



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 20034

HEARING DATE: OCTOBER 19, 2017

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

*Case No.:* **2015-005848ENV**  
*Project Address:* **1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)**  
*Existing Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 40-X and 85-X Height and Bulk Districts  
*Block/Lot:* 3505/001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 035  
*Project Sponsor:* Strada Brady, LLC  
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ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE 1629 MARKET STREET MIXED-USE PROJECT ("PROJECT"), LOCATED ON ASSESSOR'S BLOCK 3505 LOT 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 035.

### PREAMBLE

The 1629 Market Street Mixed-Use Project ("Project") comprises a project site of approximately 2.2-acres (or approximately 97,617 square feet) on the block bounded by Market, 12<sup>th</sup>, Otis and Brady Streets. Strada Brady, LLC is the Project Sponsor for the Project.

The Project is a new mixed-use development with new residential, retail, and institutional uses, as well as a publicly-accessible open space. The Project would demolish the existing UA Local 38 building, demolish the majority of the Lesser Brothers Building at 1629-1645 Market Street, and rehabilitate the Civic Center Hotel at 1601 Market Street, as well as demolish the 242-space surface parking lots on the project site. The Project would construct a total of five new buildings on the project site, including a new UA Local 38 Building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets ("Building A"). A new 10-story residential building with ground-floor retail/restaurant space ("Building B") would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street ("Building D"). The five-story Civic Center Hotel (also referred to as "Building C"), would be rehabilitated to contain residential units and ground-floor retail/restaurant space, and a new six-story Colton Street Affordable Housing building would be constructed south of Colton Street as part of the proposed project. Overall, the proposed project would include construction of 455,900 square feet of residential use that would contain up to 484 residential units and up to 100 affordable units in the Colton Street Affordable Housing building, for a total of up to 584 units. In addition, the Project would include 32,100 square feet of union

facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. As part of the project, the Project Sponsor would develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets. The Project is more particularly described in Attachment A (See Below).

The Project Sponsors filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department ("Department") on July 10, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on February 8, 2017, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on March 1, 2017, at the American Red Cross Building at 1663 Market Street.

During the approximately 30-day public scoping period that ended on March 10, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

The Department prepared the Draft EIR, which describes the Project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the Project. The Draft EIR assesses the potential construction and operational impacts of the Project on the environment, and the potential cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the Draft EIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division's guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a Draft EIR for the Project on May 10, 2017, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On May 10, 2017, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on June 15, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until June 26, 2017.

The Department then prepared the Comments and Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on October 4, 2017, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR. The Final Environmental Impact Report (Final EIR), which includes the Draft EIR, the RTC document, the Appendices to the Draft EIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31 by its Motion No. 20033.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource, the Lesser Brothers Building at 1629-1645 Market Street.
- Combine with past, present, and reasonably foreseeable future development to contribute considerably to significant cumulative construction-related transportation impacts.

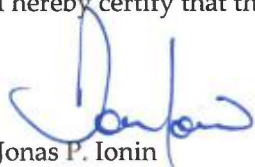
The Planning Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2015-005848ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 19, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-005848ENV to consider the approval of the Project. 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 Project, the Planning Department staff, expert consultants and other interested parties.

This Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as Attachment B and incorporated fully by this reference, which material was made available to the public.

**MOVED**, that the Planning Commission hereby adopts these findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Attachment B, based on substantial evidence in the entire record of this proceeding.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 19, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards  
NAYS: None  
ABSENT: Hillis, Melgar, and Moore  
ADOPTED: October 19, 2017

# Attachment A

## 1629 Market Street Mixed-Use Project

### California Environmental Quality Act Findings:

#### FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### SAN FRANCISCO PLANNING COMMISSION

October 19, 2017

In determining to approve the 1629 Market Street Mixed-Use Project ("Project"), as described in Section I.A, Project Description, below, the following findings of fact and decisions regarding mitigation measures and alternatives are made and adopted, and the statement of overriding considerations is made and adopted, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000-21189.3 ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, Sections 15000-15387 ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

**Section I** provides a description of the project proposed for adoption, project objectives, the environmental review process for the project, the approval actions to be taken and the location of records;

**Section II** identifies the impacts found not to be significant that do not require mitigation;

**Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

**Section IV** identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

**Section V** identifies mitigation measures considered but rejected as infeasible for economic, legal, social, technological, or other considerations;

**Section VI** evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support approval of the project and the rejection as infeasible of alternatives, or elements thereof, analyzed; and

**Section VII** presents a statement of overriding considerations setting forth specific reasons in support of the actions for the project and the rejection as infeasible of the alternatives not incorporated into the project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as **Exhibit 1** to Attachment A to Motion No.

20034. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR") that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in the MMRP.

These findings are based upon substantial evidence in the entire record before the San Francisco Planning Commission (the "Commission"). The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments document ("RTC") in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

**I. PROJECT DESCRIPTION, OBJECTIVES, ENVIRONMENTAL REVIEW PROCESS, APPROVAL ACTIONS, AND RECORDS**

The Project is a mixed-use development containing approximately 501,000 gross square feet ("gsf")<sup>1</sup> of new construction, renovated and rehabilitated buildings, and 33,500 square feet of open space<sup>2</sup> on an approximately 2.2-acre site bounded by Market, 12th, Otis, and Brady Streets. Overall, the Project is proposed to include up to 455,900 gsf of residential uses (approximately 584 residential units), 13,000 gsf of retail/restaurant uses, and 32,100 gsf of union facility use.<sup>3</sup>

The Project is more particularly described below in Section I.A.

**A. Project Description.**

**1. Project Location and Site Characteristics.**

The Project is proposed on an approximately 2.2-acre site (Assessor's Block 3505, Lots 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 034, and 035) on the block bounded by Market, 12th, Otis, and Brady Streets (the "Project site"). Stevenson Street, perpendicular to 12th Street, separates Lots 007 and 008 from the lots to the north fronting Market Street (Lots 001, 033, 033A). Colton Street, perpendicular to Brady Street, turns south into Colusa Place in the middle of the block, then west into Chase Court and wraps around Lots 027 and 028. The Project site is located within the Market & Octavia Area Plan, an area plan of the San Francisco General Plan (General Plan). Most of the site is located within the NCT 3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District, while the southwestern portion of the site, occupying approximately 20,119 square feet is in a P (Public) Zoning District. The P Zoning District is designated in the Market & Octavia Area Plan as the location for a planned open space, referred to as the Mazzola Gardens.<sup>4</sup> The portions of the Project site north of Stevenson Street and east of Colusa Place are located within an 85-X height and bulk district, while the portion of the Project site south of Colton Street is in a 40-X height and bulk district.

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<sup>1</sup> Gross square footage excludes subterranean parking and loading, parking and loading ingress and egress, as well as other spaces excluded under Planning Code Section 102. All quantities stated herein are approximate unless otherwise noted.

<sup>2</sup> The Project's open space includes 10,100 square feet of common residential and 23,400 square feet of privately-owned publicly-accessible private open space. The privately-owned publicly-accessible open space includes a 13,700 square foot Mazzola Gardens (including space on the parcel owned by BART), an 8,600 square foot mid-block alley between Building A and Building B, and an 1,100 square foot space adjacent to Building A and Brady Street. For purposes of CEQA analysis, all common residential and privately-owned publicly-accessible open space has been included; development of open space on the parcel owned by BART is subject to final agreement with BART. For entitlements purposes, the Mazzola Gardens space has been excluded from the required open space calculations under Planning Code Section 135, because the non-BART portion of the Mazzola Gardens will be subject to an in-kind agreement for satisfaction of the Market & Octavia Community Infrastructure Impact Fee.

<sup>3</sup> The Project described in the EIR has undergone minor changes following publication of the DEIR, as more particularly described in plans dated August 31, 2017. The Planning Department has determined that these changes in the project description do not change the conclusions in the FEIR. These documents are all available for review in File No.2015-005848ENV at the Planning Department, 1650 Mission Street, 4th Floor, for review.

<sup>4</sup> The Mazzola Gardens is referred to in the EIR as the Brady Open Space.

The Project site is currently occupied by four surface parking lots, a Bay Area Rapid Transit ("BART") ventilation structure, as well as three buildings: the Civic Center Hotel, built in 1915; the UA Local 38 building, built in 1923 and extensively remodeled in 1964; and the Lesser Brothers Building, built in 1925.

The Civic Center Hotel occupies the entirety of Lot 001 as a five-story, 55-foot-tall, 36,000-square-foot building with pedestrian access from 12th Street. The Civic Center Hotel is temporarily serving as a Navigation Center (since June 2016) and residential use, and while acting as such, is housing up to 140 transitional occupants supported with up to 14 employees at a single time.

The existing UA Local 38 building, located on Lot 032A, is a two-story, 35-foot-tall, 24,100-square-foot building containing an assembly hall, union support space, including offices, for the UA Local 38. The building covers the entire lot, and pedestrian access is available from Market Street. A surface parking lot (Lots 033 and 033A), accessible via a curb cut on Market Street, containing 69 off-street vehicle parking spaces is located adjacent to the existing UA Local 38 building.

The Lesser Brothers Building, located on Lot 032, is a one-story, 20-foot-tall, 13,000-square-foot building. The building fronts on Market Street and covers approximately one-third of the lot.

A surface vehicle parking lot (Lots 031, 031A, 032, and 035), accessible via a curb cut on Brady Street, extends south of the building to Colton Street and contains 95 off-street vehicle parking spaces. Another surface parking lot (Lots 007, 008, and 029), accessible via a curb cut on Colton Street, containing 39 off-street vehicle parking spaces is located on the Project site south of Stevenson Street. A surface parking lot (Lots 027 and 028), accessible via a curb cut on Colton Street, containing 39 off-street vehicle parking spaces is also located on the Project site, bounded by Colton Street to the north, Colusa Place to the east, and Chase Court to the south. The BART ventilation structure is located on Lot 34 (owned by BART) between the two surface parking lots south of Stevenson Street and north of Colton Street.

