk’s
23 Statement as set forth herein; and, be it

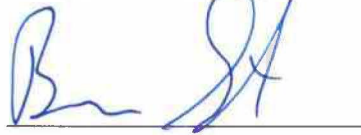
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FURTHER MOVED, That approval of this map is also conditioned upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

DESCRIPTION APPROVED:



Bruce R. Storrs, PLS
City and County Surveyor

RECOMMENDED:



Alaric Degraffried
Acting Director of Public Works



San Francisco Public Works
General – Director’s Office
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 www.SFPublicWorks.org

Public Works Order No: 203775

**CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PUBLIC WORKS**

APPROVING FINAL MAP NO. 9767, 950-974 MARKET STREET, AN 11 LOT VERTICAL SUBDIVISION AND 242 UNIT RESIDENTIAL CONDOMINIUM PROJECT WITHIN LOT 3, BEING A MERGER AND SUBDIVISION OF LOTS 001, 002, 004, AND 014 IN ASSESSORS BLOCK NO. 0342 (OR ASSESSORS PARCEL NUMBERS 0342-001, 0342-002, 0342-004 AND 0342-014). [SEE MAP]

AN 11 LOT VERTICAL SUBDIVISION AND 242 UNIT RESIDENTIAL CONDOMINIUM PROJECT

The City Planning Department in its letter dated JULY 1, 2019 stated that the subdivision is consistent with the General Plan and the Priority Policies of City Planning Code Section 101.1.

The Director of Public Works, the Advisory Agency, acting in concurrence with other City agencies, has determined that said Final Map complies with all subdivision requirements related thereto. Pursuant to the California Subdivision Map Act and the San Francisco Subdivision Code, the Director recommends that the Board of Supervisors approve the aforementioned Final Map.

Transmitted herewith are the following:

1. One (1) paper copy of the Motion approving said map – one (1) copy in electronic format.
2. One (1) mylar signature sheet and one (1) paper set of the “Final Map No. 9767”, comprising 13 sheets.
3. One (1) copy of the Tax Certificate from the Office of the Treasurer and Tax Collector certifying that there are no liens against the property for taxes or special assessments collected as taxes.
4. One (1) copy of the letter dated JULY 1, 2019, from the City Planning Department stating the subdivision is consistent with the General Plan and the Priority Policies set forth in City Planning Code Section 101.1.

1. It is recommended that the Board of Supervisors adopt this legislation.

2. RECOMMENDED:

APPROVED:

X

DocuSigned by:

Bruce Storrs

Storrs, Bruce^{97ABC41507B0494...}
City & County Surveyor

X

DocuSigned by:

Alan Degrafinried

Degrafinried, Alan^{18178336C84404A5...}
Acting Director



City and County of San Francisco
 San Francisco Public Works · Bureau of Street-Use and Mapping
 1155 Market Street, 3rd Floor · San Francisco, CA 94103
 sfpublishworks.org · tel 415-554-5810 · fax 415-554-6161



TENTATIVE MAP DECISION

Date: April 15, 2019

Department of City Planning
 1650 Mission Street, Suite 400
 San Francisco, CA 94103

Project ID: 9767			
Project Type: 11 Lot Vertical Subdivision and 242 Residential units New Condominium within Lot 3			
Address#	StreetName	Block	Lot
950 - 964	MARKET ST	0342	001
966 - 970	MARKET ST	0342	002
972	MARKET ST	0342	004
974	MARKET ST	0342	014
Tentative Map Referral			

Attention: Mr. Corey Teague.

Please review* and respond to this referral within 30 days in accordance with the Subdivision Map Act.

(*In the course of review by City agencies, any discovered items of concern should be brought to the attention of Public Works for consideration.)

Sincerely,

ADRIAN VERHAGEN

Digitally signed by ADRIAN VERHAGEN
 DN: cn=ADRIAN VERHAGEN, o, ou=DPW-BSM,
 email=adrian.verhagen@sfpw.org, c=US
 Date: 2019.04.15 15:17:16 -0700

for, Bruce R. Storrs, P.L.S.
 City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from California Environmental Quality Act (CEQA) environmental review as categorically exempt Class , CEQA Determination Date 7/1/2019, based on the attached checklist.

FOR VERTICAL SUBDIVISION

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the attached conditions.

① MOTION # 19783

③ MMRP

⑤ NSR # 2017-K429923

② MOTION # 19782

④ NSR # 2017-K406242

⑥ NSR # 2017-K429924

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code due to the following reason(s):

FOR RESIDENTIAL CONDOS

PLANNING DEPARTMENT

Signed [Signature]

Date 7/1/2019

Planner's Name SEEMA ADINA
 for, Corey Teague, Zoning Administrator

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	MONITORING AND REPORTING PROGRAM Monitoring/Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
<i>CULTURAL RESOURCES</i>					
<p data-bbox="205 524 913 586"><i>Mitigation Measure M-CR-1: Vibration Monitoring and Management Plan</i></p> <p data-bbox="205 594 913 1138">The Project Sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior’s Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment should be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment should determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment will be submitted to the Planning Department along with the Demolition and/or Site Permit Applications.</p> <p data-bbox="205 1157 913 1408">The structural engineer and/or preservation architect shall develop, and the Project Sponsor shall adopt, a vibration management and continuous monitoring plan to protect the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a level determined by the site-</p>	<p data-bbox="913 524 1123 748">Project Sponsor to retain qualified structural engineer and preservation architect to conduct the assessment.</p>	<p data-bbox="1123 524 1333 618">Prior to issuance of grading or building permits.</p>	<p data-bbox="1333 524 1522 781">Prepare pre-construction assessment and vibration management and continuous monitoring plan.</p>	<p data-bbox="1522 524 1711 683">Planning Department to review pre-construction assessment.</p>	<p data-bbox="1711 524 1923 911">Considered complete upon submittal to ERO of post-construction report on construction monitoring program and effects, if any, on proximate historical resources.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>specific assessment made by the structural engineer and/or preservation architect for the project. The vibration management and monitoring plan should document the criteria used in establishing the maximum vibration level for the project. The vibration management and monitoring plan shall include pre-construction surveys and continuous vibration monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The vibration management and monitoring plan shall be submitted to the Planning Department Preservation Staff prior to issuance of any construction permits.</p>					
<p>Should vibration levels be observed in excess of the standard, or damage is observed to either the Crest/Egyptian Theater at 976–980 Market Street or the Warfield Building at 986–988 Market Street, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant should conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices for each historic building during ground-disturbing activity at the project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the pre-construction assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current San Francisco Building Code standards.</p>	<p>Project Sponsor/qualified structural engineer/preservation architect/contractor.</p>	<p>During construction activities, including project related soil-disturbing activities.</p>	<p>If damage is found, protect buildings from further damage and restore to pre-construction conditions.</p>	<p>Project Sponsor is responsible for contractor compliance.</p>	<p>Considered complete upon submittal to ERO of post-construction report on damage to proximate historical resources, if any, and results of remediation.</p>
<p>Mitigation Measure M-CR-3: Archeological Testing</p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The Project Sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The Project Sponsor shall contact the Department</p>	<p>Project Sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to issuance of grading or building permits.</p>	<p>Conduct archeological testing program.</p>	<p>Project Sponsor to retain a qualified archeological consultant who shall report to the ERO.</p>	<p>Considered complete after construction activities have ended.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource, as defined in CEQA Guidelines Section 15064.5 (a)(c).</p> <p><i>Consultation with Descendant Communities.</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources</p>	Project Sponsor/archeological consultant at the direction of the ERO.	In the event archeological sites associated with descendant Native Americans, the Overseas Chinese, or other descendant group are found.	Contact representative of descendant group to monitor archeological field investigations, if desired.	Project Sponsor/archeological consultant to monitor throughout all soil disturbing activities.	Project archeologist to report to ERO on progress of any field investigations monthly, or as required by ERO. Considered complete after Final

¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission, and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
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Report shall be provided to the representative of the descendant group.					Archeological Resources Report is submitted to representative of the descendant group.
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine, to the extent possible, the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.</p> <p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the Project Sponsor, either:</p>	Project Sponsor/ archeological consultant at the direction of the ERO.	Prior to any soil-disturbing activities.	Prepare ATP and final written report.	Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soil-disturbing activities at the site.	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of Archeological Testing Program.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource; or</p> <ul style="list-style-type: none"> a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p> <p>The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk that these activities pose to potential archeological resources and to their depositional context.</p> <p>The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.</p> <p>The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO and archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program (AMP) is necessary, monitor throughout all soil-disturbing activities.</p>	<p>Prepare AMP, conduct archeological monitoring, prepare and submit final report.</p>	<p>Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of AMP.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
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<p>archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.</p> <p>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material, as warranted for analysis.</p> <p>If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities, and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile-driving activity may affect an archeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>					
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions</p>	Archeological consultant at the direction of the ERO	If there is a determination that an ADRP program is required	Prepare ADRP, conduct archeological data recovery program.	Project Sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
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<p>are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations. • Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures. • Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies. • Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • Final Report. Description of proposed report format and distribution of results. • Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws. This shall include</p>	<p>The Project Sponsor / archeological consultant in consultation with</p>	<p>In the event human remains and/or</p>	<p>Monitor for human remains and notify</p>	<p>Project Sponsor/ archeological consultant to monitor</p>	<p>required by the ERO.</p> <p>complete upon review and approval by ERO of results of ADRP.</p> <p>Considered complete after construction</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>immediate notification of the Coroner of the City and County of San Francisco and ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archeological consultant, Project Sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>the San Francisco Coroner, NAHC, and MDL.</p>	<p>funerary objects are found.</p>	<p>appropriate parties.</p>	<p>throughout all soil-disturbing activities for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL.</p>	<p>activities have ended.</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project Sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Prepare FARR and, after approval, distribute to appropriate parties.</p>	<p>Project Sponsor/ archeological consultant to prepare and distribute report, after ERO approval.</p>	<p>Considered complete upon review and approval by ERO.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>Mitigation Measure M-CR-3: Tribal Cultural Resources Interpretive Program</p> <p>If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the Environmental Review Officer (ERO), if in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>	<p>ERO in consultation with Project Sponsor.</p>	<p>In the event that a significant archeological resource constitutes a TCR.</p>	<p>Implementation of interpretive program if the TCR cannot be preserved in place</p>	<p>Project Sponsor to prepare interpretive program produced in consultation with the ERO and affiliated tribal representatives</p>	<p>Considered complete after displays or installation are in place.</p>

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>NOISE</p> <p><i>Mitigation Measure M-NO-2: Noise-Control Measures During Pile Driving</i></p> <p>Because the proposed project requires pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:</p> <ul style="list-style-type: none"> • The Project Sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels. • The Project Sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile-driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions. • The Project Sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements. • The Project Sponsor shall require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses. 	Project Sponsor/contractor(s).	Prior to and during construction activities requiring the use of pile-driving equipment.	Erect noise barriers, implement quiet pile-driving technology, take noise measurements, and limit activities, as feasible.	Project Sponsor/contractor(s).	Considered complete after construction activities have ended.

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
AIR QUALITY					
<i>Mitigation Measure M-AQ-2: Construction Air Quality</i>					
The Project Sponsor or the Project Sponsor's contractor shall comply with the following:					
A. Engine Requirements					
<ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2 minutes at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the 2-minute idling limit. 4. The contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. 					
	Project Sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project Sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.

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B. Waivers

1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the contractor must submit documentation that the equipment used for on-site power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the contractor must use the next cleanest piece of off-road equipment, according to the following table:

Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, the Project Sponsor would need to meet Compliance Alternative 1. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative

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1, the contractor must meet Compliance Alternative 2. If the ERO determines that the contractor cannot supply off-road equipment meeting Compliance Alternative 2, the contractor must meet Compliance Alternative 3.					
* Alternative fuels are not a VDECS.					
C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.	Project Sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project Sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.
1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, expected fuel usage, and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.					
2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the contractor agrees to comply fully with the Plan.					
3. The contractor shall make the Plan available to the public for review on site during working hours. The contractor shall post at the construction site a legible and visible sign					

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summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.					
D. Monitoring. After the start of construction activities, the contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the Project Sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.	Project Sponsor/contractor(s).	Quarterly.	Submit quarterly reports.	Project Sponsor/contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
Mitigation Measure M-AQ-4: Best Available Control Technology for Diesel Generators	Project Sponsor.	Prior to issuance of permit for backup diesel generator from City agency.	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation 2, Rules 2 and 5.	Project Sponsor and the ERO.	Considered complete approval of plans detailing compliance.
The Project Sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) Tier 4-certified engine, or (2) Tier 2- or Tier 3-certified engine that is equipped with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB-verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The Project Sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.					

GEOLOGY AND SOILS

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<p>Mitigation Measure M-GE-5: Paleontological Resource Accidental Discovery</p> <p>For construction components that require excavation at depths within the Colma Formation, the following measures shall be undertaken to avoid any significant potential project-related adverse effect on paleontological resources.</p> <ul style="list-style-type: none"> • Before the start of any earthmoving activities, the Project Sponsor shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. • If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work near the find, and notify the Project Sponsor and the San Francisco Planning Department. The Project Sponsor shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines. The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. 	Project Sponsor and contractor, in consultation with the ERO.	Prior to any ground-disturbing activities at the site.	Train construction personnel and prepare a recovery plan, if necessary.	Project Sponsor responsible for training by qualified paleontologist; ERO approval required for recovery plan, if prepared.	<p>Training: Project Sponsor to maintain training records pre- and during construction.</p> <p>Report: Project Sponsor to prepare report, in consultation with ERO, upon indication that a paleontological resource has been encountered during construction.</p>
HAZARDS AND HAZARDOUS MATERIALS					
<p>Mitigation Measure M-HZ-2: Hazardous Building Materials Abatement</p>	Project Sponsor and project	Prior to building demolition.	Survey for and abate any	Project Sponsor and project	Considered complete upon

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The Project Sponsor shall ensure that the proposed project area is surveyed for hazardous building materials, including polychlorinated biphenyls (PCB)-containing electrical equipment, fluorescent light ballasts containing PCBs or bis (2-ethylhexyl) phthalate (DEHP), and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs; if the presence of PCBs in the light ballasts cannot be verified, it shall be assumed that they contain PCBs, and shall be handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.	sponsors of any subsequent development project within the SUD and Special Height and Bulk District.		hazardous building materials.	sponsors of any subsequent development, in consultation with the ERO and SF Department of Public Health (DPH).	ERO and DPH review and approval of project sponsor's documentation regarding hazardous building materials, to be submitted prior to building demolition.

IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

CULTURAL AND PALEONTOLOGICAL RESOURCES

Improvement Measure I-CR-1a: Interpretive Program

As part of the project, the Project Sponsor should develop an interpretive program to commemorate the former LGBTQ bars in the buildings on the project site and their association with LGBTQ history of the neighborhood and City. Development of this interpretive program will include outreach to the LGBTQ and Tenderloin communities in order to involve these communities and to create a broader, more authentic interpretive approach for the project site and neighborhood. The interpretive program should result, at minimum, in installation of a permanent on-site interpretive display in a publicly-accessible location, such as a lobby or Market Street or Turk Street frontage, to memorialize the importance of the buildings after they are demolished, but may also develop alternative approaches that address the loss of the existing buildings in the context of the neighborhood. The interpretation program may also inform development of the art program required as part of the

Project Sponsor/qualified preservation consultant.	Prior to issuance of the architectural addendum to the Site Permit; Prior to issuance of Temporary Certificate of Occupancy.	Design and install an on-site display to memorialize the historical importance of the building.	Planning Department staff to approve design and final installation.	Planning Department staff to approve design prior to installation, and installation prior to issuance of an occupancy certificate.
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<p>project. The interpretive program should outline the significance of the subject buildings, namely their association with the Old Crow, Pirates Cave, and Silver Rail bars, individually and collectively within the context of LGBTQ history in the Tenderloin and San Francisco</p> <p>Interpretation of the site’s history should be supervised by a qualified consultant meeting the Secretary of the Interior’s Professional Qualification Standards for Architectural Historian or Historian. The interpretive materials may include, but are not limited to: a display of photographs, news articles, oral histories, memorabilia, and video. Historic information contained in the Page & Turnbull Historic Resources Evaluation for the subject project and in the Citywide LGBTQ Historic Context Statement may be used for content. A proposal prepared by the qualified consultant, with input from the outreach conducted in the LGBTQ and Tenderloin communities, describing the general parameters of the interpretive program should be approved by the San Francisco Planning Department, Preservation staff prior to issuance of the architectural addendum to the Site Permit. The detailed content, media and other characteristics of such interpretive program, and/or any alternative approach to interpretation identified by the project team, should be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p>					
<p><i>Improvement Measure I-CR-1b: Construction Best Practices for Historic Resources</i></p> <p>The Project Sponsor will incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to the Crest/Egyptian Theater at 976–980 Market Street and the Warfield Building at 986–988 Market Street, including, but not limited to, staging of equipment and materials as far as possible from historic buildings to limit damage; using techniques in demolition, excavation, shoring, and construction that create the minimum</p>	Project Sponsor.	During pre-construction and construction activities, including project related soil-disturbing activities.	Incorporate measures to protect damage to the Crest/Egyptian Theater and the Warfield Building into construction specifications.	ERO and, optionally, Planning Department Technical Specialist, to review construction specifications.	Considered complete after Project Sponsor submittal of construction specifications to ERO.