Interstate 80 and U.S. Highway 101 (U.S. 101) provide the primary regional access to the Project area. Interstate 280 provides regional access from the South of Market Area ("SoMa") neighborhood to southern San Francisco, the Peninsula, and the South Bay. South Van Ness Avenue serves as U.S. 101 between Market Street and the Central Freeway (at 13th Street), providing direct access to the Project site. The Muni Van Ness Station and surface Muni stops on Market Street and Van Ness Avenue are located approximately 550 feet west (0.10 mile) of the Project site. There are multiple bus stops located in proximity to the Project site, including a stop along South Van Ness Avenue and stops on Mission Street and on Otis Street.

## **2. Project Characteristics.**

The Project is a mixed-use development containing approximately 501,100 gross square feet ("gsf") of new construction, renovated and rehabilitated buildings, and 33,500 square feet of open space on an approximately 2.2-acre site bounded by Market, 12th, Otis, and Brady Streets.

The Project would construct five new buildings on the Project site (one of which would be located behind the portion of the Lesser Brothers Building to be retained), and rehabilitate the Civic Center Hotel (Building C). Overall, the Project would include construction of 455,900 square feet of residential use that would contain up to 484 residential units (including market-rate units and affordable units) in Buildings A through D, as well as up to 100 affordable units in the Colton Street Affordable Housing building. In



addition, the Project would construct 32,100 square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant space along Market, 12th, and Brady Streets in Buildings A, B, and C (Civic Center Hotel), and 33,500 square feet of publicly-accessible and residential open space. The residential unit breakdown for the 484 units would consist of approximately 129 studio units (26.7 percent), 189 one-bedroom units (39.0 percent), and 166 two-bedroom units (34.3 percent).

a. **Proposed Buildings.**

The Project contains six buildings (five new buildings with heights ranging from 57 to 85 feet,<sup>5</sup> and one retained and rehabilitated building), each as described below.

i. **UA Local 38 Building**

The Project would construct a new four-story, 58-foot-tall, 32,100-square-foot UA Local 38 building with an assembly hall and office space to replace the existing building. The new UA Local 38 building, located between Building B and the rehabilitated Civic Center Hotel (Building C), would front Market Street, and would have no setbacks.

ii. **Building A**

Upon demolition of a majority of the Lesser Brothers Building, the Project would construct a 10-story, 85-foot-tall, 164,200-square-foot addition behind the remaining 140-foot-long Market Street façade. The Project would retain the primary Market Street façade, including the façade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof, all of which have been identified as character-defining features of the building. In addition, the Project would retain 80 percent (48 of 60 feet) of the west (Brady Street) façade, as well as 40 percent (24 of 60 feet) of the east façade, which currently abuts 1621 Market Street. This partially retained façade would be newly visible with demolition of 1621 Market Street and development of a pedestrian walkway between Buildings A and B. Building A, located on the corner of Brady and Market Streets, would contain 190 residential units and 6,600 square feet of ground-floor retail/restaurant space along Market Street and a small portion at the southwest corner of the building on Brady Street. The ground floor retail/restaurant area, with pedestrian entrances for the residential portion of the building available from the mid-block alley and Brady Street. A 19-foot-wide curb cut and garage opening would provide access to the two-level, below-grade parking garage under Building A. The first level of the below-grade parking garage would also contain amenity space and bike storage. Although Building A would rise to a height of 85 feet, the rear portion of the building fronting Brady Street would rise to a height of 72 feet to accommodate a 3,000-square-foot roof deck. The Market Street façade of Building A would be set back from the portion of the Lesser Brothers Building façade proposed to be retained by 10 feet; however, the vertical bay projections and fins would be set back approximately two feet and two inches from the Lesser Brothers Building façade. An additional 2,100 square feet of common residential open space would be provided east of the building, to the west of the mid-block alley open space, and an additional 1,100 square feet of privately-owned publicly-accessible open space would be provided along the west side of the building adjacent to Brady Street. The rear façade of the building,

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<sup>5</sup> Building heights for the Project do not include rooftop mechanical penthouses. In accordance with Section 260(b)(1)(B) of the Planning Code, elevator, stair, and mechanical penthouses would be a maximum of 16 feet in height above the roofline.

supported on V columns, would extend approximately 40 feet over the Mazzola Gardens at height of approximately 27 feet above the open space.

iii. **Building B**

The Project would construct a 10-story, 85-foot-tall, 147,200-square-foot mixed-use building located between Building A and the UA Local 38 building, which would contain 170 residential units and 2,700 square feet of ground-floor retail/restaurant space fronting Market Street. A portion of the front façade of Building B would be slightly set back from Market Street. A portion of the east façade of the building would also step back to accommodate a 2,200-square-foot residential common open space. A residential lobby would be located behind the retail/restaurant area on the ground floor, with pedestrian access available from the mid-block alley and the common open space on the east side of the building. A 24-foot-wide curb cut and garage opening at the southwest corner of the building would provide access to the two-level, below-grade parking garage under Building B.

iv. **Building C (Civic Center Hotel)**

The Project would rehabilitate the existing five-story, 55-foot-tall, 39,900 square-foot Civic Center Hotel, located on the corner of Market and 12th Streets, to contain 60 residential units and 36,700 square feet of residential uses, and 3,700 square feet of ground-floor retail/restaurant space along Market and 12th Streets. No building expansion is proposed, although a stairwell/elevator would be added. A residential lobby with pedestrian access from 12th Street would be located between the two retail/restaurant areas at the north and south ends of the building on the ground floor. The rehabilitation of the Civic Center Hotel would retain the building's five-story height and massing and three brick-clad street-facing elevations, the cast stone and sheet metal ornament on the Market Street and 12th Street façades, the street-level storefronts (although the storefronts themselves would be altered), the regular pattern of double-hung windows, and the neon blade sign, although the sign may be relocated and/or the lettering and lighting type and efficiency may be altered. Each of these features has been identified as important to defining the historic character of the building.

v. **Building D**

The Project would construct a nine-story, 85-foot-tall, 71,700-square-foot residential building with 64 residential units, east of the proposed Mazzola Gardens and south of Stevenson Street. A ground-floor lobby would be located on the north end of the building, with pedestrian access available from the Mazzola Gardens. A residential move-in/move-out loading space would be located on the east side of the building fronting Stevenson Street. As currently designed, a curb cut would not be needed because the paving would be flush across Stevenson Street. Building D would include a single basement level to provide building service space, bicycle storage, and amenity space for tenants. A 1,500-square-foot residential common open space would be located on the roof, and a 700-square foot residential common open space would be located at the southeast corner of the building.

vi. **Colton Street Affordable Housing Building**

The Project would construct a six-story, 68-foot-tall building, south of Colton Street, containing up to 100 affordable residential units. A single basement level would provide tenant laundry facilities, work rooms, a kitchen, dining area, bike storage, building service space, and a courtyard open to the ground floor

above. A residential lobby with pedestrian access from Colton Street would be located on the ground floor. An approximately 600-square-foot residential common open space would be located at the southwest corner of the building. On-site social services that would be provided include one-on-one case management, job training, and health services to assist residents with their transition out of homelessness.

**b. Streetscape Changes**

The Project would include two driveways across the existing sidewalks: one 19-foot-wide driveway along Brady Street that would use an existing curb cut, and a 24-foot-wide curb cut on Stevenson Street, approximately 140 feet west of the intersection of Stevenson and 12th Streets, which would provide access to the two-level vehicle parking garage located under Buildings A and B. In addition, a bulbout proposed across Stevenson Street at 12th Street would require a new 20-foot-wide curb cut into the bulbout to access Stevenson Street.

The Project includes two potential options for streetscape designs along 12th Street adjacent to the Project site for consideration, and the Project approvals allow flexibility for either design. Both the "Base Case" and "Enhanced Plan" for the 12th Street streetscape plan would modify pedestrian conditions along the roadway segment. The Project would include its share of improvements along the west wide of 12th Street under either scenario. The Base Case would include a raised intersection across 12th Street at the Stevenson Street entrance to the Project site, and the Enhanced Plan would convert all of 12th Street into a raised, shared roadway, slowing vehicle traffic and making pedestrian travel safer and more comfortable along the roadway. The Project would maintain existing sidewalk widths on Brady, Colton, and Market Streets immediately surrounding the Project site and would provide its share of streetscape improvements along the west side of 12th Street to widen sidewalks, add street trees, and add bulbouts at the corner of Market and 12th Streets, as well as at the corner of 12th and Stevenson Streets. The Base Case streetscape plan for 12th Street would include 21-foot-wide pedestrian zones on both sides of the street, including a four-foot-wide frontage zone, eight-foot-wide sidewalk, and nine-foot-wide furnishing zone. The Enhanced Plan for 12th Street would include a 40-foot-wide pedestrian zone on the east side of the street and an 18-foot-wide pedestrian zone on the west side of the street. The 40-foot-wide pedestrian zone would include a six-foot-wide sidewalk along the drive lane, a 25-foot-wide promenade area for vendors and seating, and a nine-foot-wide sidewalk adjacent to 10 South Van Ness Avenue. The 18-foot-wide pedestrian zone would include four-foot-wide buffer zones adjacent to the Project and drive lane, and a 10-foot-wide sidewalk between the buffer zones. Both designs would include a small plaza on the northwest corner of the intersection of 12th, Mission, and Otis Streets and South Van Ness Avenue.