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feasible vibration; maintaining a buffer zone when possible between heavy equipment and historic resource(s); enclosing construction scaffolding to avoid damage from falling objects or debris; and ensuring appropriate security to minimize risks of vandalism and fire. These construction specifications will be submitted to the Planning Department along with the Demolition and Site Permit Applications.					
<p>TRANSPORTATION AND CIRCULATION</p> <p><i>Improvement Measure I-TR-1a: Residential Transportation Demand Management Program</i></p> <p>The Project Sponsor will establish a transportation demand management (TDM) program for building tenants in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building’s TDM program:</p> <ul style="list-style-type: none"> TDM Coordinator. The Project Sponsor will identify a TDM Coordinator for the project site. The TDM Coordinator will be responsible for the implementation and ongoing operation of all other TDM measures included in the project. The TDM Coordinator may be a brokered service through an existing transportation management association (e.g., the Transportation Management Association of San Francisco) or may be an existing staff member (e.g., property manager). The TDM Coordinator will not be required to work full time at the project site; however, they will be the single point of contact for all transportation-related questions from building occupants and City of San Francisco staff. The TDM Coordinator will provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby. 	Project Sponsor	During Post-construction.	Identify a TDM program and coordinator.	Planning Department to monitor Project Sponsor compliance.	Ongoing.

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<ul style="list-style-type: none"> • Transportation and Trip Planning Information <ul style="list-style-type: none"> ○ Move-in packet. The Project Sponsor will provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request. ○ New-hire packet. The Project Sponsor will provide a transportation insert for the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes can be purchased, information on the 511 Regional Rideshare Program and nearby bike and car-share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. The Project Sponsor will also provide Muni maps and San Francisco Bicycle and Pedestrian maps upon request. ○ Current transportation resources. The Project Sponsor will maintain an available supply of Muni maps and San Francisco Bicycle and Pedestrian maps. 					

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<ul style="list-style-type: none"> ○ Bicycle Measure - Bay Area Bike Share. The Project Sponsor will cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and allow installation of a bike share station in the public right-of-way along the project's frontage. 					
<p><i>Improvement Measure I-TR-1b: Passenger Loading</i></p> <p>It should be the responsibility of the Project Sponsor to ensure that project-generated passenger loading activities along Turk Street are accommodated within designated on-street parking spaces or within the proposed on-street passenger loading zone adjacent to the project site. Specifically, the Project Sponsor should monitor passenger loading activities at the proposed zone along Turk Street to ensure that such activities are in compliance with the following requirements:</p> <ul style="list-style-type: none"> • Double parking, queuing, or other project-generated activities do not result in intrusions into the adjacent travel lane along Turk Street. Any project-generated vehicle conducting, or attempting to conduct, passenger pick-up or drop-off activities should not occupy, or obstruct free-flow traffic circulation in, the adjacent travel lane for a consecutive period of more than 30 seconds on a daily basis. • Vehicles conducting passenger loading activities are not stopped in the passenger loading zone for an extended period of time. In this context, an "extended period of time" shall be defined as more than 5 consecutive minutes at any time. <p>Should passenger loading activities at the proposed on-street passenger loading zone along Turk Street not be in compliance</p>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues or conflicts, and employ abatement methods	Planning Department to monitor Project Sponsor compliance.	Planning Department staff to monitor quarterly until ERO deems monitoring and success of the improvement measure complete.

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with the above requirements, the Project Sponsor should employ abatement methods, as needed, to ensure compliance. Suggested abatement methods may include, but are not limited to, employment or deployment of staff to direct passenger loading activities (e.g., valet); use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking; and/or limiting hours of access to the passenger loading zone. Any new abatement measures should be reviewed and approved by the Planning Department.

If the Planning Director, or his or her designee, suspects that project-generated passenger loading activities in the proposed passenger loading zone along Turk Street are not in compliance with the above requirements, the Planning Department shall notify the property owner in writing. The property owner, or his or her designated agent (such as building management), shall hire a qualified transportation consultant to evaluate conditions at the site for no less than 7 total days. The consultant shall submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not project-generated passenger loading activities are in compliance with the above requirements, and shall notify the property owner of the determination in writing.

If the Planning Department determines that passenger loading activities are not in compliance with the above requirements, upon notification, the property owner—or his or her designated agent—should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that the property owner or his or designated agent has been unsuccessful at ensuring compliance

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<p>with the above requirements, use of the on-street passenger loading zone should be restricted during certain time periods or events to ensure compliance. These restrictions should be determined by the Planning Department in coordination with the SFMTA, as deemed appropriate based on the consultant’s evaluation of site conditions, and communicated to the property owner in writing. The property owner or his or her designated agent should be responsible for relaying these restrictions to building tenants to ensure compliance.</p>					
<p><i>Improvement Measure I-TR-1c: Loading Dock Safety</i></p> <p>Deploy building management staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs, etc.) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management.	Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p><i>Improvement Measure I-TR-1d: Loading Schedule</i></p> <p>Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building’s garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Market Street, Turk Street, and Taylor Street). Trucks unable to be accommodated in the loading dock or service vehicle spaces shall be directed to use on-street spaces, such as the commercial loading bay along Market Street or the various yellow curb zones in scattered locations surrounding the project site, or return at a time when these facilities are available for use. Alternatively, necessary permits could</p>	Project Sponsor.	During post-construction activities, as appropriate.	Coordinate loading dock activities with building management; obtain necessary permits reserve curb space.	Planning Department to monitor Project Sponsor compliance.	Ongoing.

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<p>be obtained to reserve the south curb of Turk Street or east curb of Taylor Street, adjacent to the project site, for these activities.</p> <p>Improvement Measure I-TR-1e: Construction Truck Delivery Scheduling</p> <p>To minimize disruptions to traffic, transit, bicycle, and pedestrian circulation on adjacent streets during the weekday AM and PM peak periods, the contractor shall restrict truck movements and deliveries to, from, and around the project site during peak hours (generally 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) or other times, as determined by San Francisco Municipal Transportation Agency and its Transportation Advisory Staff Committee.</p>	Project Sponsor.	During post-construction activities, as appropriate.	Restrict truck activity to and from the project site during peak hours.	MTA to determine peak hours; Planning Department to monitor Project Sponsor compliance.	Ongoing.
<p>Improvement Measure I-TR-1f: Construction Traffic Control</p> <p>To reduce potential conflicts between construction activities and traffic, transit, bicycles, and pedestrians at the project site, the contractor shall add certain measures to the required traffic control plan for project construction. In addition to the requirements for the construction traffic control plan, the project shall identify construction traffic management best practices in San Francisco, as well as best practices in other cities, that, although not being implemented in San Francisco, could provide valuable information for the project. Management practices could include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Identifying ways to reduce construction worker vehicle trips through transportation demand management programs and methods to manage construction worker parking demands. Identifying best practices for accommodating pedestrians, such as temporary pedestrian wayfinding signage or temporary walkways. 	Project Sponsor/contractor.	Pre-construction, as part of the traffic control plan.	Incorporate traffic management practices into traffic control plan.	Project Sponsor shall be responsible for contractor compliance.	Considered complete after construction activities have ended.

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<ul style="list-style-type: none"> Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility. Identifying routes for construction-related trucks to utilize during construction. Requiring consultation with the surrounding community, including business and property owners near the project site, to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site. Developing a public information plan to provide adjacent residents and businesses with regularly updated information regarding project construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and other lane closures, and providing a project contact for such construction-related concerns. 					
<p>Improvement Measure I-TR-4a: Garage Exit Warning</p> <p>Install visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install warning devices at garage entrance.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to conduct ongoing functionality monitoring.
<p>Improvement Measure I-TR-4b: Pedestrian Safety Signage</p> <p>Provide on-site signage promoting pedestrian and bicycle safety (e.g., signage at the garage exit reminding motorists to slow down and yield to pedestrians in the sidewalk) and indicating areas of potential conflict between pedestrians in the sidewalk and vehicles entering and exiting the garage.</p>	Project Sponsor.	During construction and post-construction activities, as appropriate.	Install appropriate on-site signage.	Planning Department to monitor Project Sponsor compliance..	Project Sponsor to ensure that signage remains in place.
<p>Improvement Measure I-TR-4c: Garage Curb Cut</p> <p>Daylight the project’s garage curb cut and entrance by designating up to 10 feet of the adjacent curb immediately south of the curb cut</p>	Project Sponsor.	During construction and post-construction	Designate a no-stopping zone	Planning Department to monitor Project	Project Sponsor to ensure that improvements

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as a red “No Stopping” zone to improve the visibility of pedestrians in the sidewalk along Taylor Street when the yellow zone adjacent to the Warfield Theater is in use by trucks and other large vehicles that may obstruct motorists’ field of vision. Implementation of this improvement measure would result in a corresponding reduction (of up to 10 feet) in the length of the existing yellow zone (currently approximately 150 feet), but is not expected to result in any major effect on general accommodation of curbside freight loading and service vehicle activities in the general vicinity of the project, given the magnitude of the overall loss in curb space.		activities, as appropriate.	adjacent to the garage.	Sponsor compliance.	remain in good condition.
<i>Improvement Measure I-TR-4d: Pedestrian Signals</i> Install pedestrian signal heads with countdown timers for the east and south crosswalks at Taylor Street and Turk Street.	Project Sponsor.	During construction.	Install appropriate pedestrian signals.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
<i>Improvement Measure I-TR-4e: Americans with Disabilities Act Standards</i> Upgrade, redesign, or reconstruct (as needed) the existing curb ramps at the northwest, southwest, and northeast corners of Taylor Street and Turk Street in compliance with Americans with Disabilities Act (ADA) standards. It is assumed that the proposed sidewalk widening along Turk Street will provide ADA-compliant curb ramps at the southeast corner of the intersection. Construct ADA-compliant curb ramps at both ends of the north crosswalk across Taylor Street at Turk Street and Golden Gate Avenue. Construct ADA-compliant curb ramps at the northeast corner of the Mason Street and Turk Street intersection.	Project Sponsor/contractor.	During construction.	Update curb ramps to be ADA compliant.	Planning Department to monitor Project Sponsor compliance.	Project Sponsor to ensure ongoing functionality.
<i>Improvement Measure I-TR-4f: Queue Abatement</i>	Project Sponsor.	Post-construction.	Identify any pedestrian or vehicle queues	Planning Department to monitor Project	Planning Department staff to monitor

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<ul style="list-style-type: none"> It should be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Taylor Street, including any portion of any travel lanes. The owner/operator of the parking facility should also ensure that no pedestrian conflict (as defined below) is created at the project driveway. A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Taylor Street sidewalk or roadway for a consecutive period of 3 minutes or longer on a daily or weekly basis, or for more than 5 percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage; or a combination of these or other factors. A pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and/or contact between pedestrians and the vehicle occurs. There is one exception to the definition of a pedestrian conflict. Sometimes, outbound vehicles departing from the project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Taylor Street roadway (due to a lack of gaps in Taylor Street traffic and/or a red indication from the traffic signal at the Taylor/Turk intersection). While waiting to merge, the rear of the vehicle could protrude into the western half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the western edge of the sidewalk, while the pedestrian path of travel would be along the eastern side of the 			or conflicts, and employ abatement methods	Sponsor compliance.	quarterly until ERO deems monitoring and success of the improvement measure complete.

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		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the west side of the sidewalk. Any pedestrians that would be walking along the west side of the sidewalk would be able to divert to the east and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.</p> <ul style="list-style-type: none"> • If vehicle queues or pedestrian conflicts occur, the Project Sponsor should employ abatement methods, as needed, to abate the queue and/or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; and/or limiting hours of access to the project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department. • If the Planning Director, or his or her designee, suspects that vehicle queues or a pedestrian conflict are present, the Planning Department shall notify the property owner in writing. The facility owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. The consultant should submit a report to the Planning Department to document conditions. Upon review of the report, the Planning Department shall determine whether or not queues 					

Adopted Mitigation Measures	Responsibility for Implementation	MONITORING AND REPORTING PROGRAM			Monitoring Schedule
		Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	
<p>and/or a pedestrian conflict exists, and shall notify the garage owner/operator of the determination in writing.</p> <ul style="list-style-type: none"> If the Planning Department determines that queues or a pedestrian conflict do exist, upon notification, the facility owner/operator should have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Planning Department determines that vehicle queues and/or a pedestrian conflict are still present or that the facility owner/operator has been unsuccessful at abating the identified vehicle queues or pedestrian conflicts, the hours of inbound and/or outbound access of the project driveway should be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, and communicated to the facility owner/operator in writing. The facility owner/operator should be responsible for limiting the hours of project driveway access, as specified by the Planning Department. 					
<p>WIND AND SHADOW <i>Improvement Measure I-WS-1: Wind Reduction on New Rooftop Terraces</i></p> <p>To reduce wind and improve usability on the 950–974 Market Street rooftop terraces, the Project Sponsor should provide wind screens or landscaping along the north and west perimeter of the new rooftop terraces. Suggestions include Planning Code-compliant porous materials or structures (vegetation, hedges, screens, latticework, perforated or expanded metal) as opposed to solid surfaces.</p>	Project Sponsor.	During construction and post-construction activities.	Provide wind screens or landscaping to reduce wind.	Project Sponsor.	Project Sponsor to ensure ongoing functionality.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19782

HEARING DATE: NOVEMBER 17, 2016

Case No.: **2013.1049CXVPCA**
 Project Address: **950-974 Market Street**
 Zoning: C-3-G Downtown General
 120-X Height and Bulk District
 Block/Lot: 0342/001, 002, 004, and 014
 Project Sponsor: Michelle Lin, Mid Market Center, LLC
 500 Sansome Street, Suite 750
 San Francisco, CA 94111
Michelle@groupi.com
 Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 124, 210.2 AND 303 TO CONSTRUCT A TOURIST HOTEL AND TO EXCLUDE ON-SITE AFFORDABLE UNITS FROM THE FAR CALCULATION AT 950-974 MARKET STREET, ASSESSOR’S BLOCK NO. 0342, LOTS 001, 002, 004, AND 014, WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, AND THE 120-X HEIGHT AND BULK DISTRICT. THE PROJECT WOULD DEMOLISH FOUR STRUCTURES AND ASSOCIATED SURFACE PARKING LOT AND CONSTRUCT A 120-FOOT TALL, 12-STORY-OVER-BASEMENT, APPROXIMATELY 408,342 GROSS-SQUARE-FOOT (GSF) BUILDING CONTAINING 242 DWELLING UNITS, A 232-ROOM HOTEL, 16,100 SQUARE FEET OF GROUND FLOOR RETAIL, AND 82 OFF-STREET PARKING SPACES.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of

arts/educational uses, and 198 off-street parking spaces at 950-974 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)) and exclude on-site affordable units from FAR calculation (Section 124(f)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD) and Special Height District; and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance to allow a 20-foot façade opening where 15 feet is permitted (Section 155(s) for off-street loading to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,300 square-foot, mixed-use building with 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

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

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

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

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

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

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable

development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; and authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

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

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

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

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

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the response to the appeal

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. 201301049E, 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. 2013.1049CXVPCA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

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

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

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

- 4. Project Description.** The proposal would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,600 square feet of ground floor retail and arts activity. The project includes a residential unit mix of approximately 132 studios, 66 one-bedroom units, and 18 two-bedroom units. Common open space is provided at the 10,400 square-foot roof deck and the 2,352 square-foot Turk Street Plaza. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible off of Taylor Street.

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

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

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

- 6. Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 7. Planning Code Section 124(f):** For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for the Life of the Project, as defined in Section 401, to households whose incomes are within 150 percent of AMI, as defined in

Section 401, for ownership units and up to 120% of AMI for rental units, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code.

In the event the project provides on-site inclusionary units pursuant to Planning Code Section 415, those units will be affordable to households that are within 150 percent of AMI, as defined in Section 401, for ownership units and up to 120% of AMI for rental units, and meet the criteria for additional square footage above the permitted 6.0:1 base FAR associated with those on-site affordable units, in this case a total of 26,572 gross square feet that is excluded from the calculation of FAR.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when 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 proposed Project is necessary and desirable in that it will provide 242 new dwelling-units to the City's housing stock and includes a mix of unit sizes that would appeal to a variety of households. The Project will add housing opportunities within the Mid-Market area at a density that is suitable for an intensely-developed urban area served by ample public transit and retail services. The project would contribute to the City's hotel stock which is significantly underserved. Additionally, the project will contribute to the commercial activity of the immediate area by replacing the existing retail frontages along Market Street and creating new retail frontages along Taylor and Turk Streets.

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

The project would be compatible with the surrounding uses and buildings and be a positive contribution to the Mid-Market and Tenderloin neighborhood and community. The project would provide publically accessible open space in the form of a triangular plaza and separate seating area along Turk Street. The project's intensity and mix of uses would help transform an underutilized block into an active area that serves both local residents and tourists alike.

- 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 the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The project would merge four parcels into a single 34,262 square-foot, triangular-shaped parcel that would comprise the project site. The proposed structure would span the entirety of the site, however provides unobstructed open spaces generally mid-block along both Market and Turk

Streets. The open spaces help reduce the perceived mass of the building, and provide well landscaped active areas. Existing development in the vicinity varies in size and intensity, and the project is generally compatible with the eclectic character of the area.

- ii. 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;

As discussed in the Final Mitigated Negative Declaration, the project would not result in a significant net increase in vehicular traffic, and would not negatively affect transit services or have significant adverse impacts on pedestrians or bicyclists.

The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Powell Street BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project provides 146 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

The Project provides a limited amount of off-street parking in support of the City's transit first policies. This off-street parking is located in a below-grade garage accessible from Taylor Street. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation.

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

The Project includes residential and retail uses that are typical of the surrounding context, and will not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to spray the site to suppress dust during demolition, excavation, and construction; therefore, these activities should not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials; therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project proposes a variety of common and private open spaces in the form of roof decks, sidewalk seating areas, a courtyard and plaza. The project provides 14 new street trees along Turk Street. The conceptual plans show landscaping in the form of trees and other plantings in the open spaces. Parking is located within a subterranean garage that is not readily visible from the street, except for the access driveway. Conditions of approval require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work Planning staff to refine details of lighting, signage, materials, and other aspects of the project.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is not located within a Neighborhood Commercial District.

9. **Planning Code Section 303(g)** establishes criteria for the Planning Commission to consider when reviewing application for hotel projects, through the Conditional Use Process. On balance, the project complies with said criteria in that:

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

According to the Final Mitigated Negative Declaration, the addition of retail and hotel space in the Project could contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. The proposed project would generate an estimated 250 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal. In addition, the Project would add 242 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 242 new residential units would accommodate approximately 547 residents, significantly more than the number of on-site hotel employees. The Project will provide affordable housing and pay the Transportation Sustainability Fee and the Child Care Fee to support affordable housing and child care services in the area.

- 2) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

The Project Sponsor has agreed to provide a grant to support a Tenderloin-specific hospitality job training and recruitment program, to be led by Tenderloin based community organizations. This program, which will provide resources to both job-readiness and sector job-readiness training, will empower Tenderloin residents seeking an employment opportunity in the Project as well as a number of other projects in the area. Additionally, the Project has agreed to partner with Unite Here Local 2, the local hospitality workers union, and is expected to pay additional funds for job training through its ongoing contributions to the union's Education Fund. Both efforts will increase the likelihood of San Francisco residents being employed in the hotel and thereby minimize the demand on regional transportation.

- 3) The market demand for a hotel or motel of the type proposed

According to a March 25, 2015 market demand analysis prepared by PKF Consulting USA, the San Francisco Bay Area is the strongest lodging market in the United States with occupancy rates in the

high-70 to low-80 percent range. By comparison, the average occupancy for hotels nationwide was 64.4 percent in 2014. According to the report's findings, the addition of the boutique hotel will not have any material impact on the overall market's performance; in fact, the City of San Francisco is vastly underserved with regard to hotel supply and generates a significant amount of unsatisfied demand that is displaced to other markets throughout the Bay Area. Additionally, the report anticipates that the project would achieve a stabilized occupancy of 84 percent by 2019, in line with levels projected for the competitive market. With this occupancy, the Hotel will be operating at functional capacity level year-round.

- 10. General Plan Compliance.** The Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 11. Planning Code Section 101.1(b)** The Planning Code Priority Policy Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 12.** 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.
- 13.** 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 Application No. 2013.1049CXVPCA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 7, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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 No. 19782. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

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

Jonas P. Ionin
Commission Secretary

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

NAYS: Moore

ABSENT: None

ADOPTED: November 17, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a Hotel (Sections 303, 210.2), and to exceed the Maximum F.A.R. by providing on-site affordable dwelling units (Section 124(f)) at 950 Market Street within the C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District; in general conformance with plans, dated October 7, 2016 and stamped "EXHIBIT B" included in the docket for Case No. 2013.1049CXVPCA and subject to conditions of approval reviewed and approved by the Commission on November 17, 2016 under Motion No. 19872. 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 Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2013.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 17, 2016 under Motion No 19782.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19782 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

set forth in Exhibit A of Motion No. 19783, Case No. 2013.1049CXVPCA (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. 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.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19782

HEARING DATE: NOVEMBER 17, 2016

Case No.: **2013-1049CXVPCA**
Project Address: **950-974 Market Street**
Zoning: C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0342/001, 002, 004, and 014
Project Sponsor: Michelle Lin, Mid Market Center, LLC
500 Sansome Street, Suite 750
San Francisco, CA 94111
Michelle@groupi.com
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.Asbagh@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 124, 210.2 AND 303 TO CONSTRUCT A TOURIST HOTEL AND TO EXCLUDE ON-SITE AFFORDABLE UNITS FROM THE FAR CALCULATION AT 950-974 MARKET STREET, ASSESSOR'S BLOCK NO. 0342, LOTS 001, 002, 004, AND 014, WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING DISTRICT, AND THE 120-X HEIGHT AND BULK DISTRICT. THE PROJECT WOULD DEMOLISH FOUR STRUCTURES AND ASSOCIATED SURFACE PARKING LOT AND CONSTRUCT A 120-FOOT TALL, 12-STORY-OVER-BASEMENT, APPROXIMATELY 408,342 GROSS-SQUARE-FOOT (GSF) BUILDING CONTAINING 242 DWELLING UNITS, A 232-ROOM HOTEL, 16,100 SQUARE FEET OF GROUND FLOOR RETAIL, AND 82 OFF-STREET PARKING SPACES.

PREAMBLE

On November 19, 2013, Michelle Lin on behalf of Mid Market Center, LLC ("Project Sponsor"), filed an application (Case No. 2013-1049) with the Planning Department ("Department") for Environmental Review, to allow the demolition of existing structures and associated surface parking lot and to construct a 190-foot-tall, 18-story, approximately 450,000 square-foot, mixed-use building with approximately 316 dwelling units, 310 hotel rooms, approximately 15,000 square feet of retail, 75,000 square feet of

arts/educational uses, and 198 off-street parking spaces at 950-974 Market Street ("Project Site") within the C-3-G, Downtown General Commercial Zoning District, and the 120-X Height and Bulk district.

On May 28, 2014, the Project Sponsor filed applications with the Department including: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), off-street loading requirements (Section 155(s)), and off-street tour bus loading requirements (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), to exceed the residential density limit (Section 215(b)) and exclude on-site affordable units from FAR calculation (Section 124(f)), and to exceed the height limit per a proposed Mid-Market Special Use District (SUD) and Special Height District; and 3) Variances from planning code requirements.

On September 15, 2015, the Project Sponsor submitted revised applications to the Department that included: 1) an application with the Department for Compliance with Planning Code Section 309, with exceptions for Rear Yard requirements (Section 134), and off-street tour bus loading to provide zero spaces where one is required (Sections 162(b)); 2) a Conditional Use Authorization to construct a hotel use in the C-3-G District (Section 210.2), and to exclude affordable units from the FAR calculation (Section 124(f)); and 3) a request for a Variance to allow a 20-foot façade opening where 15 feet is permitted (Section 155(s) for off-street loading to allow direct access to loading spaces off of Turk Street. The project proposed the demolition of existing structures and associated surface parking lot and to construct a new 120-foot-tall, 12-story, approximately 408,300 square-foot, mixed-use building with 242 dwelling units, a 232-room hotel, approximately 16,100 square feet of retail use, and 82 off-street parking spaces.

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

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

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

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

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

On October 4, 2016, the Board of Supervisors introduced an Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code Section 415 et seq., and the alternative water supply requirements set forth in Health Code Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code Section 124 to allow the additional floor area, and exempting 26,572 square feet from Planning Code Sections 123 and 128 to reduce any required transferable

development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for either (1) the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12.8 million to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2 million gift to the 180 Jones Street Affordable Housing Fund; and authorizing actions in furtherance of this ordinance; and adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

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

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

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

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

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the response to the appeal

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. 201301049E, 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. 2013.1049C~~X~~VPCA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

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

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

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

- 4. Project Description.** The proposal would demolish four existing structures and associated surface parking lot and construct a 120-foot tall, 12-story-over-basement, approximately 408,342 gross-square-foot building containing 242 dwelling units, a 232-room hotel, 16,600 square feet of ground floor retail and arts activity. The project includes a residential unit mix of approximately 132 studios, 66 one-bedroom units, and 18 two-bedroom units. Common open space is provided at the 10,400 square-foot roof deck and the 2,352 square-foot Turk Street Plaza. The proposed project includes 146 Class 1 bicycle parking spaces, 42 Class 2 bicycle parking spaces, and 82 off-street parking spaces located within a below-grade garage accessible off of Taylor Street.

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

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

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

- 6. Planning Code Compliance:** The Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 7. Planning Code Section 124(f):** For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for the Life of the Project, as defined in Section 401, to households whose incomes are within 150 percent of AMI, as defined in

Section 401, for ownership units and up to 120% of AMI for rental units, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code.

In the event the project provides on-site inclusionary units pursuant to Planning Code Section 415, those units will be affordable to households that are within 150 percent of AMI, as defined in Section 401, for ownership units and up to 120% of AMI for rental units, and meet the criteria for additional square footage above the permitted 6.0:1 base FAR associated with those on-site affordable units, in this case a total of 26,572 gross square feet that is excluded from the calculation of FAR.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when 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 proposed Project is necessary and desirable in that it will provide 242 new dwelling-units to the City's housing stock and includes a mix of unit sizes that would appeal to a variety of households. The Project will add housing opportunities within the Mid-Market area at a density that is suitable for an intensely-developed urban area served by ample public transit and retail services. The project would contribute to the City's hotel stock which is significantly underserved. Additionally, the project will contribute to the commercial activity of the immediate area by replacing the existing retail frontages along Market Street and creating new retail frontages along Taylor and Turk Streets.

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

The project would be compatible with the surrounding uses and buildings and be a positive contribution to the Mid-Market and Tenderloin neighborhood and community. The project would provide publically accessible open space in the form of a triangular plaza and separate seating area along Turk Street. The project's intensity and mix of uses would help transform an underutilized block into an active area that serves both local residents and tourists alike.

- 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 the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The project would merge four parcels into a single 34,262 square-foot, triangular-shaped parcel that would comprise the project site. The proposed structure would span the entirety of the site, however provides unobstructed open spaces generally mid-block along both Market and Turk

Streets. The open spaces help reduce the perceived mass of the building, and provide well landscaped active areas. Existing development in the vicinity varies in size and intensity, and the project is generally compatible with the eclectic character of the area.

- ii. 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;

As discussed in the Final Mitigated Negative Declaration, the project would not result in a significant net increase in vehicular traffic, and would not negatively affect transit services or have significant adverse impacts on pedestrians or bicyclists.

The Project is situated on Market Street, a major rail and bus-transit corridor that provides convenient access from the Property to neighborhoods throughout the City, the East Bay, and the Peninsula. It is also one block from the Powell Street BART and MUNI stations, and is within one block of numerous MUNI bus lines. The Project provides 146 Class 1 bicycle parking spaces with a convenient and separate entrance designated for bicyclists, encouraging the use of bikes as a mode of transportation.

The Project provides a limited amount of off-street parking in support of the City's transit first policies. This off-street parking is located in a below-grade garage accessible from Taylor Street. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation.

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

The Project includes residential and retail uses that are typical of the surrounding context, and will not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to spray the site to suppress dust during demolition, excavation, and construction; therefore, these activities should not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials; therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project proposes a variety of common and private open spaces in the form of roof decks, sidewalk seating areas, a courtyard and plaza. The project provides 14 new street trees along Turk Street. The conceptual plans show landscaping in the form of trees and other plantings in the open spaces. Parking is located within a subterranean garage that is not readily visible from the street, except for the access driveway. Conditions of approval require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work Planning staff to refine details of lighting, signage, materials, and other aspects of the project.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is not located within a Neighborhood Commercial District.

9. **Planning Code Section 303(g)** establishes criteria for the Planning Commission to consider when reviewing application for hotel projects, through the Conditional Use Process. On balance, the project complies with said criteria in that:

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

According to the Final Mitigated Negative Declaration, the addition of retail and hotel space in the Project could contribute to a population increase as a result of new employees potentially moving to the City and project area from out of the region. The proposed project would generate an estimated 250 employees; however, it is anticipated that most employees would come from the local and regional labor pools, and the number of employees moving from outside of the region would be negligible compared to the total population, and would not be a substantial increase in the citywide context. Therefore, direct and indirect population growth due to approval of the proposed project would be less than significant. As such, the impact of the employees of the hotel on the demand in the City for housing, public transit, child-care, and other social services would be minimal. In addition, the Project would add 242 new residential units, consisting of a mix of studio, one-bedroom, and two-bedroom residences. Based on the average household size in the City and County of San Francisco of 2.26 people per household, the addition of 242 new residential units would accommodate approximately 547 residents, significantly more than the number of on-site hotel employees. The Project will provide affordable housing and pay the Transportation Sustainability Fee and the Child Care Fee to support affordable housing and child care services in the area.

- 2) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

The Project Sponsor has agreed to provide a grant to support a Tenderloin-specific hospitality job training and recruitment program, to be led by Tenderloin based community organizations. This program, which will provide resources to both job-readiness and sector job-readiness training, will empower Tenderloin residents seeking an employment opportunity in the Project as well as a number of other projects in the area. Additionally, the Project has agreed to partner with Unite Here Local 2, the local hospitality workers union, and is expected to pay additional funds for job training through its ongoing contributions to the union's Education Fund. Both efforts will increase the likelihood of San Francisco residents being employed in the hotel and thereby minimize the demand on regional transportation.

- 3) The market demand for a hotel or motel of the type proposed

According to a March 25, 2015 market demand analysis prepared by PKF Consulting USA, the San Francisco Bay Area is the strongest lodging market in the United States with occupancy rates in the

high-70 to low-80 percent range. By comparison, the average occupancy for hotels nationwide was 64.4 percent in 2014. According to the report's findings, the addition of the boutique hotel will not have any material impact on the overall market's performance; in fact, the City of San Francisco is vastly underserved with regard to hotel supply and generates a significant amount of unsatisfied demand that is displaced to other markets throughout the Bay Area. Additionally, the report anticipates that the project would achieve a stabilized occupancy of 84 percent by 2019, in line with levels projected for the competitive market. With this occupancy, the Hotel will be operating at functional capacity level year-round.