**c. Transportation Demand Management Plan.**

The Project includes a Transportation Demand Management ("TDM") Plan, in compliance with Section 169 of the Planning Code. The Project would implement TDM Measures from the following categories of measures in the TDM Program Standards: active transportation; car-share; delivery; family-oriented; information and communications; land use; and parking management. The TDM Ordinance requires, prior to issuance of a certificate of occupancy, that a property owner facilitate a site inspection by the Planning Department and document implementation of applicable aspects of the TDM Plan, and maintain a TDM Coordinator, allow for Department inspections, and submit periodic compliance reports throughout the life of the Project.

d. Open Space.

The Project would provide approximately 33,500 square feet of open space, including privately-owned publicly-accessible and residential common open space in the form of roof decks and courtyards. The Project would provide approximately 10,100 square feet of common usable open space for the residential uses proposed by the Project. These common usable open spaces would include roof decks on Buildings A and D, and ground-floor courtyard open space adjacent to Buildings A, B, C, D, and the Colton Street Affordable Housing Building. The Project would also provide approximately 23,400 square feet of privately-owned publicly-accessible open space, including the creation of the planned Mazzola Gardens (13,700 square feet) at the northeast corner of Brady and Colton Streets, a mid-block alley between Buildings A and B (8,600 square feet), and space adjacent to Building A and Brady Street (1,100 square feet). The mid-block alley would provide access through the Project site to the Mazzola Gardens from Market Street. The Mazzola Gardens would provide publicly-accessible amenities including seating, landscaping, play equipment, and flexible recreation areas. The BART ventilation structure would remain in place and functioning within the Mazzola Gardens, but would be screened from view with a sculptural installation or landscape wall. The proposed design is being coordinated and permitted through BART. The design must comply with BART standards to ensure functionality, security, access, and maintenance.

e. Construction Activities.

The Project is anticipated to be constructed on a mat foundation. Therefore, the Project would entail excavation to a maximum depth of approximately 30 feet to accommodate both the below-grade parking levels and foundation. The Project would require excavation of approximately 63,400 cubic yards; Phase 1 excavation would total up to approximately 39,700 cubic yards, and Phase 2 would total up to approximately 23,700 cubic yards. Because the soils beneath the Project site consist of artificial fill, Dune sand, and marsh deposits to approximately the proposed depth of excavation, and because these soils may be unsuitable for supporting the proposed structures, soil improvement would likely be required to avoid the potential for soil liquefaction and to properly support the foundation slab. Soil improvement would likely be undertaken by a technique known as deep soil mixing ("DSM"), in which cement grout is pumped into and mixed with the native soil, essentially creating strengthened columns in the ground that can adequately support a foundation slab. Because of the presence of the BART tunnels beneath the site, DSM columns cannot be created atop the tunnels, and therefore the foundation slab would have to be constructed in a manner such that it could span the area above the BART tunnels between DSM columns on either side of the tunnels. Additionally, within the area designated as BART's Zone of Influence above the tunnels, the Project may not place additional weight atop the BART structures. Therefore, the building weight must be offset by excavation of the Project's basement levels. BART would review the Project's final geotechnical and geological hazards evaluation reports to ensure compliance with its guidelines for construction over its subway structures. The reports will include an engineering geology map, a site plan showing the location of subway structures, BART easements, a soil reworking plan, and the geological conclusion and recommendations.

Construction staging for Phases 1 and 2 of construction would occur in the proposed Mazzola Gardens portion of the Project site and may also occur on a portion of Stevenson Street. The Mazzola Gardens would be developed when the construction staging for Phase 2 is complete. During construction, trucks would access the site from Brady, 12th, Colton, and Stevenson Streets.

A number of support poles for Muni overhead wires are located on Market Street, South Van Ness Avenue, Otis Street, and Mission Street. It is anticipated that these support poles would be maintained, but some may require temporary relocation during construction, which would be coordinated through the SFMTA's review of the Special Traffic Permit and of the Project's construction management plan.

f. **Construction Schedule.**

The Project would be constructed in two sequential phases. Phase 1 would include construction of the Colton Street Affordable Housing building, the new UA Local 38 building, and Building D, all of which would be located on existing surface parking lots. In addition, Building A, including the two-level, below-grade parking garage, would also be constructed during Phase 1. The two-level, below-grade parking garage under Building B would be completed in Phase 2. Construction of Building A would entail demolition of the majority of the Lesser Brothers Building and construction of a 10-story addition behind the portion of the façade along Market Street proposed to be retained. Residents of the Civic Center Hotel would remain onsite during Phase 1 construction, as would employees of the UA Local 38 building. Following the completion of Phase 1 construction, the new buildings would be available for occupancy. Current long-term residents of the Civic Center Hotel would have the opportunity to move and relocate into the new Colton Street Affordable Housing building, and UA Local 38 would operate in its new location. Phase 2 construction would entail demolition of the existing UA Local 38 building and the construction of Building B and its below-grade parking garage, and the rehabilitation of the Civic Center Hotel (Building C) into a mixed-use building with residential use over ground-floor retail/restaurant. Upon completion of the Project, the two garage areas under Buildings A and B would be connected and result in one garage, with access from Brady and Stevenson Streets.

The construction duration for the entire Project is estimated to require a total of 44 months. Phase 1 would require 22 months and is anticipated to begin in March 2018, with initial occupancy anticipated to occur by January 2020. Phase 1 would involve demolition and site preparation (including grading and excavation) that would take approximately five months, followed by foundation and below-grade construction requiring two months, then building construction, paving, and architectural coatings would require an additional eleven months, with completion of interiors taking an additional four months.

Phase 2 of the Project is anticipated to begin in January 2020 and require 22 months for completion, anticipated by November 2021. Phase 2 would involve demolition and site preparation (including grading and excavation) and would take approximately five months, followed by foundation and below-grade construction requiring two months, then building construction, paving, and architectural coatings would require an additional 11 months, with completion of interiors taking an additional four months.

B. **Project Objectives**

The Project Sponsor, Strada Brady, LLC, would develop the Project. Their Project objectives are to:

- Take advantage of the opportunity to plan and develop a mixed-use development at a significant, underutilized site in a transit-oriented, urban infill location with a building density, mix of uses, and public amenity program that is generally consistent with the overall objectives and policies of the Market & Octavia Area Plan.

- Create a mixed-use, mixed-income community that includes on-site market-rate, inclusionary below-market-rate, and supportive housing, along with neighborhood-serving retail and new labor union facilities.
- Develop the site at an intensity and density that takes advantage of the transit resources in the area and allows the proposed project to remain financially feasible while delivering on-site affordable housing, open space, and other public benefits and community amenities.
- Produce high-quality architectural and landscape design that encourages variety, is compatible with its surrounding context, and will contribute to Market Street's unique vibrancy through strong urban design and prominent corners at 12th and Brady Streets.
- Build a transit-oriented development that is committed to sustainable design and programming through its transportation demand management, efficient building systems, and environmentally-conscious construction materials and methods.
- Preserve the character-defining features of the Civic Center Hotel and retain and renovate portions of the Lesser Brothers Building storefront at 1629–1645 Market Street, and incorporate these resources as integral parts of the overall project design, massing, and street wall context for Market and 12th Streets.
- Provide affordable housing on the Colton Street portion of the project site at a sufficient density to support on-site social and health services targeted to serve formerly homeless and at-risk residents.
- Develop a new facility for the property owner and current occupant of the site, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry Local 38 and its Pension Trust Fund, including offices and union meeting space.
- Fulfill key City Market & Octavia Area Plan objectives regarding the network of neighborhood-serving open space and pedestrian passageways by designing, developing, and maintaining an approximately 18,000-square-foot Mazzola Gardens.
- Encourage pedestrian access to the Mazzola Gardens with both north/south and east/west access to the site by creating new mid-block alleyways and other streetscape improvements.

**C. Environmental Review**

The environmental review for the Project is described in Planning Commission Motion No. 20033, to which this Attachment A is attached.

**D. Approval Actions.**

The Project requires the following approvals:

1. Planning Commission Approvals.

- Recommendation to the Board of Supervisors of an amendment to the Height and Bulk Map to change the height and bulk designation of the Colton Street Affordable Housing parcel from 40-X to 68-X.
- Recommendation to the Board of Supervisors of an amendment to the Zoning Use District Map (rezoning) to reflect the reconfigured open space parcel for the Mazzola Gardens.
- Recommendation to the Board of Supervisors of amendments to the Market & Octavia Area Plan including to Map 1 Land Use Districts, Map 3 Height Districts, and Policy 7.2.5 to reflect the updated proposed plan for the Mazzola Gardens.
- Recommendation to the Board of Supervisors of a Special Use District to reflect other Code compliance and phasing issues on a site-wide basis, such as open space and height limits along narrow streets and alleys.
- Recommendation to the Board of Supervisors of a Development Agreement with respect to the project sponsor's commitment to develop supportive affordable housing as part of the proposed project and to develop and maintain the Mazzola Gardens.
- Approval of Conditional Use Authorization/Planned Unit Development from the Planning Commission per Planning Code Sections 303 and 304 to permit development of a large lot (10,000 square feet and above) and large non-residential use (4,000 square feet and above), to address dwelling unit mix, and to provide exceptions to the Planning Code requirements for: rear yard, open space, permitted obstructions, dwelling unit exposure, street frontage, loading, and measurement of height, including adoption of the Mitigation Monitoring Reporting Program as part of the conditions of approval.
- Approval of the Project's Transportation Demand Management Plan, as required by Planning Code Section 169.

2. Board of Supervisors Actions.

- Adoption of findings under CEQA.
- Adoption of findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
- Approval of an amendment to the Height and Bulk Map to change the height and bulk designation of the Colton Street Affordable Housing parcel from 40-X to 68-X.
- Approval of an amendment to the Zoning Use District Map (rezoning) to reflect the reconfigured open space parcel for the Mazzola Gardens.