- 10. General Plan Compliance.** The Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 11. Planning Code Section 101.1(b)** The Planning Code Priority Policy Findings set forth in Motion No. 19783, Case No. 2014.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.
- 12.** 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.
- 13.** The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

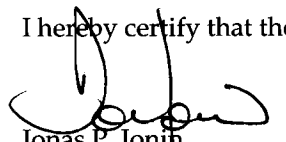
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application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

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 No. 19782. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

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


Jonas P. Ionin
Commission Secretary

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

NAYS: Moore

ABSENT: None

ADOPTED: November 17, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a Hotel (Sections 303, 210.2), and to exceed the Maximum F.A.R. by providing on-site affordable dwelling units (Section 124(f) at 950 Market Street within the C-3-G (Downtown General Commercial) District and a 120-X Height and Bulk District; in general conformance with plans, dated October 7, 2016 and stamped "EXHIBIT B" included in the docket for Case No. 2013.1049CXVPCA and subject to conditions of approval reviewed and approved by the Commission on November 17, 2016 under Motion No. 19872. 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 Planning Code Compliance Findings set forth in Motion No. 19783, Case No. 2013.1049CXVPCA (Downtown Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 17, 2016 under Motion No 19782.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19782 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

set forth in Exhibit A of Motion No. 19783, Case No. 2013.1049CXVPCA (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. 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.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19783

HEARING DATE: NOVEMBER 17, 2016

Case No.: **2013.1049CXVPCA**
 Project Address: **950-974 Market Street**
 Zoning: **C-3-G Downtown General**
 120-X Height and Bulk District
 Block/Lot: **0342/001, 002, 004, and 014**
 Project Sponsor: **Michelle Lin, Mid Market Center, LLC**
 500 Sansome Street, Suite 750
 San Francisco, CA 94111
 michelle@groupi.com
 Staff Contact: **Claudine Asbagh – (415) 575-9165**
 Claudine.asbagh@sfgov.org

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

PREAMBLE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and that the responses to the appeal of

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

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

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

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

MOVED, that the Commission hereby approves the Downtown Project Authorization and exceptions requested in Application No. 2013.1049CXVPCA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The 34,262 square-foot, triangular-shaped project site is located on four lots on the north side of Market Street between Mason and Taylor Streets, Block 0342, Lots 001, 002, 004, and 014. The site is occupied by four two- and three-story commercial buildings and a surface parking lot over a below grade parking structure. The project site has 268 feet of frontage on Market Street, 411 feet of frontage on Turk, and 78 feet of frontage on Taylor Street. The project also fronts onto Opal Place, a 10-foot-wide, east-to-west, dead-end public right-of-way between the project site and neighboring Warfield and Crazy Horse Theaters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comfort Criterion

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

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

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

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

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

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

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

Hazard Criterion

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

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

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

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

POLICY 1.3

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

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

Policy 1.8

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

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

Policy 1.10

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

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

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

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

OBJECTIVE 7:

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

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

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

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

OBJECTIVE 8

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

POLICY 8.1

Support the production and management of permanently affordable housing.

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

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

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

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1

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

Policy 3.2

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

Policy 3.6

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

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

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

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

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

OBJECTIVE 4

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

Policy 4.1

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

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

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

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

DECISION

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

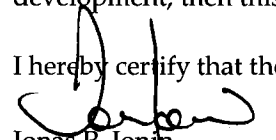
The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures contained in the MMRP are included as conditions of approval.

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

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

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

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


Jonas P. Ioni
Commission Secretary

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

NAYS: Moore

ABSENT: None

ADOPTED: November 17, 2016

EXHIBIT A

AUTHORIZATION

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

COMPLIANCE WITH OTHER REQUIREMENTS

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

RECORDATION OF CONDITIONS OF APPROVAL

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

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the Project Sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the Project Sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

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

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

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

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

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

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

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

14. **Architecture.** The project sponsor shall work with the Planning Department to refine the design of the building using the plans from June 2016 as a starting point.
15. **Ground Floor.** The Project Sponsor shall continue to work with the Planning Department to refine the ground floor elements such as providing more integrated and pronounced entryways.
16. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
18. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
19. **Streetscape Elements.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PARKING AND TRAFFIC

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

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

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

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

29. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 146 Class 1 bicycle parking spaces (136 for the residential portion and 10 for the non-residential portion), and 27 Class 2 spaces (12 for the residential portion of the Project and 15 for non-residential).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
30. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than two showers and 12 clothes lockers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
31. **Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide two off-street loading spaces (one each for hotel and retail) and two off-street service spaces (for the residential)
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
32. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MONITORING - AFTER ENTITLEMENT

- 43. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

- 45. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

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

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

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

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

48. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

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

49. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

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

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

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

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



TAX CERTIFICATE

I, David Augustine, Tax Collector of the City and County of San Francisco, State of California, do hereby certify, pursuant to the provisions of California Government Code Section 66492 et. seq., that according to the records of my office regarding the subdivision identified below:

There are no liens for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

The City and County property taxes and special assessments which are a lien, but not yet due, including estimated taxes, have been paid.

Block: **0342**

Lot: **001**

Address: **950-964 MARKET ST**

David Augustine, Tax Collector

Dated **December 04, 2020** this certificate is valid for the earlier of 60 days from **December 04, 2020** or **December 31, 2020**. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector at tax.certificate@sfgov.org to obtain another certificate.



TAX CERTIFICATE

I, David Augustine, Tax Collector of the City and County of San Francisco, State of California, do hereby certify, pursuant to the provisions of California Government Code Section 66492 et. seq., that according to the records of my office regarding the subdivision identified below:

There are no liens for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

The City and County property taxes and special assessments which are a lien, but not yet due, including estimated taxes, have been paid.

Block: **0342**

Lot: **002**

Address: **966-970 MARKET ST**

David Augustine, Tax Collector

Dated **December 04, 2020** this certificate is valid for the earlier of 60 days from **December 04, 2020** or **December 31, 2020**. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector at tax.certificate@sfgov.org to obtain another certificate.



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There are no liens for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

The City and County property taxes and special assessments which are a lien, but not yet due, including estimated taxes, have been paid.

Block: **0342**

Lot: **004**

Address: **972 MARKET ST**

David Augustine, Tax Collector

Dated **December 04, 2020** this certificate is valid for the earlier of 60 days from **December 04, 2020** or **December 31, 2020**. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector at tax.certificate@sfgov.org to obtain another certificate.



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There are no liens for unpaid City & County property taxes or special assessments collected as taxes, except taxes or assessments not yet payable.

The City and County property taxes and special assessments which are a lien, but not yet due, including estimated taxes, have been paid.

Block: **0342**

Lot: **014**

Address: **974 MARKET ST**

David Augustine, Tax Collector

Dated **December 04, 2020** this certificate is valid for the earlier of 60 days from **December 04, 2020** or **December 31, 2020**. If this certificate is no longer valid please contact the Office of Treasurer and Tax Collector at tax.certificate@sfgov.org to obtain another certificate.

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE ONLY OWNERS OF AND HOLDERS OF RECORD TITLE INTEREST IN THE REAL PROPERTY SUBDIVIDED AND SHOWN UPON THIS MAP, AND DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP.

IN WITNESS THEREOF, WE, THE UNDERSIGNED, HAVE CAUSED THIS STATEMENT TO BE EXECUTED.

OWNER: 950 PROPERTY LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

BY: 950 INVESTMENT LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY,
ITS SOLE MEMBER

BY: OU INTERESTS, INC.,
A CALIFORNIA CORPORATION DOING BUSINESS AS GROUP I,
ITS DEVELOPMENT MANAGER

BY: [Signature]
NAME: JOY OU
TITLE: PRESIDENT

BENEFICIARY: EVERTRUST BANK
AS AGENT FOR CTBC BANK CO., LTD., NEW YORK BRANCH, ORIGINAL MANDATED LEAD
ARRANGER AND BOOK RUNNER,
CTBC BANK CO., LTD., NEW YORK BRANCH, AND SUCH OTHER LENDERS WHO HAVE
COMMITMENTS UNDER THE LOAN AGREEMENT

BY: [Signature]
NAME: Charles M. Hsieh
TITLE: Chief Credit Officer

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California
COUNTY OF San Francisco

ON September 30 2020 BEFORE ME, Yvonne Ho, Notary Public,
PERSONALLY APPEARED Joy Ou,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF California THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: [Signature]
NOTARY PUBLIC, STATE OF California COMMISSION NO.: 2172221
MY COMMISSION EXPIRES: November 17, 2020
COUNTY OF PRINCIPAL PLACE OF BUSINESS: San Francisco

BENEFICIARY'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California
COUNTY OF Los Angeles

ON October 5 2020 BEFORE ME, Connie Jiang, Notary Public,
PERSONALLY APPEARED Charles M. Hsieh,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF California THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: [Signature]
NOTARY PUBLIC, STATE OF California COMMISSION NO.: 2216549
MY COMMISSION EXPIRES: October 1, 2021
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Los Angeles

TAX STATEMENT:

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE SUBDIVIDER HAS FILED A STATEMENT FROM THE TREASURER AND TAX COLLECTOR OF THE CITY AND COUNTY OF SAN FRANCISCO, SHOWING THAT ACCORDING TO THE RECORDS OF HIS OR HER OFFICE THERE ARE NO LIENS AGAINST THIS SUBDIVISION OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

DATED _____ DAY OF _____, 20__.

CLERK OF THE BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

CLERK'S STATEMENT:

I, ANGELA CALVILLO, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, HEREBY STATE THAT SAID BOARD OF SUPERVISORS BY ITS MOTION NO. _____, ADOPTED _____, 20__, APPROVED THIS MAP ENTITLED "FINAL MAP 9767".

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY HAND AND CAUSED THE SEAL OF THE OFFICE TO BE AFFIXED.

BY: _____ DATE: _____
CLERK OF THE BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

APPROVALS:

THIS MAP IS APPROVED THIS 26th DAY OF October, 2020
BY ORDER NO. 203775

BY: [Signature] DATE: December 4, 2020
ALARIC DEGRAFINRIED
ACTING DIRECTOR OF PUBLIC WORKS
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

APPROVED AS TO FORM:

DENNIS J. HERRERA, CITY ATTORNEY

BY: [Signature]
DEPUTY CITY ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISOR'S APPROVAL:

ON _____, 20__, THE BOARD OF SUPERVISOR'S OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA APPROVED AND PASSED MOTION NO. _____, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE BOARD OF SUPERVISOR'S IN FILE NO. _____.

CITY AND COUNTY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT.

BRUCE R. STORRS, CITY AND COUNTY SURVEYOR
CITY AND COUNTY OF SAN FRANCISCO

BY: [Signature] DATE: October 22, 2020
BRUCE R. STORRS L.S. 6914



SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 950 PROPERTY LLC, A CALIFORNIA LIMITED LIABILITY COMPANY ON JULY 29, 2019. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2021 AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

BY: [Signature] DATE: 10-19-2020
BENJAMIN B. RON
PLS No. 5015



RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 20__,
AT _____ M. IN BOOK _____ OF FINAL MAPS, AT PAGES _____, AT THE
REQUEST OF MARTIN M. RON ASSOCIATES.

SIGNED: _____
COUNTY RECORDER
CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
NEW CONDOMINIUM PROJECT WITHIN LOT 3,
BEING A MERGER AND SUBDIVISION OF THE CERTAIN REAL PROPERTY
DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 16, 2017
IN DOCUMENT NO. 2017-K539260, OFFICIAL RECORDS

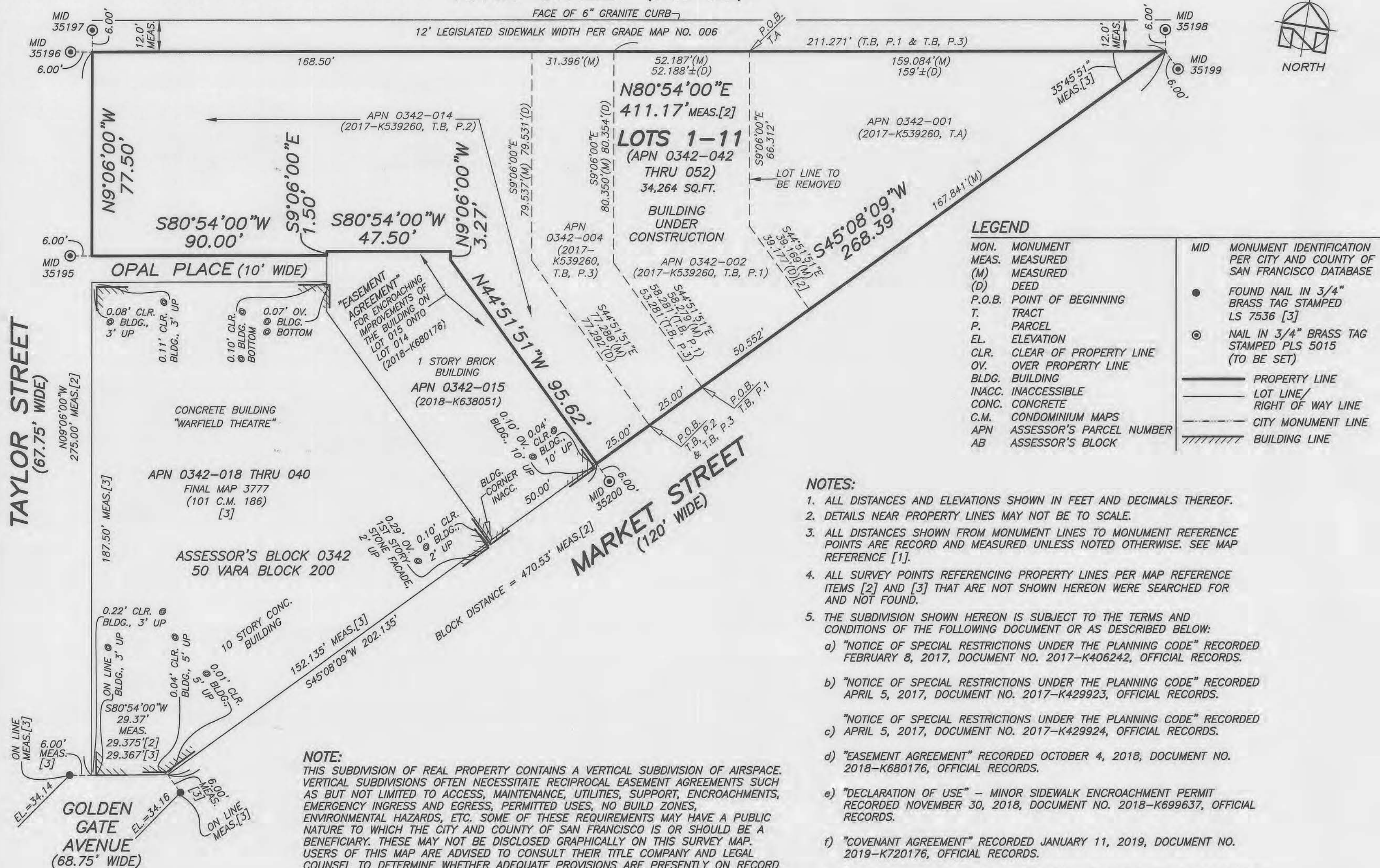
BEING A PORTION OF 50 VARA BLOCK 200
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SHEET 1 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

TURK STREET (68.75' WIDE)



CONDOMINIUM NOTES:

a) THIS MAP IS THE SURVEY MAP PORTION OF THE CONDOMINIUM PLAN AS DESCRIBED IN CALIFORNIA CIVIL CODE SECTIONS 4120 AND 4285. THIS CONDOMINIUM PROJECT IS LIMITED TO A MAXIMUM NUMBER OF 242 DWELLING UNITS WITHIN LOT 3.

b) ALL INGRESS(ES), EGRESS(ES), PATH(S) OF TRAVEL, FIRE/EMERGENCY EXIT(S) AND EXITING COMPONENTS, EXIT PATHWAY(S) AND PASSAGEWAY(S), STAIRWAY(S), CORRIDOR(S), ELEVATOR(S), AND COMMON USE ACCESSIBLE FEATURE(S) AND FACILITIES SUCH AS RESTROOMS THAT THE BUILDING CODE REQUIRES FOR COMMON USE SHALL BE HELD IN COMMON UNDIVIDED INTEREST.

c) UNLESS SPECIFIED OTHERWISE IN THE GOVERNING DOCUMENTS OF A CONDOMINIUM HOMEOWNERS' ASSOCIATION, INCLUDING ITS CONDITIONS, COVENANTS AND RESTRICTIONS, THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE, IN PERPETUITY, FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF:

(i) ALL GENERAL USE COMMON AREA IMPROVEMENTS; AND

(ii) ALL FRONTING SIDEWALKS, ALL PERMITTED OR UNPERMITTED PRIVATE ENCROACHMENTS AND PRIVATELY MAINTAINED STREET TREES FRONTING THE PROPERTY, AND ANY OTHER OBLIGATION IMPOSED ON PROPERTY OWNERS FRONTING A PUBLIC RIGHT-OF-WAY PURSUANT TO THE PUBLIC WORKS CODE OR OTHER APPLICABLE MUNICIPAL CODES

d) IN THE EVENT THE AREAS IDENTIFIED IN (c) (ii) ARE NOT PROPERLY MAINTAINED, REPAIRED, AND REPLACED ACCORDING TO THE CITY REQUIREMENTS, EACH HOMEOWNER SHALL BE RESPONSIBLE TO THE EXTENT OF HIS/HER PROPORTIONATE OBLIGATION TO THE HOMEOWNERS' ASSOCIATION FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THOSE AREAS. FAILURE TO UNDERTAKE SUCH MAINTENANCE, REPAIR, AND REPLACEMENT MAY RESULT IN CITY ENFORCEMENT AND ABATEMENT ACTIONS AGAINST THE HOMEOWNERS' ASSOCIATION AND/OR THE INDIVIDUAL HOMEOWNERS, WHICH MAY INCLUDE, BUT NOT BE LIMITED TO IMPOSITION OF A LIEN AGAINST THE HOMEOWNER'S PROPERTY.

e) APPROVAL OF THIS MAP SHALL NOT BE DEEMED APPROVAL OF THE DESIGN, LOCATION, SIZE, DENSITY OR USE OF ANY STRUCTURE(S) OR ANCILLARY AREAS OF THE PROPERTY ASSOCIATED WITH STRUCTURES, NEW OR EXISTING, WHICH HAVE NOT BEEN REVIEWED OR APPROVED BY APPROPRIATE CITY AGENCIES NOR SHALL SUCH APPROVAL CONSTITUTE A WAIVER OF THE SUBDIVIDER'S OBLIGATION TO ABATE ANY OUTSTANDING MUNICIPAL CODE VIOLATIONS. ANY STRUCTURES CONSTRUCTED SUBSEQUENT TO APPROVAL OF THIS FINAL MAP SHALL COMPLY WITH ALL RELEVANT MUNICIPAL CODES, INCLUDING BUT NOT LIMITED TO THE PLANNING, HOUSING AND BUILDING CODES, IN EFFECT AT THE TIME OF ANY APPLICATION FOR REQUIRED PERMITS.

f) BAY WINDOWS, FIRE ESCAPES AND OTHER ENCROACHMENTS (IF ANY SHOWN HEREON, THAT EXIST, OR THAT MAY BE CONSTRUCTED) ONTO OR OVER TAYLOR, TURK OR MARKET STREETS, ARE PERMITTED THROUGH AND ARE SUBJECT TO THE RESTRICTIONS SET FORTH IN THE BUILDING CODE AND PLANNING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO. THIS MAP DOES NOT CONVEY ANY OWNERSHIP INTEREST IN SUCH ENCROACHMENT AREAS TO THE CONDOMINIUM UNIT OWNER(S).

g) SIGNIFICANT ENCROACHMENTS, TO THE EXTENT THEY WERE VISIBLE AND OBSERVED, ARE NOTED HEREON. HOWEVER, IT IS ACKNOWLEDGED THAT OTHER ENCROACHMENTS FROM/ONTO ADJOINING PROPERTIES MAY EXIST OR BE CONSTRUCTED. IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUES THAT MAY ARISE FROM ANY ENCROACHMENTS WHETHER DEPICTED HEREON OR NOT. THIS MAP DOES NOT PURPORT TO CONVEY ANY OWNERSHIP INTEREST IN AN ENCROACHMENT AREA TO ANY PROPERTY OWNER.