- Approval of amendments to the Market & Octavia Area Plan including to Map 1 Land Use Districts, Map 3 Height Districts, and Policy 7.2.5 to reflect the updated proposed plan for the Mazzola Gardens.
- Approval of Special Use District to reflect other Planning Code compliance issues on a site-wide basis, such as open space and height limits along narrow streets and alleys.
- Approval of a Development Agreement with respect to the project sponsor's commitment to develop supportive affordable housing as part of the proposed project and to develop and maintain the Mazzola Gardens.

3. **Department of Building Inspection Actions.**

- Review and approval of demolition, grading, and building permits.
- If any night construction work is proposed that would result in noise greater than five dBA above ambient noise levels, approval of a permit for nighttime construction is required.

4. **San Francisco Public Works Actions.**

- If sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a street space permit from the Bureau of Street Use and Mapping.
- Approval of a permit to remove and replace street trees adjacent to the project site.
- Approval of construction within the public right-of-way (e.g., curb cuts, bulbouts and sidewalk extensions) to ensure consistency with the Better Streets Plan.
- Approval of parcel mergers and new subdivision maps.

5. **San Francisco Municipal Transportation Agency Actions.**

- Approval of the placement of bicycle racks on the sidewalk, and of other sidewalk improvements, by the Sustainable Streets Division.
- If any portion of the public right-of-way is used for construction staging and pedestrian walkways are constructed in the curb lane(s), approval of a Special Traffic Permit from the Sustainable Streets Division.
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) to ensure consistency with the Better Streets Plan.
- Approval of designated color curbs for on-street freight or commercial loading along 12th, Brady, and Stevenson Streets.



6. **San Francisco Public Utilities Commission Actions.**

- Approval of any changes to sewer laterals (connections to the City sewer system).
- Approval of an Erosion and Sediment Control Plan, in accordance with Article 4.1 of the San Francisco Public Works Code.
- Approval of post-construction stormwater design guidelines, including a stormwater control plan that complies with the City's 2016 Stormwater Management Requirements and Design Guidelines.
- Approval of any changes to existing publicly-owned fire hydrants, water service laterals, water meters, and/or water mains.
- Approval of the size and location of the project's new fire, standard, irrigation, and/or recycled water service laterals.
- Approval of the landscape plan per the Water Efficient Irrigation Ordinance.
- Approval of the use of dewatering wells per Article 12B of the Health Code (joint approval by the San Francisco Department of Public Health).
- Approval of required documentation per the Non-potable Water Ordinance (joint approval by the San Francisco Department of Public Health).

7. **San Francisco Department of Public Health Actions.**

- Approval of an Enhanced Ventilation Proposal as required pursuant to Article 38 of the Health Code.
- Approval of a Dust Control Plan as required pursuant to Article 22B of the Health Code.
- Approval of a Work Plan for Soil and Groundwater Characterization and, if determined necessary by the Department of Public Health, a Site Mitigation Plan, pursuant to Article 22A of the Health Code.
- Approval of the use of dewatering wells per Article 12B of the Health Code (joint approval by the San Francisco Public Utilities Commission).
- Approval of required documentation per the Non-potable Water Ordinance (joint approval by the San Francisco Public Utilities Commission).

8. **Bay Area Rapid Transit ("BART") Actions.**

- Approval of a Construction Permit for construction on, or adjacent to, the BART right of way. Pertinent design and construction documents would be required to be

submitted to BART for review and approval to ensure compliance with their guidelines for construction over its subway structures.

**E. Findings About Significant Environmental Impacts and Mitigation Measures.**

The following Sections II, III and IV set forth the findings about the determinations of the Final EIR regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide written analysis and conclusions regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted as part of the Project.

In making these findings, the opinions of the Planning Department and other City staff and experts, other agencies and members of the public have been considered. These findings recognize that the determination of significance thresholds is a judgment within the discretion of the City and County of San Francisco; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. In making these findings, the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, are hereby ratified, adopted and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the mitigation measures set forth in the Final EIR and the attached MMRP are hereby adopted and incorporated, to substantially lessen or avoid the potentially significant impacts of the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is nevertheless hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the numbers contained in the Final EIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance are the conclusions of the Final EIR, or the mitigation measures recommended in the Final EIR for the Project, being rejected.

**F. Location and Custodian of Records.**

The public hearing transcripts and audio files, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final

EIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Jonas P. Ionin, is the custodian of records for the Planning Department and the Planning Commission.

## II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Res. Code § 21002; CEQA Guidelines §§ 15126.4, subd. (a)(3), 15091). As more fully described in the Final EIR and the Initial Study, and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

### Land Use

- **Impact LU-1:** The Project would not physically divide an existing community.
- **Impacts LU-2:** The Project would not conflict with any applicable land use plans, policies or regulations of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.
- **Impact C-LU-1:** The Project, in combination with past, present and reasonably foreseeable projects, would not result in a cumulative land use impact.

### Population and Housing

- **Impact PH-1:** The Project would not induce substantial population growth either directly or indirectly.
- **Impact PH-2:** The Project would not displace a substantial number of existing housing units, people, or create demand for additional housing elsewhere.
- **Impact C-PH-1:** The Project would not make a considerable contribution to any cumulative significant effects related to population or housing, in combination with past, present, and reasonably foreseeable future projects, would not induce substantial population growth either directly or indirectly, displace substantial numbers of exiting units, or create demand for additional housing, necessitating the construction of replacement housing.

### Cultural Resources

- **Impact CR-3:** The Project would not cause a substantial adverse change in the significance of the Path of Gold Light Standards, a historical resource is defined in CEQA Guidelines Section 15064.5(b).
- **Impact CR-5:** The Project would not result in a substantial adverse change in the significance of an adjacent historical resource as defined in CEQA Guidelines Section 15064.5(b).

- **Impact C-CR-1:** The Project, in combination with past, present, and reasonably foreseeable projects in the area, would not result in a significant cumulative impact on historic architectural resources.

### Transportation and Circulation

- **Impact TR-1:** The Project would not cause substantial additional VMT nor substantially induce automobile travel.
- **Impact TR-2:** The Project would not cause major traffic hazards.
- **Impact TR-3:** The Project would not result in a substantial increase in transit demand that could not be accommodated by adjacent local and regional transit capacity, or cause a substantial increase in delays or operating costs such that significant adverse impacts to local or regional transit service could occur.
- **Impact TR-4:** The Project would not result in substantial overcrowding on public sidewalks, and would not create potential hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- **Impact TR-5:** The Project would not result in potentially hazardous conditions for bicyclists, or otherwise substantially interfere with bicycle accessibility to the site and adjoining areas.
- **Impact TR-6:** The Project would not result in a loading demand that could not be accommodated within the proposed on-site loading facilities or within convenient on-street loading zones, and would not create potentially hazardous conditions for traffic, transit, bicyclists, or pedestrians, or significant delays to transit.
- **Impact TR-7:** The Project would not result in significant impacts on emergency vehicle access.
- **Impact TR-8:** The Project construction activities would not result in substantial interference with transit, pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would not result in potentially hazardous conditions.
- **Impact C-TR-1:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not contribute to regional VMT in excess of expected levels.
- **Impact C-TR-2:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not cause major traffic hazards.
- **Impact C-TR-3:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant transit impacts.
- **Impact C-TR-4:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant pedestrian impacts.
- **Impact C-TR-5:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in cumulative bicycle impacts.

- **Impact C-TR-6:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in significant impacts on loading.
- **Impact C-TR-7:** The Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a significant impact on emergency vehicle access.

#### Air Quality

- **Impact AQ-1:** The Project's construction activities would generate fugitive dust and criteria air pollutants, but would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- **Impact AQ-2:** During Project operations, the Project would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- **Impact AQ-4:** The Project would not conflict with, or obstruction implementation of the *2010 Clean Air Plan*.
- **Impact AQ-5:** The Project would not create objectionable odors that would affect a substantial number of people.

#### Greenhouse Gas Emissions

- **Impact C-GG-1:** The Project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

#### Wind and Shadow

- **Impact WS-1:** The Project would not alter wind in a manner that substantially affects public areas.
- **Impact WS-2:** The Project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.
- **Impact C-WS-1:** The Project, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulative impacts related to wind.
- **Impact C-WS-2:** The Project, in combination with other past, present, and reasonably foreseeable projects, would not result in cumulative impacts related to shadow.

#### Recreation

- **Impact RE-1:** The Project would not result in a substantial increase in the use of existing parks and recreational facilities, the deterioration of such facilities, include recreation facilities, or

require the expansion of recreational facilities, or physically degrade existing recreational resources.

- **Impact C-RE-1:** The Project, in combination with other past, present, or reasonably foreseeable projects would result in less-than-significant cumulative impacts to recreational resources.

### Utilities and Service Systems

- **Impact UT-1:** The Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, would not exceed the capacity of the wastewater treatment provider serving the Project site, or require construction of new stormwater drainage facilities, wastewater treatment facilities, or expansion of existing facilities.
- **Impact UT-2:** SFPUC has sufficient water supply available to serve the Project from existing entitlements and resources, and the Project would not require expansion or construction of new water supply resources or facilities.
- **Impact UT-3:** The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.
- **Impact UT-4:** The construction and operation of the Project would comply with all applicable statutes and regulations related to solid waste.
- **Impact C-UT-1:** The Project, in combination with other past, present, or reasonably foreseeable projects would result in less-than significant impact to utilities and service systems.