LEGEND

MON.	MONUMENT	MID	MONUMENT IDENTIFICATION PER CITY AND COUNTY OF SAN FRANCISCO DATABASE
MEAS.	MEASURED	●	FOUND NAIL IN 3/4" BRASS TAG STAMPED LS 7536 [3]
(M)	MEASURED	⊙	NAIL IN 3/4" BRASS TAG STAMPED PLS 5015 (TO BE SET)
(D)	DEED	—	PROPERTY LINE
P.O.B.	POINT OF BEGINNING	---	LOT LINE/ RIGHT OF WAY LINE
T.	TRACT	---	CITY MONUMENT LINE
P.	PARCEL		BUILDING LINE
EL.	ELEVATION		
CLR.	CLEAR OF PROPERTY LINE		
O.V.	OVER PROPERTY LINE		
BLDG.	BUILDING		
INACC.	INACCESSIBLE		
CONC.	CONCRETE		
C.M.	CONDOMINIUM MAPS		
APN	ASSESSOR'S PARCEL NUMBER		
AB	ASSESSOR'S BLOCK		

- NOTES:**
- ALL DISTANCES AND ELEVATIONS SHOWN IN FEET AND DECIMALS THEREOF.
 - DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.
 - ALL DISTANCES SHOWN FROM MONUMENT LINES TO MONUMENT REFERENCE POINTS ARE RECORD AND MEASURED UNLESS NOTED OTHERWISE. SEE MAP REFERENCE [1].
 - ALL SURVEY POINTS REFERENCING PROPERTY LINES PER MAP REFERENCE ITEMS [2] AND [3] THAT ARE NOT SHOWN HEREON WERE SEARCHED FOR AND NOT FOUND.
 - THE SUBDIVISION SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING DOCUMENT OR AS DESCRIBED BELOW:
 - "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED FEBRUARY 8, 2017, DOCUMENT NO. 2017-K406242, OFFICIAL RECORDS.
 - "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED APRIL 5, 2017, DOCUMENT NO. 2017-K429923, OFFICIAL RECORDS.
 - "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED APRIL 5, 2017, DOCUMENT NO. 2017-K429924, OFFICIAL RECORDS.
 - "EASEMENT AGREEMENT" RECORDED OCTOBER 4, 2018, DOCUMENT NO. 2018-K680176, OFFICIAL RECORDS.
 - "DECLARATION OF USE" - MINOR SIDEWALK ENCROACHMENT PERMIT RECORDED NOVEMBER 30, 2018, DOCUMENT NO. 2018-K699637, OFFICIAL RECORDS.
 - "COVENANT AGREEMENT" RECORDED JANUARY 11, 2019, DOCUMENT NO. 2019-K720176, OFFICIAL RECORDS.
 - "TRANSFORMER ROOM AGREEMENT" RECORDED MARCH 26, 2019, DOCUMENT NO. 2019-K747302, OFFICIAL RECORDS.
 - "NOTICE OF USE OF TDR" RECORDED APRIL 5, 2019, DOCUMENT NO. 2019-K751412, OFFICIAL RECORDS.
 - THE SUBDIVISION IS SUBJECT TO PERMITS ISSUED UNDER THE SAN FRANCISCO MUNICIPAL CODE INCLUDING, BUT NOT LIMITED TO, A SIDEWALK ENCROACHMENT PERMIT AND A VAULT PERMIT. THE OWNER(S) SHALL BE RESPONSIBLE FOR PAYING ANY AND ALL APPLICABLE ANNUAL PERMIT FEES AND/OR ASSESSMENT FEES. SUCH RESPONSIBILITIES SHALL BE MEMORIALIZED AND BUDGETED FOR IN THE SUBDIVISION OWNERS' FUTURE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, OR EQUIVALENT INSTRUMENT.

NOTE:
THIS SUBDIVISION OF REAL PROPERTY CONTAINS A VERTICAL SUBDIVISION OF AIRSPACE. VERTICAL SUBDIVISIONS OFTEN NECESSITATE RECIPROCAL EASEMENT AGREEMENTS SUCH AS BUT NOT LIMITED TO ACCESS, MAINTENANCE, UTILITIES, SUPPORT, ENCROACHMENTS, EMERGENCY INGRESS AND EGRESS, PERMITTED USES, NO BUILD ZONES, ENVIRONMENTAL HAZARDS, ETC. SOME OF THESE REQUIREMENTS MAY HAVE A PUBLIC NATURE TO WHICH THE CITY AND COUNTY OF SAN FRANCISCO IS OR SHOULD BE A BENEFICIARY. THESE MAY NOT BE DISCLOSED GRAPHICALLY ON THIS SURVEY MAP. USERS OF THIS MAP ARE ADVISED TO CONSULT THEIR TITLE COMPANY AND LEGAL COUNSEL TO DETERMINE WHETHER ADEQUATE PROVISIONS ARE PRESENTLY ON RECORD AND ARE SUFFICIENT AND ENFORCEABLE.

BENCHMARK:
LETTER "O" IN "OPEN", TOP OF HIGH PRESSURE FIRE HYDRANT, 8 FOOT NORTH OF THE NORTHEAST CORNER OF TAYLOR AND TURK STREETS. ELEVATION = 35.88 FEET, HISTORIC (OLD) SAN FRANCISCO CITY DATUM.

BASIS OF BEARINGS:
THE MONUMENT LINE ON GOLDEN GATE AVENUE BETWEEN TAYLOR AND LEAVENWORTH STREETS AS SHOWN HEREON IS ASSUMED TO BE N80°54'00"E FOR THE PURPOSE OF THIS SURVEY.

- MAP REFERENCES:**
- CITY OF SAN FRANCISCO MONUMENT MAP NUMBERS 6 AND 14 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.
 - BLOCK DIAGRAM OF 50 VARA BLOCK 200 DATED NOVEMBER 9, 1906 AND BLOCK DIAGRAM OF 50 VARA BLOCK 228 DATED APRIL 2, 1909 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.
 - FINAL MAP NO. 3777 FILED FOR RECORD ON JULY 19, 2007 IN BOOK 101 OF CONDOMINIUM MAPS, AT PAGES 186-187, INCLUSIVE, OFFICIAL RECORDS.
 - "MONUMENT MAP OF THE FIFTY VARA DISTRICT" APPROVED BY ORDINANCE NO. 1028, DATED DECEMBER 20, 1909, ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

ASSESSOR'S PARCEL NUMBERS FOR PROPOSED CONDOMINIUM UNITS

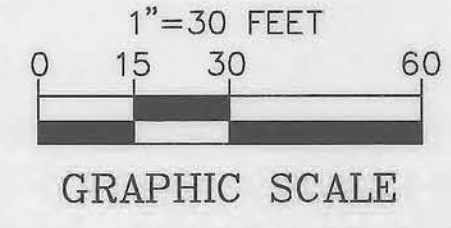
LOT NO.	CONDOMINIUM UNIT NO.	PROPOSED ASSESSOR'S PARCEL NUMBER
LOT 3	1 THRU 242	APN 0342-053 THRU 0342-294

NOTE: THE PROPOSED ASSESSOR'S PARCEL NUMBERS SHOWN HEREON ARE FOR INFORMATIONAL USE ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE.

FINAL MAP 9767
AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS NEW CONDOMINIUM PROJECT WITHIN LOT 3, BEING A MERGER AND SUBDIVISION OF THE CERTAIN REAL PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 16, 2017 IN DOCUMENT NO. 2017-K539260, OFFICIAL RECORDS BEING A PORTION OF 50 VARA BLOCK 200 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

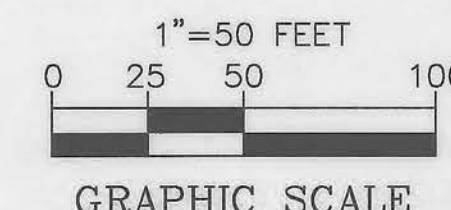
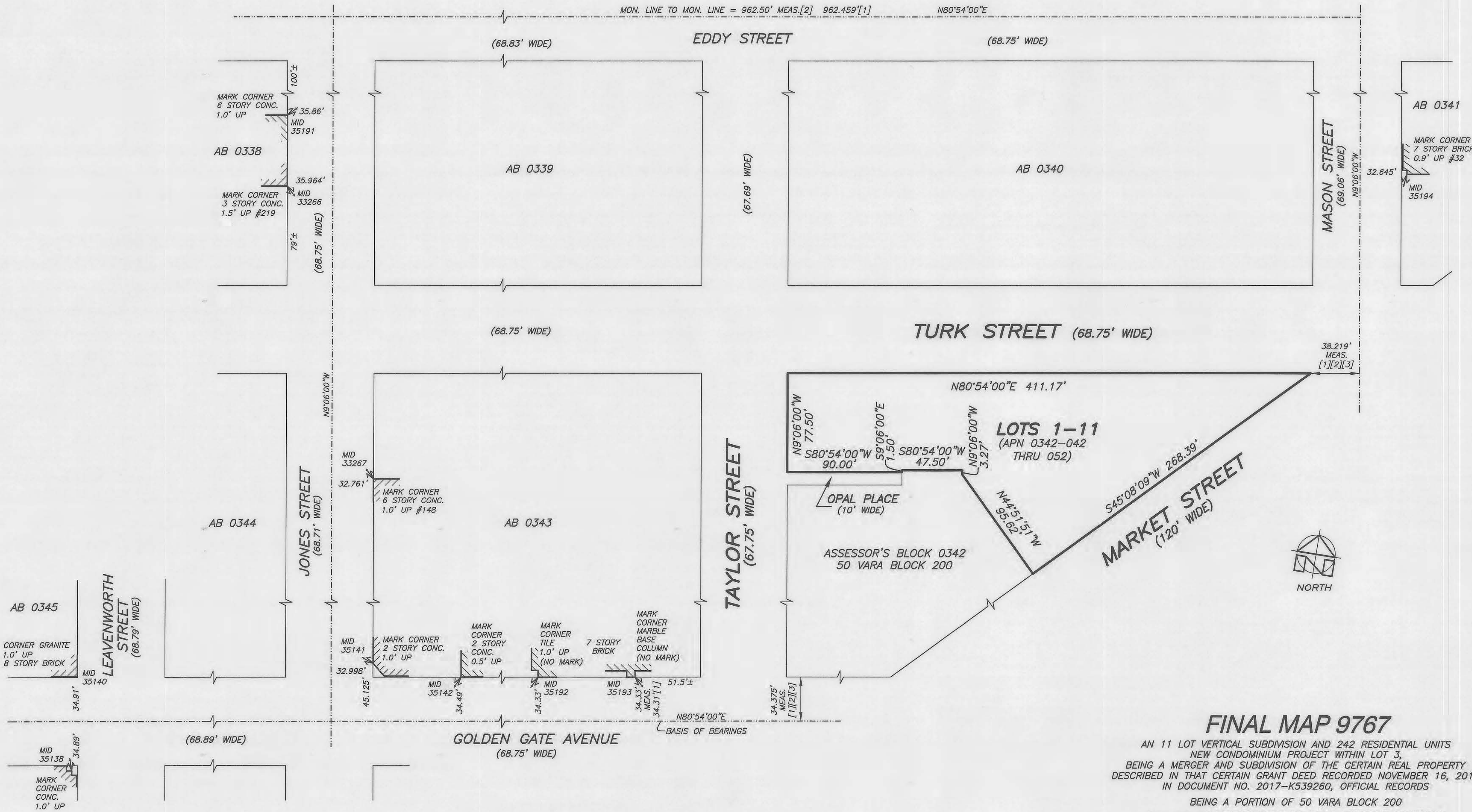
MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SCALE: 1"=30' SHEET 2 OF 13



APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

NOTE: ALL MONUMENT REFERENCE POINTS ALONG MASON STREET FROM TURK TO O'FARRELL STREETS, EXCEPT AS SHOWN HEREON, WERE SEARCHED FOR AND NOT FOUND.



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 BEING A PORTION OF 50 VARA BLOCK 200
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA
MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco California
 OCTOBER 2020 SCALE: 1"=50' SHEET 3 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET



LEVEL A

UPPER ELEVATION = 6.1
LOWER ELEVATION = CENTER OF THE EARTH
(BELOW B2 FLOOR SLAB)

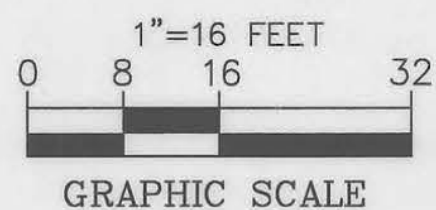
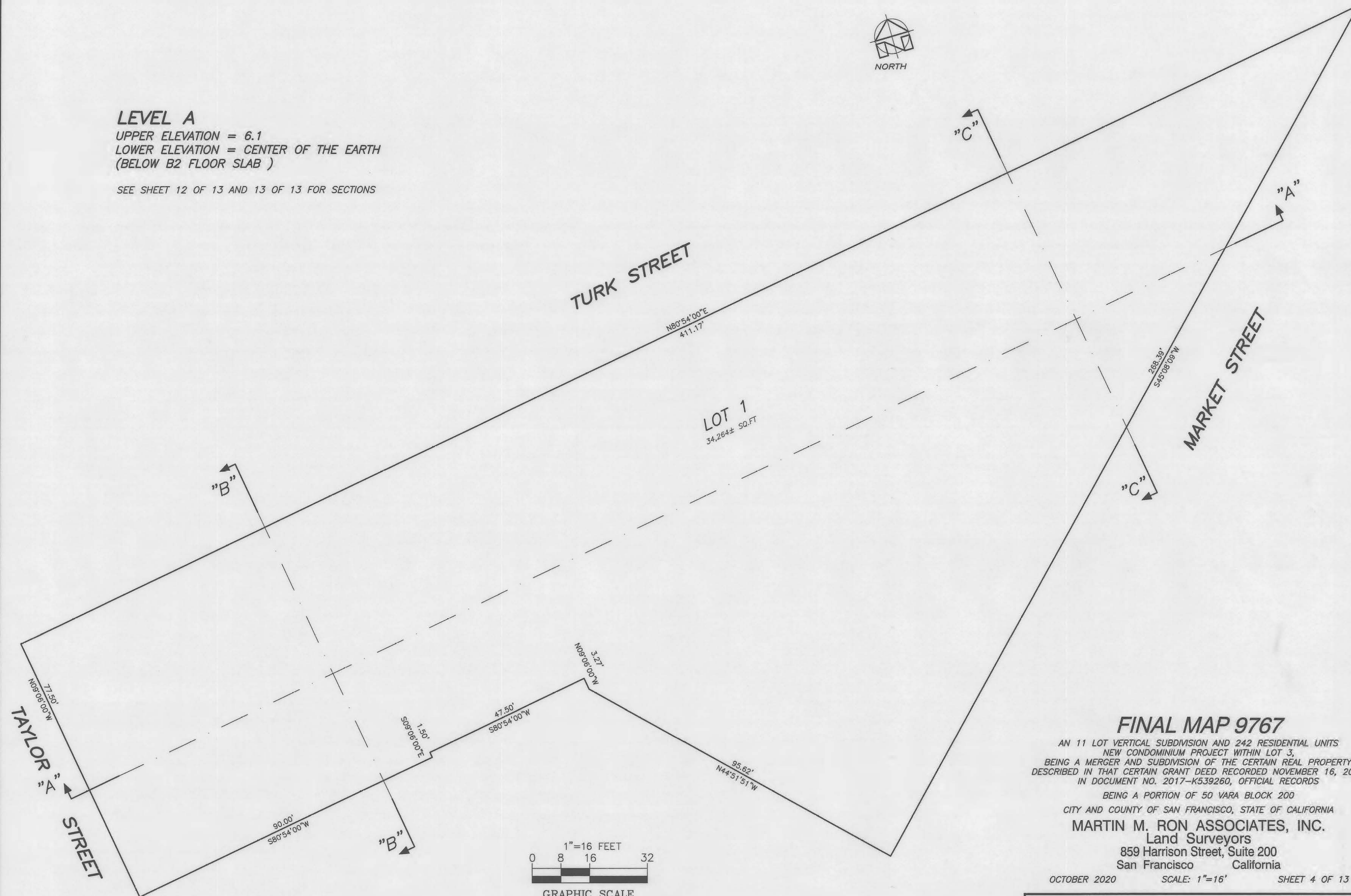
SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS

TURK STREET

MARKET STREET

TAYLOR STREET

LOT 1
34,264± SQ.FT



FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
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DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 16, 2017
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BEING A PORTION OF 50 VARA BLOCK 200
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SCALE: 1"=16' SHEET 4 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET



LEVEL B

UPPER ELEVATION = 18.8 (EXCEPT AS SHOWN)
LOWER ELEVATION = 6.1
(B2 FLOOR SLAB AND ABOVE)

LEGEND

- CENTERLINE OF 1' WIDE CONNECTOR
- UPPER ELEVATION BREAK LINE
- U.E. UPPER ELEVATION

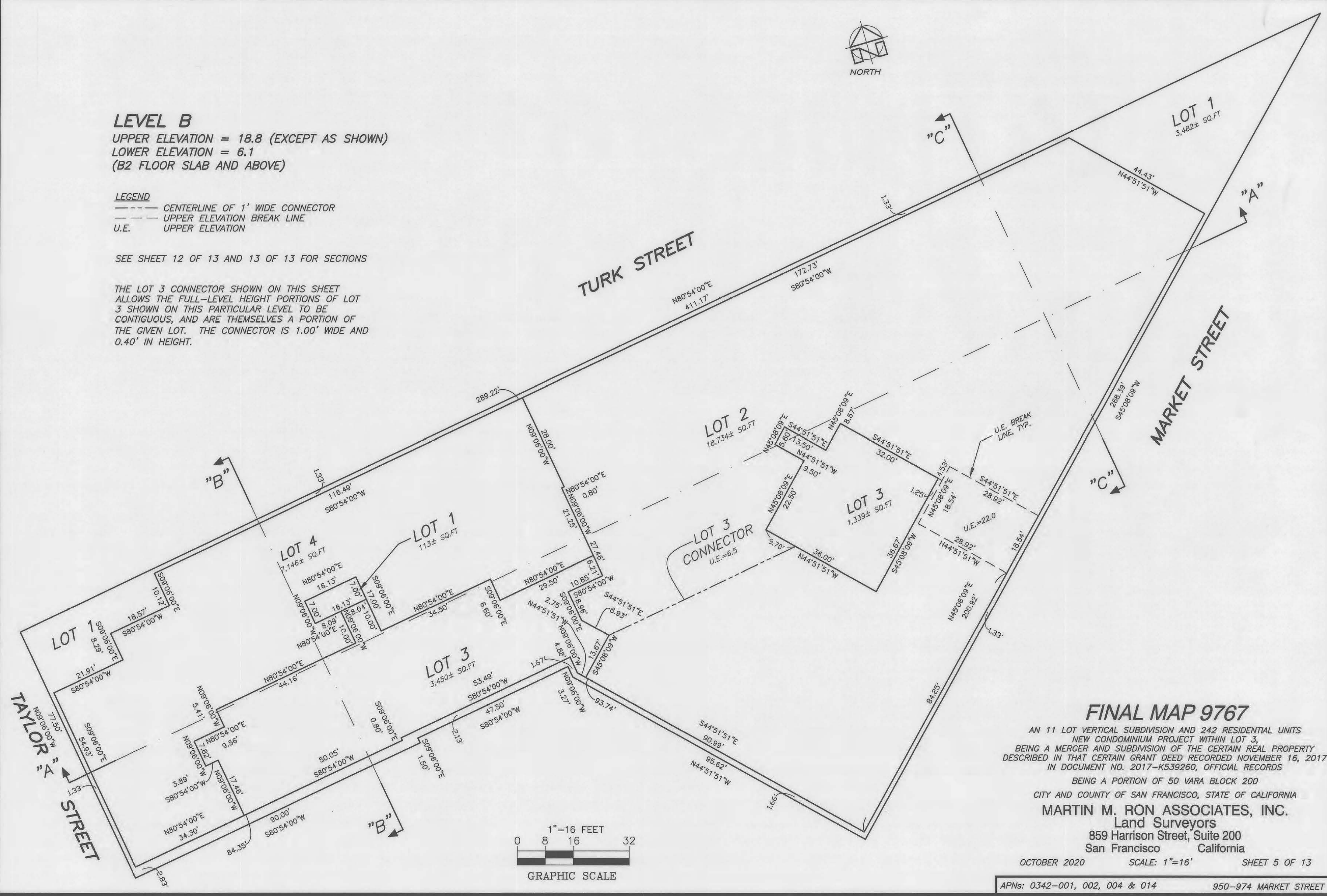
SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS

THE LOT 3 CONNECTOR SHOWN ON THIS SHEET ALLOWS THE FULL-LEVEL HEIGHT PORTIONS OF LOT 3 SHOWN ON THIS PARTICULAR LEVEL TO BE CONTIGUOUS, AND ARE THEMSELVES A PORTION OF THE GIVEN LOT. THE CONNECTOR IS 1.00' WIDE AND 0.40' IN HEIGHT.

TURK STREET

MARKET STREET

TAYLOR STREET



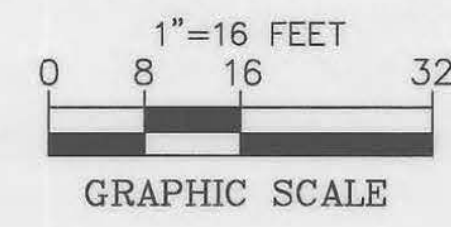
FINAL MAP 9767

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CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SCALE: 1"=16' SHEET 5 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET





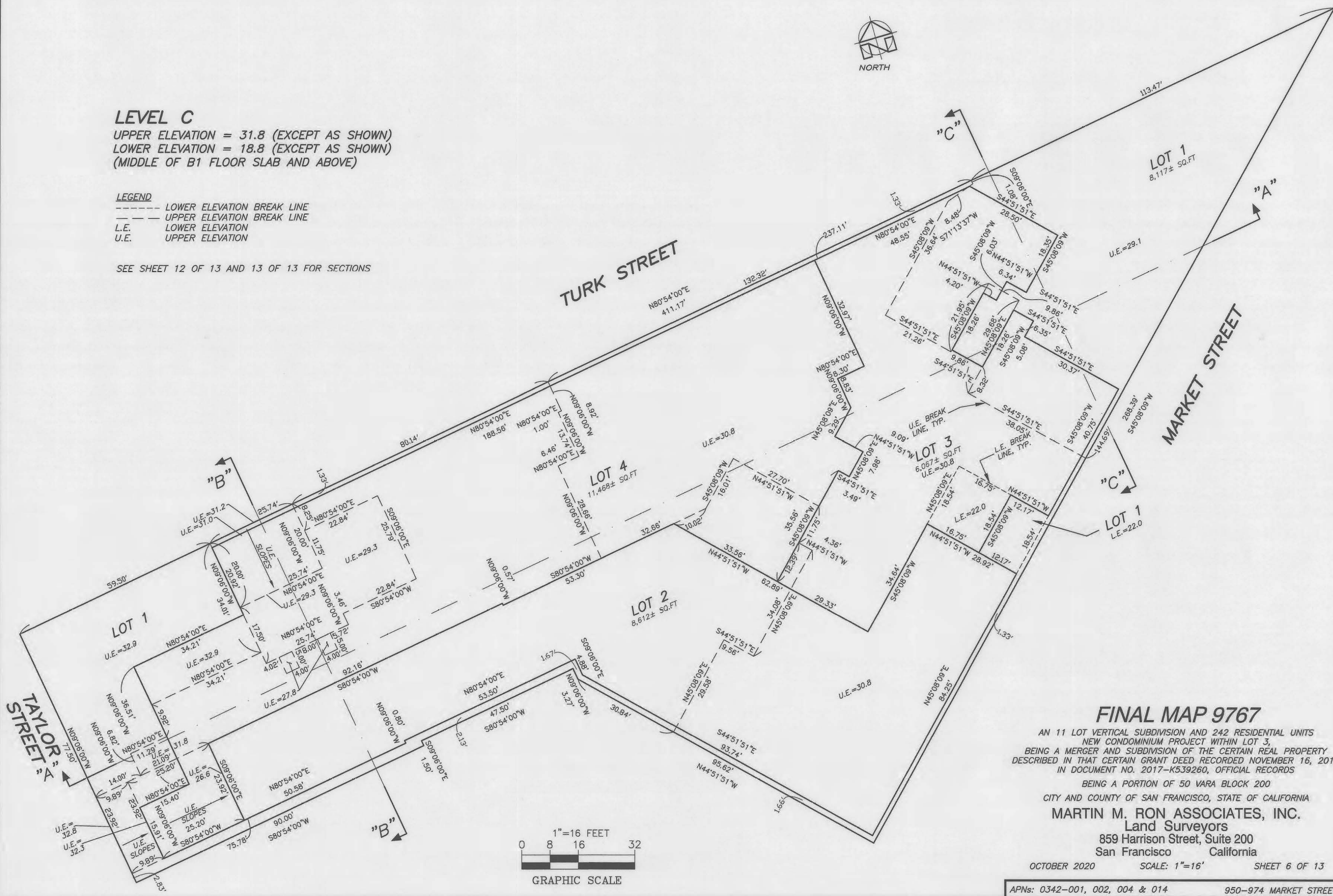
LEVEL C

UPPER ELEVATION = 31.8 (EXCEPT AS SHOWN)
LOWER ELEVATION = 18.8 (EXCEPT AS SHOWN)
(MIDDLE OF B1 FLOOR SLAB AND ABOVE)

LEGEND

- LOWER ELEVATION BREAK LINE
- UPPER ELEVATION BREAK LINE
- L.E. LOWER ELEVATION
- U.E. UPPER ELEVATION

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS



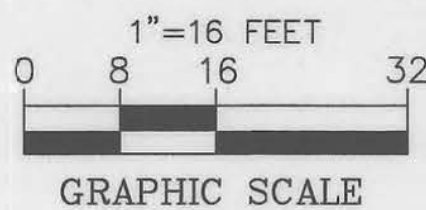
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BEING A PORTION OF 50 VARA BLOCK 200
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SCALE: 1"=16' SHEET 6 OF 13



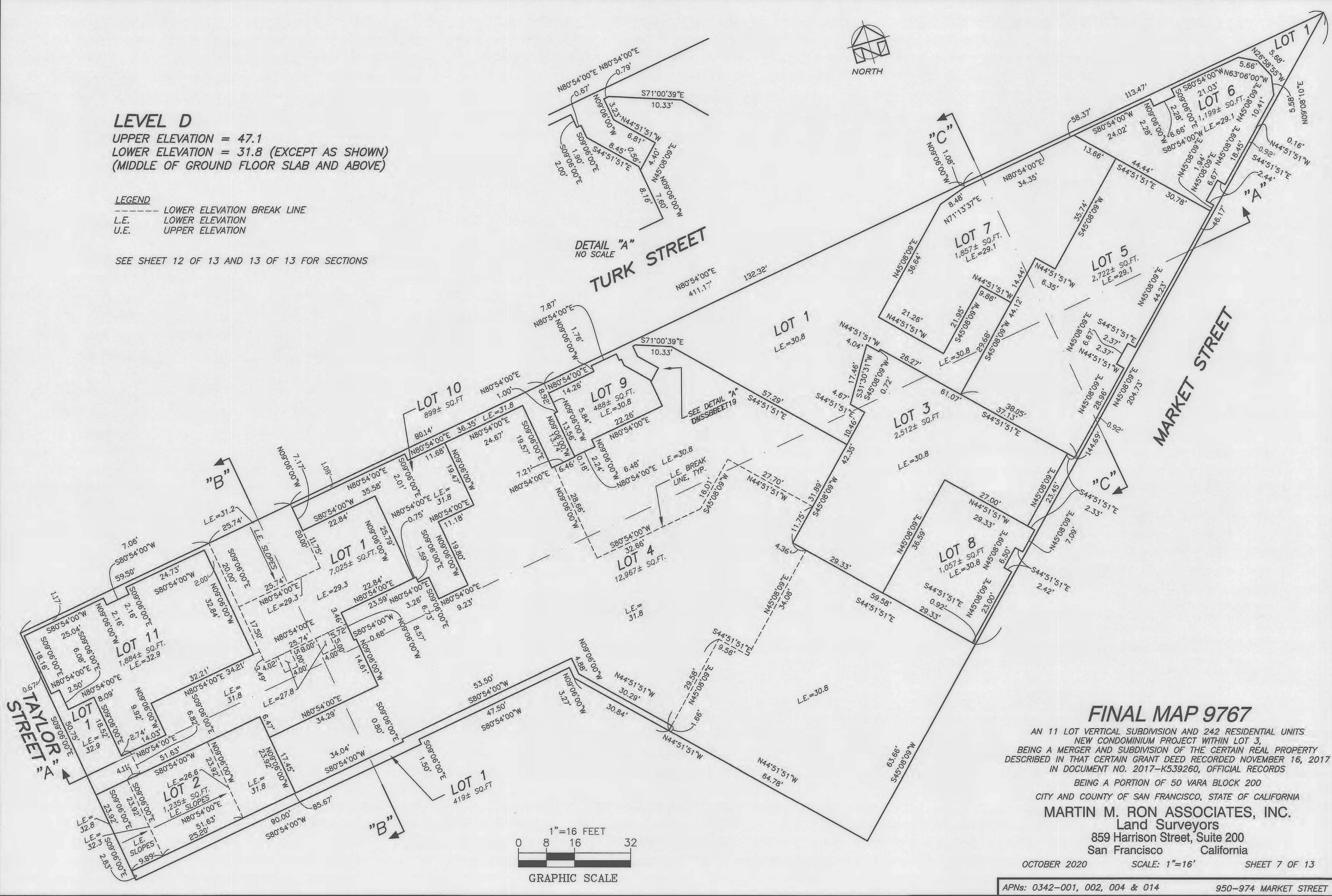
LEVEL D

UPPER ELEVATION = 47.1
LOWER ELEVATION = 31.8 (EXCEPT AS SHOWN)
(MIDDLE OF GROUND FLOOR SLAB AND ABOVE)

LEGEND

--- LOWER ELEVATION BREAK LINE
L.E. LOWER ELEVATION
U.E. UPPER ELEVATION

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS



FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
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MARTIN M. RON ASSOCIATES, INC.