### Public Services

- **Impact PS-1:** The Project would not result in an increase in demand for police protection, fire protection, schools, or other services to an extent that would result in substantial adverse physical impacts associated with the construction or alteration of governmental facilities.
- **Impact C-PS-1:** The Project, combined with past, present, and reasonably foreseeable future projects in the vicinity, would not have a substantial cumulative impact to public services.

### Biological Resources

- **Impact BI-1:** The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species, riparian habitat or sensitive natural communities, and would not interfere substantially with any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- **Impact BI-2:** The Project would not conflict with the City's local tree ordinance.
- **Impact C-BI-1:** The Project, in combination with other past, present or reasonably foreseeable projects, would not result in cumulative impacts to biological resources.

### Geology and Soils

- **Impact GE-1:** The Project would not result in exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground-shaking, liquefaction, lateral spreading, or landslides.
- **Impact GE-2:** The Project would not result in substantial loss of topsoil or erosion.
- **Impact GE-4:** The Project would not be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property.
- **Impact GE-5:** The Project would not substantially change the topography or any unique geologic or physical features of the site.
- **Impact C-GE-1:** The Project, in combination with other past, present or reasonably foreseeable projects, would not result in cumulative impacts related to geology, seismicity, or soils.

### Hydrology and Water Quality

- **Impact HY-1:** The Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.
- **Impact HY-2:** The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table.
- **Impact HY-3:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.
- **Impact HY-4:** The Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- **Impact HY-5:** The Project would not expose people or structures to a significant risk of loss, injury, or death involving flooding.
- **Impact C-HY-1:** The Project, in combination with other past, present, or reasonably foreseeable projects, would result in less-than-significant cumulative impacts to hydrology and water quality.

### Hazards and Hazardous Materials

- **Impact HZ-1:** The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- **Impact HZ-2:** The Project would not result in a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment.
- **Impact HZ-3:** The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.
- **Impact HZ-4:** The Project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- **Impact HZ-5:** The Project would not expose people or structures to a significant risk of loss, injury or death involving fires, nor interfere with the implementation of an emergency response plan.
- **Impact C-HZ-1:** The Project, in combination with other past, present, or reasonably foreseeable projects would not result in cumulative impacts related to hazards and hazardous materials.

#### **Mineral and Energy Resources**

- **Impact ME-1:** The Project would not encourage activities that would result in the use of large amounts of fuel, water, or energy, or use these resources in a wasteful manner.
- **Impact C-ME-1:** The Project, in combination with other past, present or reasonably foreseeable projects, would not result in a cumulative impact on mineral and energy resources.

#### **Agriculture and Forest Resources**

- The Project site and vicinity are located within an urbanized area of San Francisco. No land in San Francisco has been designated as agricultural land or forest land, and therefore there would be no impacts to agricultural or forest resources.

### **III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH THE IMPOSITION OF MITIGATION MEASURES**

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern mitigation measures set forth in the Final EIR. These findings discuss mitigation measures as identified in the Final EIR for the Project. The full text of the mitigation measures is contained in the Final EIR and in **Exhibit 1**, the Mitigation Monitoring and Reporting Program. The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the Final EIR, included in the Project, or imposed as conditions of approval and set forth in **Exhibit 1**.

The Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The Commission urges these agencies to assist in implementing these mitigation



measures, and finds that these agencies can and should participate in implementing these mitigation measures.

### Cultural Resources

**Impact CR-2: The Project could cause could cause a substantial adverse change in the significance of the Civic Center Hotel, a historical resource as defined in CEQA Guidelines Section 15064.5(b).**

With respect to potential design-related impacts at the Civic Center Hotel, the Final EIR determined that because the Project would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, including the Standards for Rehabilitation ("Secretary's Standards"), and because the project would not result in a substantial adverse change to the Civic Center Hotel through demolition, relocation, or major alteration of the building, the Civic Center Hotel would retain its historic integrity with respect to design, materials, and workmanship, any design-related impact with respect to rehabilitation of the Civic Center Hotel would be less than significant, requiring no mitigation. The Commission concurs in this determination.

With respect to adjacent construction of buildings next to the Civic Center Hotel, the Final EIR determined that the integrity of the Civic Center Hotel would be retained with implementation of the Project's rehabilitation of the building and adjacent new construction, and that the Project would not materially impair the historical significance of the resource and therefore would not result in a substantial adverse change to the Civic Center Hotel, resulting in a less than significant impact, requiring no mitigation. The Commission concurs in this determination.

Construction activity can generate vibration that can potentially cause structural damage to adjacent and nearby buildings. Construction equipment would generate vibration levels up to 0.089 in/sec peak particle value ("PPV") at a distance of 25 feet, which is below the threshold for potential damage; however, because demolition and construction activity associated with rehabilitation would occur within and immediately adjacent to the Civic Center Hotel, such activity could damage the character-defining features of the Civic Center Hotel.

*Mitigation Measure M-CR-1c: Protect On-Site Historical Resources from Construction Activities*

*Mitigation Measure M-CR-1d: Construction Monitoring Program for On-Site Historical Resources*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-1c and M-CR-1d would reduce impact CR-2 to a less-than-significant level.

**Impact CR-4: Construction-related activities associated with the Project could cause a substantial adverse change in the significance of adjacent historical resources as defined in CEQA Guidelines Section 15064.5(b).**

As noted above, construction activity can generate vibration that can potentially cause structural damage to adjacent and nearby buildings. Construction equipment would generate vibration levels of up to 0.089 in/sec PPV at a distance of 25 feet, which is below the threshold for potential damage. However, because construction activity would occur immediately adjacent to historical resources at 42 12th Street and 56-70

12th Street, construction vibration could adversely affect these resources. This would be a significant impact.

*Mitigation Measure M-CR-4a: Protect Adjacent Historical Resources from Construction Activities*

*Mitigation Measure M-CR-4b: Construction Monitoring Program for Adjacent Historical Resources*

With respect to other nearby historical resources, the Final EIR determined that because no pile-driving is proposed, rapid attenuation of groundborne vibration would result in a less than significant impact on other nearby historical resources, requiring no mitigation. The Commission concurs in this determination. The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-4a and M-CR-4b would reduce impact CR-4 to a less-than-significant level.

**Impact CR-6: The Project could cause a substantial adverse change in the significance of an archeological resource.**

The Project has the potential to affect Late Holocene and Middle Holocene prehistoric archeological deposits. There is also the potential to affect historical archeological deposits that could be legally significant depending on the potential of the deposit to address important historical archeological research questions and the integrity of the deposit/feature.

*Mitigation Measure M-CR-6: Archeological Testing*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-CR-6 would reduce impact CR-6 to a less-than-significant level.

**Impact CR-7: The Project could disturb human remains, including those interred outside of dedicated cemeteries.**

There are no known human remains, including those interred outside of dedicated cemeteries, located in the immediate vicinity of the Project area. In the event that construction activities disturb unknown human remains within the Project area, any inadvertent damage to human remains would be considered a significant impact.

*Mitigation Measure M-CR-7: Inadvertent Discovery of Human Remains*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-CR-7 would reduce impact CR-7 to a less-than-significant level.

**Impact CR-8: The Project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.**

CEQA Section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in Section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, on the national, state, or local register of historical resources. Pursuant to State law under Assembly Bill 52 (*Public Resources Code* Section 21080.3.1), on September 26, 2016, the Planning Department requested consultation with Native American tribes

regarding possible significant effects that the Project may have on tribal cultural resources. The Planning Department received no response concerning the Project.

Based on the background research there are no known tribal cultural resources in the Project area; however, based on the archeological sensitivity assessment there is the potential for prehistoric archeological resources to be in the Project area. Prehistoric archeological resources may also be considered tribal cultural resources. In the event that construction activities disturb unknown archeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact.

*Mitigation Measure M-CR-8: Tribal Cultural Resources Interpretive Program*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-CR-8 would reduce impact CR-8 to a less-than-significant level.

**Impact C-CR-2: Construction-related activities associated with the Project could cause a substantial adverse change in the significance of adjacent historical resources as defined in CEQA Guidelines Section 15064.5(b).**

Archeological resources, tribal cultural resources, and human remains are non-renewable resources of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. As discussed above, the Project could have a significant impact related to archeological resources, tribal cultural resources, and disturbance of human remains. The Project's impact, in combination with other projects in the area that would also involve ground disturbance and that could also encounter previously recorded or unrecorded archeological resources, tribal cultural resources, or human remains, could result in a significant cumulative impact.

*Mitigation Measure M-CR-6: Archeological Testing*

*Mitigation Measure M-CR-7: Inadvertent Discovery of Human Remains*

*Mitigation Measure M-CR-8: Tribal Cultural Resources Interpretive Program*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-6, M-CR-7, and M-CR-8 would reduce impact C-CR-2 to a less-than-significant level.

**Noise**

**Impact M-NO-1: The Project could result in the exposure of persons to or generation of noise levels in excess of established standards, and could result in a substantial permanent increase in ambient noise levels or otherwise be substantially affected by existing noise.**

With respect to roadside noise increases from Project operations, the Final EIR determined that roadside noise increases would be less than three dBA along Market Street and less than five dBA along all other

roadways under both the existing plus project and cumulative plus project conditions, resulting in a less than significant impact requiring no mitigation. The Commission concurs in this determination.

The mechanical, electrical, and plumbing equipment design for the Project is not yet complete. It is expected that the Project would have standard interior HVAC equipment with some rooftop, penthouse, or basement equipment and mechanical louvers, visual screen walls, and parapet barriers to help reduce noise transmission to the adjacent land uses. While it is anticipated that these standard noise reduction elements would be adequate to meet the Section 2909(d) fixed source noise requirements of 45 dBA at night and 55 dBA during the day and evening hours for the adjacent residential properties, a mitigation measure is identified to ensure that building materials are sufficiently rated to attain interior noise requirements once the location and specifications of the ventilation or air-conditioning system are available.