Land Surveyors

859 Harrison Street, Suite 200

San Francisco California

OCTOBER 2020

SCALE: 1"=16'

SHEET 7 OF 13

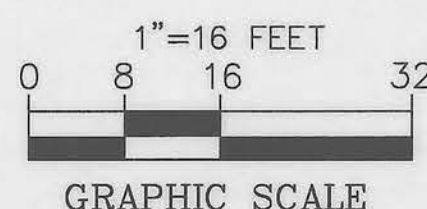
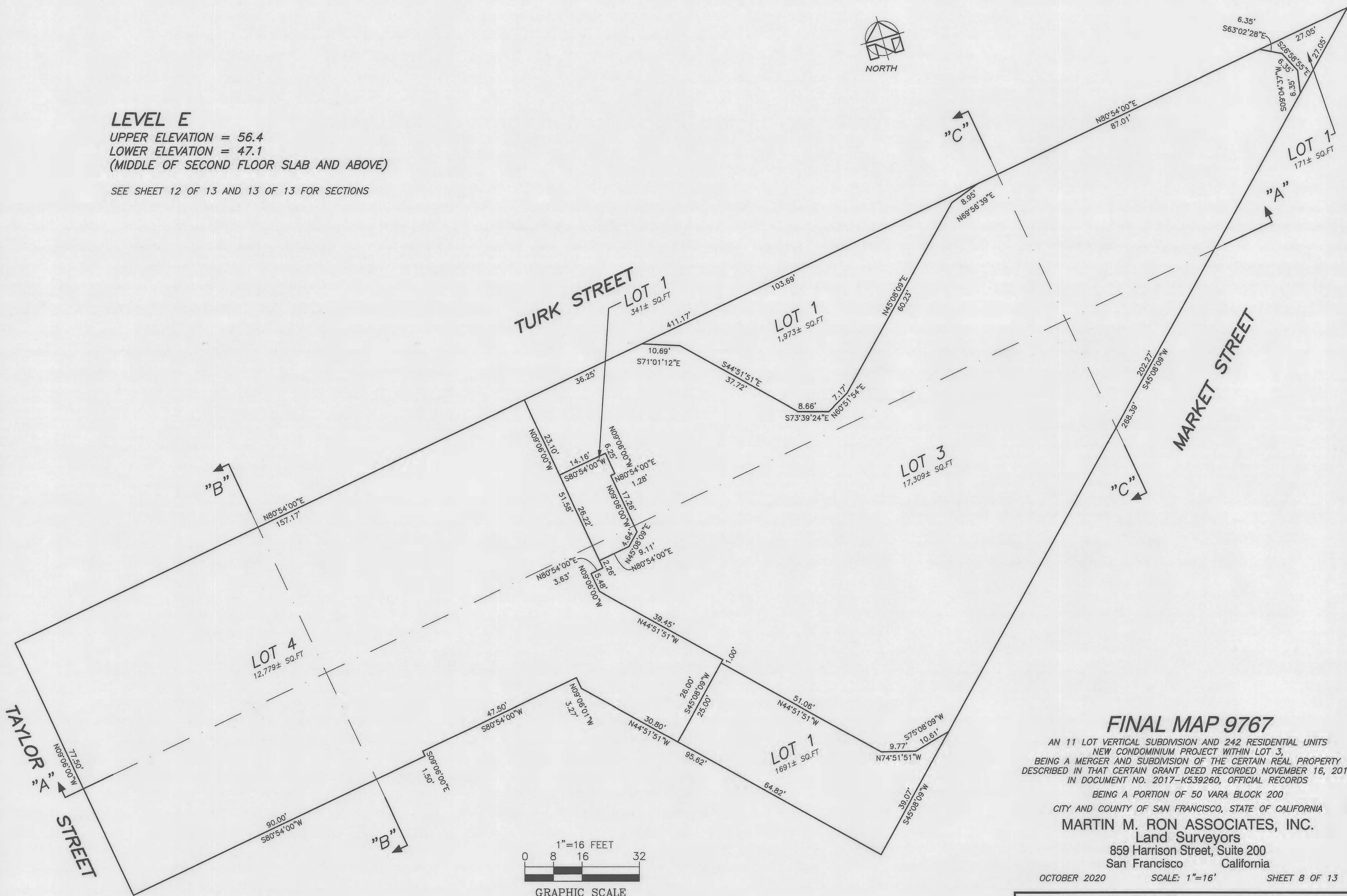
APNs: 0342-001, 002, 004 & 014

950-974 MARKET STREET

LEVEL E

UPPER ELEVATION = 56.4
 LOWER ELEVATION = 47.1
 (MIDDLE OF SECOND FLOOR SLAB AND ABOVE)

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS



FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
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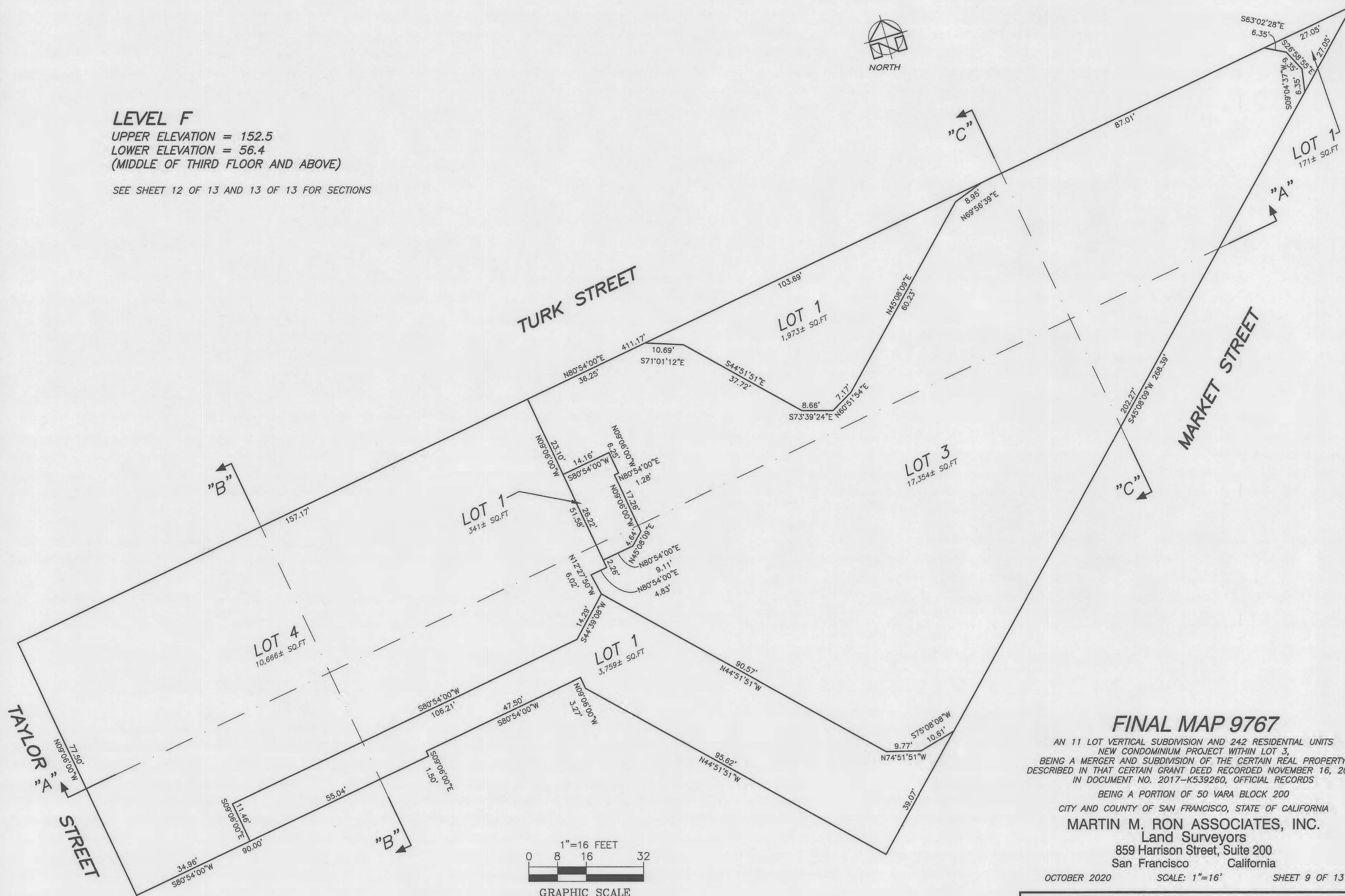
OCTOBER 2020 SCALE: 1"=16' SHEET 8 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

LEVEL F

UPPER ELEVATION = 152.5
LOWER ELEVATION = 56.4
(MIDDLE OF THIRD FLOOR AND ABOVE)

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS



FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
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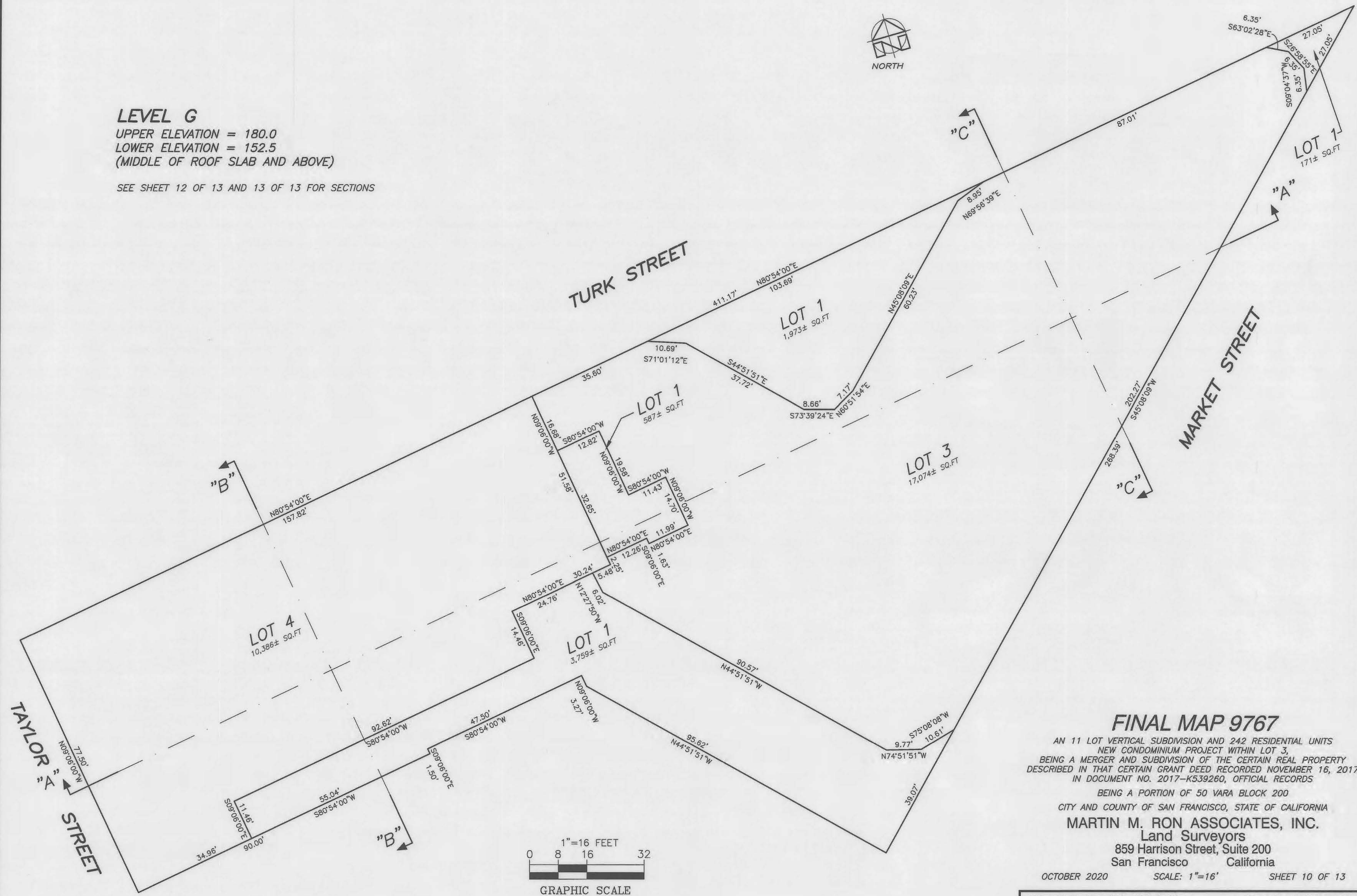
OCTOBER 2020 SCALE: 1"=16' SHEET 9 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

LEVEL G

UPPER ELEVATION = 180.0
LOWER ELEVATION = 152.5
(MIDDLE OF ROOF SLAB AND ABOVE)

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS



FINAL MAP 9767

AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
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BEING A PORTION OF 50 VARA BLOCK 200
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.

Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

OCTOBER 2020 SCALE: 1"=16' SHEET 10 OF 13

APNs: 0342-001, 002, 004 & 014

950-974 MARKET STREET

LEVEL H

UPPER ELEVATION = INFINITY
LOWER ELEVATION = 180.0
(ABOVE HIGH ROOF SLAB)