*Mitigation Measure M-NO-1: Acoustical Assessment of Mechanical, Electrical, and Plumbing (MEP) Equipment*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-NO-1 would reduce impact NO-1 to a less-than-significant level.

**Impact M-NO-2: During construction, the Project could result in a substantial temporary or periodic increase in ambient noise levels and vibration in the Project vicinity above levels existing without the Project.**

The nearest residential receptors are located less than 50 feet to the west (1651 Market Street) and south (77 Colton Street and 65 Brady Street) of the Project site, where existing daytime noise levels have been monitored to be 69 dBA, and 63 dBA, Leq, respectively. These uses would experience temporary and intermittent noise associated with demolition and construction activities as well as from construction trucks traveling to and from the Project site.

Estimated construction noise levels generated by non-impact equipment of the Project would range from 78 to 89 dB Leq at the nearest residential uses. While enforcement of the Noise Ordinance would limit noise generated by standard pieces of construction equipment to 80 dBA at 100 feet, localized increase in noise would be more than 10 dBA above existing ambient, which is an increase perceived as a doubling of loudness. Consequently, while the temporary construction noise effects would not exceed the standards in the Noise Ordinance for single pieces of equipment, a combination of equipment noise during the more intensive construction activities such as excavation could result in a substantial temporary increase in noise levels, which would be a significant impact.

Construction could also generate vibration that could potentially rise to the level of annoyance. Caltrans, in its Transportation and Construction Vibration Guidance Manual, does not provide standards for vibration annoyance potential. However, this manual provides guidelines for assessing construction vibration annoyance in PPV for transient sources, e.g., a single isolated vibration event, with a PPV of 0.035 inches per second (in/sec) being barely perceptible, a PPV of 0.24 in/sec being distinctly perceptible, a PPV of 0.9 in/sec being strongly perceptible. As discussed in connection with vibration impacts in Section IV.A, Historic Architectural Resources, of the EIR, heavy equipment used in construction could generate a vibration level of up to 0.089 in/sec PPV at a distance of 25 feet, for the largest typical

construction equipment such as a large bulldozer, which is well below the threshold for being distinctly perceptible (PPV of 0.24 in/sec).

Construction vibration levels could potentially result in a significant effect on residents of the Civic Center Hotel, but mitigation measures are being implemented to protect the historic Civic Center Hotel from vibration damage during construction.

*Mitigation Measure M-CR-1c: Protect On-Site Historical Resources from Construction Activities*

*Mitigation Measure M-CR-1d: Construction Monitoring Program for On-Site Historical Resources*

*Mitigation Measure M-NO-2: Construction Noise Reduction*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-1c, M-CR-1d, and M-NO-2 would reduce impact NO-2 to a less-than-significant level.

**Impact C-NO-1: The Project would make a considerable contribution to cumulative significant noise impacts.**

With respect to cumulative roadside noise increases, the Final EIR determined that such increases would be less than three dBA along Market Street and less than five dBA along all other roadways under the cumulative plus project conditions, resulting in a less than significant impact requiring no mitigation. The Commission concurs in this determination.

Construction activities associated with other projects in the vicinity of the Project site would occur on a temporary and intermittent basis, similar to the Project, and construction noise effects associated with the Project could potentially combine with those associated with cumulative projects located near the Project site. Both the Project and the 10 South Van Ness Avenue project have residential uses directly across Market Street (at and near the location of the proposed One Oak Street and 1546–1564 Market Street projects) that would have a direct line-of-sight to these two projects' construction activities, should they occur simultaneously. Therefore, cumulative construction-related noise impacts could be significant.

In addition, Project mechanical equipment could, in combination with ambient noise level increases from other projects, contribute to a cumulative increase in ambient noise levels.

*Mitigation Measure M-NO-1: Acoustical Assessment of Mechanical, Electrical, and Plumbing Equipment*

*Mitigation Measure M-NO-2: Construction Noise Reduction*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-NO-1 and M-NO-2 would reduce impact C-NO-1 to a less-than-significant level.

### Air Quality

**Impact AQ-3: The Project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations.**

Site preparation activities, such as demolition, excavation, grading, foundation construction, and other ground-disturbing construction activity, would affect localized air quality during the construction phases of the Project. Short-term emissions from construction equipment during these site preparation activities would include directly emitted PM (PM<sub>2.5</sub> and PM<sub>10</sub>) and TACs such as DPM. Additionally, the long-term emissions from the Project's mobile sources would include PM (PM<sub>2.5</sub>) and TACs, such as DPM and some compounds or variations of ROG. The generation of these short- and long-term emissions could expose sensitive receptors to substantial pollutant concentrations of TACs, resulting in an increase in localized health risk.

Lifetime cancer risk would exceed the seven per million persons Air Pollutant Exposure Zone ("APEZ") threshold, primarily as a result of construction-related diesel emissions. Similarly, the Project's localized PM<sub>2.5</sub> concentration contributions would exceed the above 0.2 µg/m<sup>3</sup> APEZ threshold, also primarily because of construction-related diesel emissions. Consequently, localized health exposure impacts would be significant and mitigation measures are required.

#### *Mitigation Measure M-AQ-3: Construction Air Quality*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-AQ-3 would reduce impact AQ-3 to a less-than-significant level.

**Impact C-AQ-1: The Project, in combination with past, present, and reasonably foreseeable future development in the Project area would contribute to cumulative air quality impacts.**

As discussed above, the Project site is located in an area that already experiences poor air quality. The Project would add construction-related DPM emissions within an area identified as an the APEZ, resulting in a considerable contribution to cumulative health risk impacts on nearby sensitive receptors. This would constitute a significant cumulative impact.

#### *Mitigation Measure M-AQ-3: Construction Air Quality*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-AQ-3, which would reduce construction period emissions by as much as 94 percent, would reduce impact C-AQ-1 to a less-than-significant level.

### Geology and Soils

**Impact GE-3: The Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.**

The Project site is within a state designated seismic hazard zone for liquefaction. For projects in a hazard zone such as the Project, DBI requires that appropriate mitigation measures, if any, are incorporated into

the development plans and made conditions of the building permit. In addition, improvements proposed as part of the Project would require the design of the proposed buildings to consider the foundations with regard to the BART tunnel below the site. Absent proper precautions and application of appropriate engineering techniques, Project construction could adversely affect subsurface soil conditions and could cause damage to BART facilities, which could result in a significant and unavoidable impact. During construction, temporary shoring would be necessary during ground improvements to prepare for the foundation. The geotechnical investigation performed for the Project included some general recommendations to be implemented during construction in order to prevent the dune sands from caving and to protect neighboring structures. Excavation activities will require the use of shoring and underpinning in accordance with the recommendations of the geotechnical report, the San Francisco Building Code requirements, the California Seismic Hazards Mapping Act ("SHMA"), as well as the BART engineering recommendations as stated in Mitigation Measure M-GE-3a.

Groundwater is anticipated at depths ranging from 16 to 17.5 feet bgs. Because excavation would extend below this depth, dewatering would likely be required during construction. Should dewatering be necessary, the final soils geotechnical report would address the potential settlement and subsidence impacts of this dewatering. Based on this discussion, the soils final geotechnical report would determine whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets, which could result in a significant and unavoidable impact.

*Mitigation Measure M-GE-3a: Design Approval and Construction Monitoring for BART Subway Structure*

*Mitigation Measure M-GE-3b: Monitoring of Adjacent Structures in the Event of Dewatering.*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-GE-3a and M-GE-3b would reduce impact GE-3 to a less-than-significant level.

**Impact GE-6: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

The Project would entail excavation to a depth of approximately 30 feet to accommodate the below-grade basement levels and foundation. Excavation would extend into the Colma Formation. For paleontologically sensitive areas, the objective of implementing mitigation measures is to reduce adverse impacts on paleontological resources by recovering fossils and associated contextual data prior to and during ground-disturbing activities. Ground-disturbing activities as a result of the Project could expose and cause impacts on unknown paleontological resources, which would be a potentially significant impact.

*Mitigation Measure M-GE-6: Inadvertent Discovery of Paleontological Resources*

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-GE-6 would reduce impact GE-6 to a less-than-significant level.

#### IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the Final EIR. The Commission finds that the mitigation measures in the Final EIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project that are described below. Although all of the mitigation measures set forth in the MMRP, attached as **Exhibit 1**, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

The Commission further finds based on the analysis contained within the Final EIR, other considerations in the record, and the significance criteria identified in the Final EIR, that feasible mitigation measures are not available to reduce some of the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although mitigation measures are identified in the Final EIR that would reduce some significant impacts, certain measures, as described in this Section IV below, are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the Final EIR, are unavoidable. But, as more fully explained in Section VII, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

##### Cultural Resources

**Impact CR-1: The Project would cause a substantial adverse change in the significance of the Lesser Brothers Building, a historical resource as defined in CEQA Guidelines Section 15064.5(b).**

The Historic Resources Evaluation prepared for the Project evaluated its proposed treatment of the Lesser Brothers Building for consistency with the Secretary's Standards, and concluded that the Project would not comply with Standards 1, 2, 9, or 10, because the Project would effectively demolish the Lesser Brothers Building, including approximately 45 percent of the exterior walls, and would add new construction to the remaining façades that would be incompatible with the scale, size, proportion, and massing of the historical resource. Moreover, the new construction could not realistically be removed in the future while retaining the essential form and integrity of the historic building.

Material impairment of the historical significance of a historic resource is a significant impact under CEQA. Material impairment occurs when there is demolition or alteration of the resource's physical characteristics that convey its historical significance. As proposed, the Project would alter the Lesser Brothers Building's physical characteristics that convey its significance. It would both remove more than 25 percent of the Lesser Brothers Building's exterior walls from their function as either external or internal



walls and more than 75 percent of the building's existing internal structural framework while retaining the principal Market Street façade and portions of the east and west (Brady Street façades). Although the building's exterior character-defining features—the stucco cladding and cast cement piers, arcuate motif frieze, molded cornice, and red clay tile pent-roofed parapet on the primary façade—would be retained, one important character-defining feature would be eliminated: the building's single-story height and massing. The building's height and massing are paramount to conveying its historical significance, given that the building is recognized in the Historic Resource Evaluation prepared for the Project as a "rare, surviving example of a low-scale 'taxpayer' block on Market Street." While the Market Street façade and portions of the west (Brady Street) façade would remain visible as a single-story element, and a portion of the newly exposed east façade would likewise be visible, the seven-story vertical addition would rise more than 60 feet above the retained portion of the 23-foot-tall Lesser Brothers Building and would be set back only 10 feet from the Market Street façade and lesser distances on either side. Effectively, therefore, the building's single-story height and massing would no longer be extant.

The changes to the Lesser Brothers Building would alter the building's historic massing, spatial relationships, and proportions, causing it to lose integrity of design, setting, or feeling, which are three of the seven characteristics of integrity that are analyzed to determine a resource's eligibility for the California Register. A fourth aspect of integrity, materials, would be partially lost, because while the Market Street façade would retain its stucco cladding and cast cement piers, arcuated motif frieze, molded cornice, and red clay tile pent-roofed parapet, much of the remainder of the building would be demolished. A fifth aspect of integrity—association—relates to the property's link between important historic events or persons. As the Lesser Brothers Building is not recognized for its association with such events or persons, this aspect of integrity is less relevant than the others. Accordingly, implementation of the Project would result in the Lesser Brothers Building retaining only its integrity of location and workmanship—the latter for the character-defining features that would remain. As a result, although the façade would retain much of its architectural detail, the building would no longer represent a "rare, surviving example of a low-scale 'taxpayer' block on Market Street."

The Project would materially impair the historical significance of the Lesser Brothers Building. Accordingly, the Project would result in a substantial adverse change to the Lesser Brothers Building, a significant impact under CEQA.

*Mitigation Measure M CR 1a: HABS Documentation*

*Mitigation Measure M CR 1b: Interpretive Display*

Although implementation of these mitigation measures could reduce the severity of the impact to the Lesser Brothers Building that would result from implementation of the Project design, the impact would be significant and unavoidable with respect to this structure.

In addition, demolition and construction activity would occur on and immediately adjacent to the Lesser Brothers Building. Such activity could damage the character-defining features of the portion of the building proposed to be retained, including the Market Street façade.

*Mitigation Measure M CR 1c: Protect On-Site Historical Resources from Construction Activities*

*Mitigation Measure M CR 1d: Construction Monitoring Program for On-Site Historical Resources*

Although implementation of these mitigation measures would reduce potential construction-related impacts to the Lesser Brothers Building's character-defining features, because the Project would effectively demolish the building, the construction-related impact on the Lesser Brothers Building would be significant and unavoidable.

### Transportation and Circulation

**Impact C-TR-8: The Project, in combination with other past, present, and reasonably foreseeable future projects, would contribute considerably to significant cumulative construction-related transportation impacts.**

Projected cumulative development in the vicinity of the intersection of Van Ness Avenue and Market Street, in combination with transportation/streetscape projects anticipated to occur within a few blocks of the Project site, could result in multiple travel lane closures, high volumes of trucks in the Project vicinity, and travel lane and sidewalk closures. These construction activity elements could disrupt or delay transit, pedestrians or bicyclists, or result in potentially hazardous conditions (e.g., high volumes of trucks turning at intersections). The uncertainty concerning construction schedules of cumulative development could further exacerbate these disruptions, delays, and introduced safety hazards. Despite the best efforts of the project sponsors and project construction contractors, it is possible that simultaneous construction of the cumulative projects could result in significant disruptions to transit, pedestrian, and bicycle circulation, even if each individual project alone would not have significant impacts. In some instances, depending on construction activities, construction overlap of two or more projects may not result in significant impacts. However, for conservative purposes, given the concurrent construction of multiple buildings and transportation projects, some in close proximity to each other, the expected intensity (i.e., the projected number of truck trips) and duration of construction activities that could occur simultaneously within a small geographic area, and likely impacts to transit, bicyclists, and pedestrians, cumulative construction-related transportation impacts would be considered significant. Construction of the Project would contribute considerably to these significant cumulative construction-related transportation impacts.

*Mitigation Measure M C TR 8a: Non-Peak Construction Traffic Hours*

*Mitigation Measure M C TR 8b: Construction Management Plan*

*Mitigation Measure M C TR 8c: Cumulative Construction Coordination*

These mitigation measures would reduce significant cumulative construction-related transportation impacts, and would not result in secondary transportation impacts. Implementation of these mitigation measures would minimize, but would not eliminate, the significant cumulative impacts related to conflicts between construction activities and pedestrians, transit, bicyclists, and autos. Other potential mitigation measures, such as imposing sequential (i.e., non-overlapping) construction schedules for all projects in the vicinity, were considered but deemed impractical due to potentially lengthy delays in project implementation. Therefore, construction of the Project, in combination with past, present and reasonably foreseeable development in San Francisco, could contribute considerably to cumulative construction-related transportation impacts, which would remain significant and unavoidable.

## V. MITIGATION MEASURES REJECTED AS INFEASIBLE

No mitigation measures identified in the Final EIR are rejected as infeasible.

## VI. EVALUATION OF PROJECT ALTERNATIVES

This Section describes the reasons for approving the Project and the reasons for rejecting the alternatives as infeasible. CEQA requires that an EIR evaluate a reasonable range of alternatives to the proposed project or the project location that substantially reduce or avoid significant impacts of the proposed project. CEQA requires that every EIR also evaluate a “No Project” alternative. Alternatives provide the decision maker with a basis of comparison to the proposed Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the proposed Project.

### Alternatives Considered, Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the Final EIR and listed below based upon substantial evidence in the record, including evidence of economic, legal, social, technological, and other considerations described in this Section, in addition to those described in Section VII below, which are hereby incorporated by reference, that make these alternatives infeasible. In making these determinations, the Commission is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364.) Under CEQA case law, the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project; and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

### A. No Project Alternative.

Under the No Project Alternative, the Project site would generally remain in its existing condition and would not be redeveloped with a mix of residential and retail/restaurant uses. office, retail, residential, cultural, educational, and open space uses. This alternative would reduce or avoid impacts associated with building demolition, construction activities, and effects associated with the operation of more intense uses on the site. All structures on the site would be retained, with the existing UA Local 38 Building remaining in use as an office and assembly space totaling 24,100 square feet, the Lesser Brothers Building remaining in retail use totaling 13,000 square feet, and operation of the Civic Center Hotel as a Navigation Center and residential use (140 single-room occupancy dwelling units and 12 additional vacant units) for the foreseeable future. The existing on-site parking lots containing 242 parking spaces would also remain unaltered.

The existing development controls on the Project site would continue to govern site development and would not be changed by General Plan, Planning Code, and Zoning Map amendments. The site would remain under existing density and height and bulk standards defined for the NCT-3 and Public (P) districts, and the 85-X and 40-X height and bulk districts, and no new development would occur.

The No Project Alternative would reduce the impacts of the Project because no new development would occur. The significant and unavoidable historic architectural resources impact of the Project would not occur. The significant and unavoidable cumulative construction-related transportation impact would still be anticipated to occur under the No Project Alternative, but the proposed Project would make no contribution to this impact, avoiding the Project's considerable contribution to that significant and unavoidable impact.

The No Project Alternative is hereby rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact of the Project, and would avoid the Project's considerable contribution to the significant and unavoidable cumulative construction-related transportation impact, it would fail to meet the basic objectives of the Project. Because the physical environment of the Project site would be unchanged, the No Project Alternative would fail to achieve all but one of the Project Sponsor's objectives for the Project (the No Project Alternative would partially achieve the objective of preserving the character-defining features of the Civic Center Hotel and retaining and renovating portions of the Lesser Brothers Building storefront, but would not incorporate those resources as integral parts of the overall Project design, massing, and street wall context for Market and 12th Streets). In particular, objectives would not be achieved regarding the development of a dense, mixed-use, mixed-income community with on-site market-rate, inclusionary below-market-rate, and supportive housing, along with neighborhood-serving retail and new labor union facilities in an urban infill location in close proximity to transit; high-quality architectural and landscape design with strong urban design and prominent corners at 12th and Brady Streets; affordable housing on the Colton Street portion of the Project site at sufficient density to support on-site social and health services targeted to serve formerly homeless and at-risk residents; fulfillment of key City Market & Octavia Area Plan objectives regarding a network of neighborhood-serving open space and pedestrian passageways, including the proposed Mazzola Gardens, and encouragement of pedestrian access to the Mazzola Gardens through new mid-block alleyways and other streetscape improvements.

For these reasons, it is hereby found that the No Project Alternative is rejected because it would not meet the basic objectives of the Project and, therefore, is not a feasible alternative.