SEE SHEET 12 OF 13 AND 13 OF 13 FOR SECTIONS

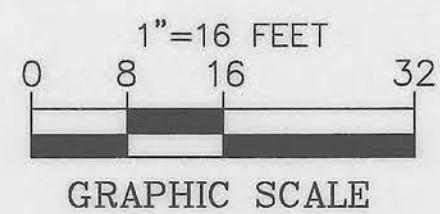


TURK STREET

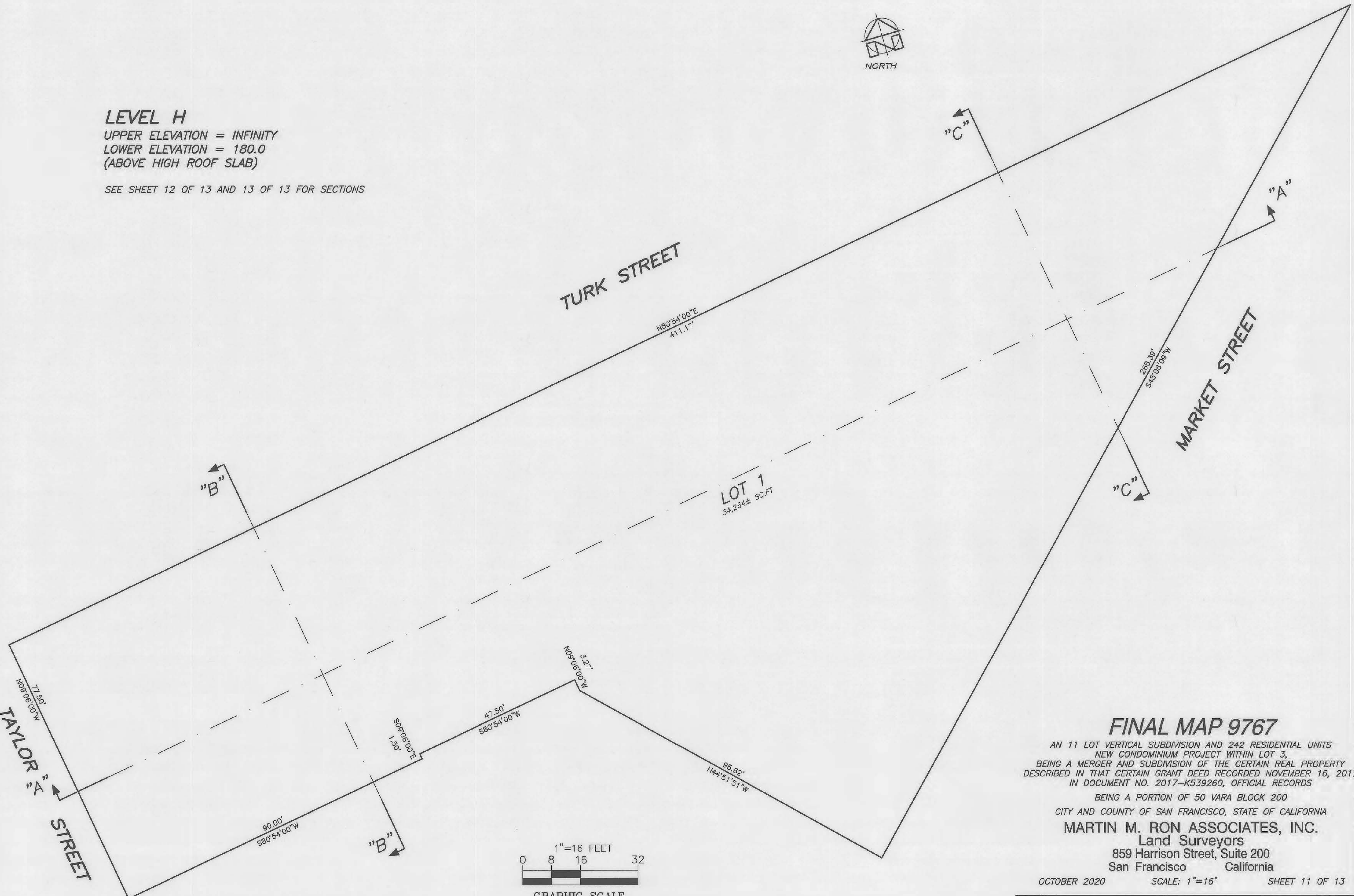
MARKET STREET

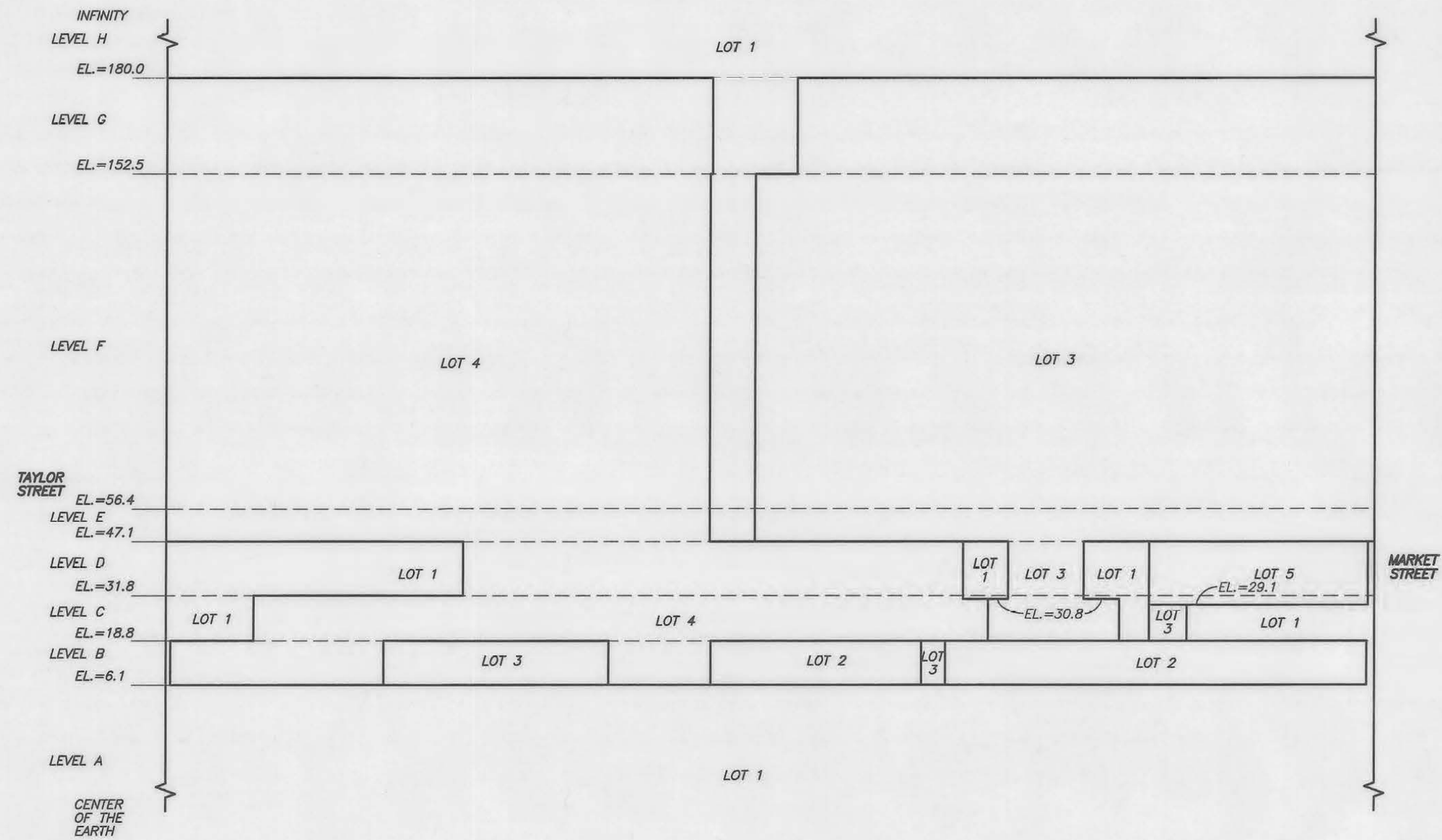
TAYLOR STREET

LOT 1
34,264± SQ.FT

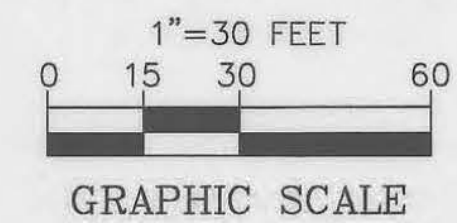


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Land Surveyors
859 Harrison Street, Suite 200
San Francisco California
OCTOBER 2020 SCALE: 1"=16' SHEET 11 OF 13
APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET





SECTION "A"-"A"



FINAL MAP 9767

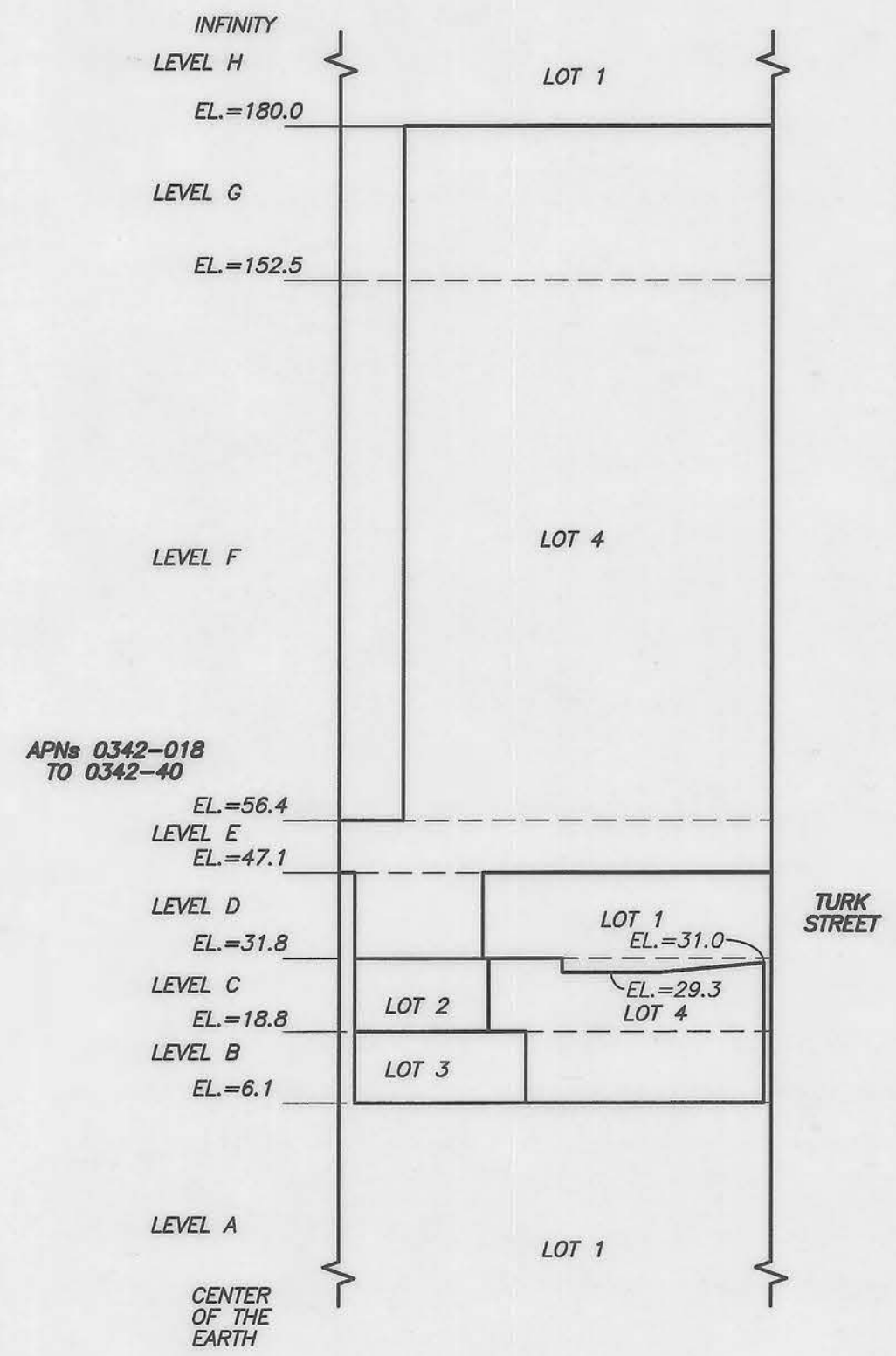
AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
 NEW CONDOMINIUM PROJECT WITHIN LOT 3,
 BEING A MERGER AND SUBDIVISION OF THE CERTAIN REAL PROPERTY
 DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 16, 2017
 IN DOCUMENT NO. 2017-K539260, OFFICIAL RECORDS

BEING A PORTION OF 50 VARA BLOCK 200
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

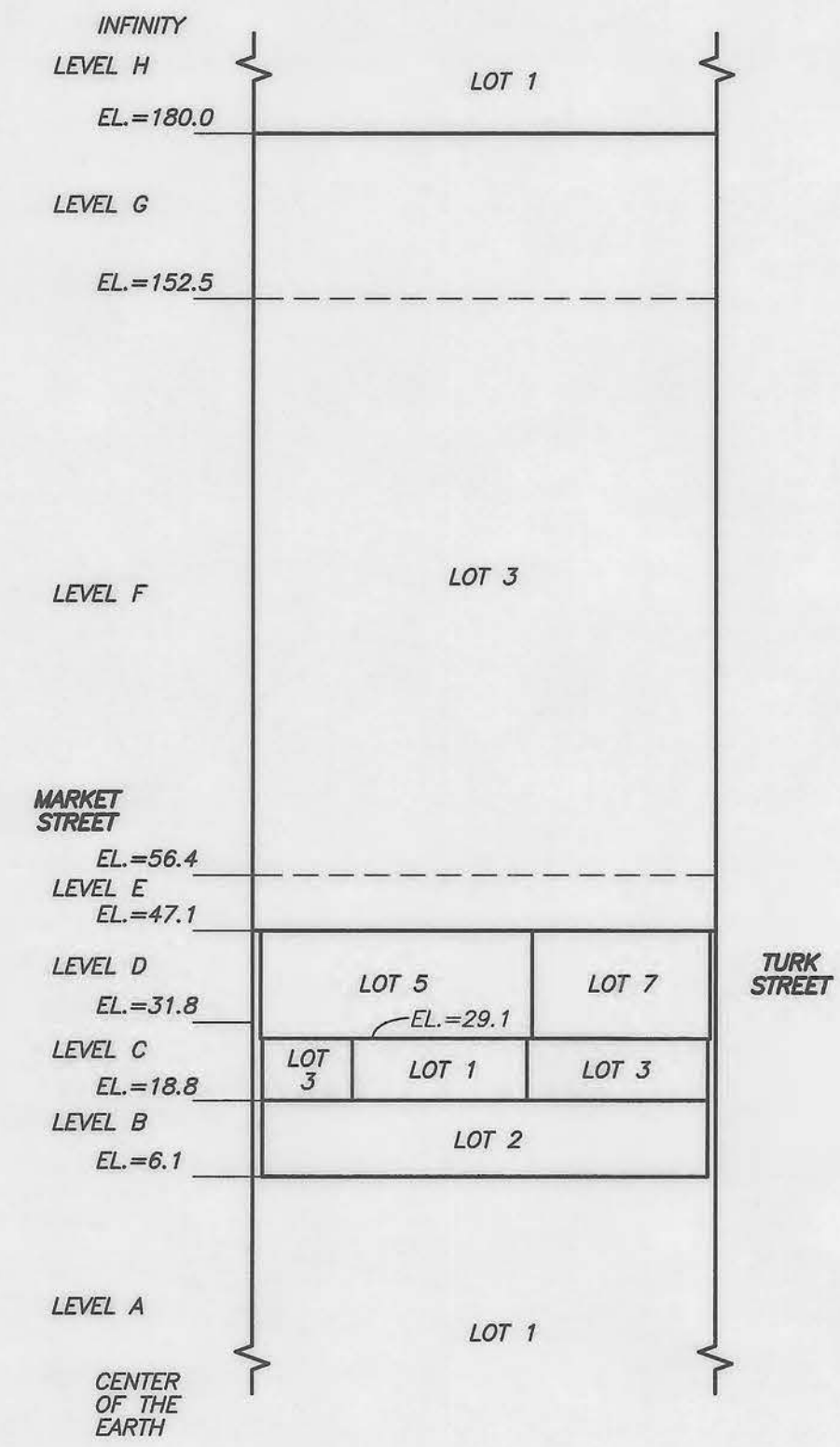
MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco, California

OCTOBER 2020 SCALE: 1"=30' SHEET 12 OF 13

APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

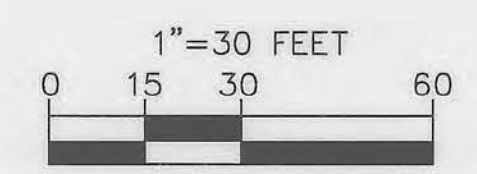


SECTION "B"-"B"



SECTION "C"-"C"

	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11
LEVEL	APN 0342-042	APN 0342-043	APN 0342-044	APN 0342-045	APN 0342-046	APN 0342-047	APN 0342-048	APN 0342-049	APN 0342-050	APN 0342-051	APN 0342-052
A	34,264	0	0	0	0	0	0	0	0	0	0
B	3,595	18,734	4,789	7,146	0	0	0	0	0	0	0
C	8,117	8,612	6,067	11,468	0	0	0	0	0	0	0
D	7,444	1,235	2,512	12,967	2,722	1,199	1,857	1,057	488	899	1,884
E	4,176	0	17,309	12,779	0	0	0	0	0	0	0
F	6,244	0	17,354	10,666	0	0	0	0	0	0	0
G	6,804	0	17,074	10,386	0	0	0	0	0	0	0
H	34,264	0	0	0	0	0	0	0	0	0	0
TOTAL:	104,908	28,581	65,105	65,412	2,722	1,199	1,857	1,057	488	899	1,884



GRAPHIC SCALE

FINAL MAP 9767
 AN 11 LOT VERTICAL SUBDIVISION AND 242 RESIDENTIAL UNITS
 NEW CONDOMINIUM PROJECT WITHIN LOT 3,
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MARTIN M. RON ASSOCIATES, INC.
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 OCTOBER 2020 SCALE: 1"=30' SHEET 13 OF 13
 APNs: 0342-001, 002, 004 & 014 950-974 MARKET STREET

From: [Mapping, Subdivision \(DPW\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Spitz, Jeremy \(DPW\)](#); [TOM, CHRISTOPHER \(CAT\)](#); [MARQUEZ, JENINE \(CAT\)](#); [SKELLEN, LAUREN \(CAT\)](#); [PETERSON, ERIN \(CAT\)](#); [Suskind, Suzanne \(DPW\)](#); [Ryan, James \(DPW\)](#)
Subject: PID:9767 BOS Final Map Submittal
Date: Friday, December 4, 2020 2:43:30 PM
Attachments: [Order203775.docx.pdf](#)
[Summary.pdf](#)
[9767 Motion 20200420.doc](#)
[9767 SIGNED MOTION 20201204.pdf](#)
[9767 DCP Referral Signed 20190702.pdf](#)
[950-974 Market St. MMRP \(ID 1117883\).pdf](#)
[B Signed Final Motion 19782 - 950-974 Market Street - 2013.1049CXVPCA.pdf](#)
[C Signed Final Motion 19783 - 950-974 Market Street - 2013.1049CXVPCA.pdf](#)
[9767 UPDATED TAX CERT 001 20201204.pdf](#)
[9767 UPDATED TAX CERT 002 20201204.pdf](#)
[9767 UPDATED TAX CERT 004 20201204.pdf](#)
[9767 UPDATED TAX CERT 014 20201204.pdf](#)
[9767 SIGNED MYLAR 20201204.pdf](#)

To: Board of Supervisors,

The following map is being forwarded to you for your information, as this map will be in front of you for approval at the December 15, 2020 meeting.

Please view link below which hold the documents for review:

RE: Final Map signature for 950-964, 966-970, 972 & 974 Market Street, PID: 9767

Regarding: BOS Approval for Final Map

APN: 0342, 001, 002, 004 & 014

Project Type: 11 Lot Vertical Subdivision and 242 Residential Units New Condominium

See attached documents:

- PDF of signed DPW Order and DocuSign Summary
- Word document of Motion and signed Motion
- PDF of DCP conditional approval & conditions
- PDF of current Tax Certificate
- PDF of signed Mylar map

If you have any questions regarding this submittal please feel free to contact James Ryan at 628.271.2132 or by email at James.Ryan@sfdpw.org.

Kind regards,

Jessica Mendoza | Subdivision and Mapping
Bureau of Street Use & Mapping | San Francisco Public Works
49 South Van Ness Avenue, 9th Floor | San Francisco, CA 94103
Jessica.Mendoza@sfdpw.org