**B. Full Preservation Alternative**

Under the Full Preservation Alternative the site would be developed in the same manner as the Project, with the exception of Building A, including the Lesser Brothers Building, a historical resource under CEQA. The Full Preservation Alternative would retain the entirety of the Lesser Brothers Building, and would add a partial, approximately nine-foot-tall single-story addition atop that building, and construct a smaller new residential building (Building A) behind (south of) the Lesser Brothers Building, approximately 60 feet south of Market Street. The existing Lesser Brothers Building would contain retail/restaurant uses, and the single-story addition would be devoted to residential use and physically connected to the new construction to the south. The single-story addition to the Lesser Brothers Building would be set back 15 feet from the building's principal Market Street façade, 15 feet from the west (Brady Street) façade, and approximately eight feet from the east façade, minimizing effects on the existing historical resource. This alternative would create an addition that is consistent with the Secretary of the Interior's Standards for Rehabilitation, as the single-story addition would be compatible with the scale, massing, and design of the Lesser Brothers Building, but sufficiently differentiated so as to avoid creating a false sense of historicism. Like the Project, the Full Preservation Alternative would retain all of the character-defining features of the Lesser Brothers Building's Market Street façade, and would replace the

existing altered storefronts with compatible new storefronts. This alternative would generally retain the Lesser Brothers Building's single-story height and massing, setting back the partial second story addition such that the vertical addition would not be visible from sidewalks adjacent to the Project.

The Full Preservation Alternative would provide 518 dwelling units, 11 percent (66 units) fewer than would the Project, due to the reduced size of Building A. The modifications to the Lesser Brothers Building would result in an increase in the total Project retail/restaurant square footage to 20,300 square feet, or 56 percent (7,300 square feet) more than the Project. There would be no underground excavation or parking structure developed within the footprint of the Lesser Brothers Building, reducing vehicle parking by approximately 15-20 spaces compared to the Project, for total vehicle parking of 296-301 spaces. In addition, bicycle parking would be reduced by an estimated 16 Class 1 and two Class 2 spaces, for a total of 215 Class 1 and 39 Class 2 spaces. In all other respects, the Full Preservation Alternative would be developed in the same manner as the Project, and the same approvals and entitlements would be required.

The Full Preservation Alternative would avoid the Project's significant and unavoidable historic architectural resources impact on the Lesser Brothers Building, as the entirety of the historical resource would be retained, with no demolition of the building or subterranean excavation beneath the building. The Full Preservation Alternative would not significantly alter the Lesser Brothers Building, which would retain integrity of location, design, setting (in part), materials, workmanship, and feeling (in part), and the building would retain sufficient integrity such that the physical characteristics conveying its significance and justifying its eligibility for inclusion in the California Register, would, in large part, be retained. Like the Project, the Full Preservation Alternative could result in construction-related vibration impacts on both on-site and adjacent historical resources, but as with the Project, these impacts would be reduced to a less-than-significant level through implementation of mitigation measures. Two mitigation measures designed to mitigate the significant and unavoidable design-related impact on the Lesser Brothers Building under the Project (Mitigation Measures M-CR-1a, HABS Documentation, and M-CR-1b, Interpretive Display) would not be required for the Full Preservation Alternative. Similar to the Project, impacts on other historical resources, including the Civic Center Hotel and Path of Gold Light Standards, would be less than significant. The Full Preservation Alternative would therefore result in a less-than-significant historic architectural resources impact on the Lesser Brothers Building.

Similar to the Project, the Full Preservation Alternative would result in a significant cumulative construction-related impact on transit, pedestrian, and bicycle circulation, as the Full Preservation Alternative would contribute considerably to that impact. Implementation of mitigation measures would reduce the severity of that cumulative construction-related impact, but the impact would remain significant and unavoidable with mitigation. Although the Full Preservation Alternative's greater amount of retail/restaurant space as compared to the Project would result in approximately six percent greater daily vehicle trips, increased pedestrian and bicycle trips, and similar transit ridership, there would be slight operations changes as compared to those described in the Transportation and Circulation section of the EIR, and this change would not result in any new or substantially more severe transportation and circulation impacts.

The Full Preservation Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, it would not meet several of the Project objectives, and various City objectives and policies related to affordable housing and urban design, to the same extent as the Project. With respect to affordable housing, the

reduction in size of the residential component of Building A by 66 units would provide 11 percent fewer residential units than would the Project, with a corresponding reduction in affordable housing units. This reduction in residential units would cause the Full Preservation Alternative to not fully meet the Project objective of developing the site at an intensity and density that takes advantage of area transit resources at the transit-rich intersection of Van Ness and Market Streets. In addition, the City has numerous Plans and policies, including in the General Plan (Housing, Transportation and Market & Octavia Plan Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly detailed in the Executive Summary to the Commission for the October 19, 2017 hearing regarding FEIR certification and Project approvals, which is incorporated by reference as though fully set forth herein. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); 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); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities). From the Market & Octavia Area Plan: Objective 1.1 (create a land use plan embracing the neighborhood's potential as a mixed-use urban neighborhood); Policy 1.1.2 (concentrate more intense uses and activities in those areas best served by transit and most accessible on foot); Policy 1.2.2 (maximize housing opportunities and encourage high-quality ground floor commercial spaces); Objective 2.2 (encourage construction of residential infill); Objective 2.4 (provide increased housing opportunities affordable to households at varying income levels); Policy 3.2.13 (to maintain City's supply of affordable housing, historic rehabilitation projects may need to accommodate other considerations in determining the level of restoration). The Full Preservation Alternative does not promote these Plans and policies to the same extent as the Project.

Regarding urban design, the Full Preservation Alternative's modified design would only partially meet the Project objective of producing high-quality architectural and landscape design that contributes to Market Street's vibrancy through strong urban design. It would not meet the objective of providing a prominent corners at 12th and Brady Streets because Building A would be set back 60 feet from the corner of Market and Brady Streets. The Market & Octavia Plan includes design objectives and policies that encourage new structures to be built to property lines, and designed with a strong presence on the street, particularly along major thoroughfares like Market Street, as more particularly detailed in the Executive Summary to the Commission for the October 19, 2017 hearing regarding the FEIR certification and Project approvals, which is incorporated by reference as though fully set forth herein. Relevant policies include, but are not limited to, the following. From the Market & Octavia Area Plan: Policy 1.1.5 (reinforce the importance of Market Street as the City's cultural and ceremonial spine); Policy 1.2.7 (encourage new mixed-use infill on Market Street with an appropriate scale and stature); Objective 3.1 (encourage new buildings that contribute to beauty of built environment and quality of streets as public space); Policy 3.1.1 (ensure that new development adheres to principles of good urban design); Objective 4.3 (reinforce significance of the Market Street streetscape and celebrate its prominence). The Full Preservation Alternative is less consistent with these objectives and principles.

For these reasons, it is hereby found that the Full Preservation Alternative is rejected because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, it would not meet several of the Project objectives nor City Plans and policies related to production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the Project. It is, therefore, not a feasible alternative.

**C. Partial Preservation Alternative**

Under the Partial Preservation Alternative, like the Full Preservation Alternative, the site would be developed in the same manner as the Project, with the exception of Building A, including the Lesser Brothers Building, a historical resource under CEQA. The Partial Preservation Alternative would construct a smaller new residential building (Building A) behind (south of) the Lesser Brothers Building, set back approximately 30 feet from the principal Market Street façade, as compared to the Project, which would set back Building A 10 feet from the principal Market Street façade. Approximately 55 percent of the volume of the Lesser Brothers Building would be retained under the Partial Preservation Alternative, and would contain retail/restaurant uses. Like the Project and the Full Preservation Alternative, the Partial Preservation Alternative would retain all of the character-defining features of the Lesser Brothers Building's Market Street façade, and would replace the existing altered storefronts with compatible new storefronts. Like the Project, but unlike the Full Preservation Alternative, the Lesser Brothers Building's single-story height and massing would not be retained. Under the Partial Preservation Alternative, a seven-story vertical addition would be built, to a height 60 feet above the retained portion of the 23-foot-tall Lesser Brothers Building, with an additional setback of 20 feet from Market Street as compared to the Project.

The Partial Preservation Alternative would provide 546 dwelling units, seven percent (38 units) fewer than would the Project, due to the reduced size of Building A. The modifications to the Lesser Brothers Building would result in a total Project retail/restaurant square footage of 14,400 square feet, or 11 percent (1,400 square feet) more than the Project. There would be no underground excavation or parking structure developed within the footprint of the Lesser Brothers Building, reducing vehicle parking by approximately 15-20 spaces compared to the Project, for total vehicle parking of 296-301 spaces. In addition, bicycle parking would be reduced by an estimated nine Class 1 and one Class 2 spaces, for a total of 222 Class 1 and 41 Class 2 spaces. In all other respects, the Partial Preservation Alternative would be developed in the same manner as the Project, and the same approvals and entitlements would be required.

The Partial Preservation Alternative would lessen, but would not eliminate, the Project's significant and unavoidable historic architectural resources impact on the Lesser Brothers Building. Although more of the Lesser Brothers Building would be retained than under the Project, the vertical addition to the Lesser Brothers Building and demolition of a substantial portion of the building would significantly alter the historic resource, materially impairing its historic significance. Two mitigation measures designed to mitigate the significant and unavoidable design-related impact on the Lesser Brothers Building under the Project (Mitigation Measures M-CR-1a, HABS Documentation, and M-CR-1b, Interpretive Display) would apply to the Partial Preservation Alternative, but similar to the Project these mitigation measures would not reduce the impact to a less-than-significant level. Like the Project, the Partial Preservation Alternative could result in construction-related vibration impacts on both on-site and adjacent historical resources, but as with the Project, these impacts would be reduced to a less-than-significant level through

implementation of mitigation measures. Similar to the Project, impacts on other historical resources, including the Civic Center Hotel and Path of Gold Light Standards, would be less than significant.

Similar to the Project, the Partial Preservation Alternative would result in a significant cumulative construction-related impact on transit, pedestrian, and bicycle circulation, as the Partial Preservation Alternative would contribute considerably to that impact. Implementation of mitigation measures would reduce the severity of that cumulative construction-related impact, but the impact would remain significant and unavoidable with mitigation. The Partial Preservation Alternative's incrementally reduced development program would result in approximately two to five percent fewer daily vehicle, transit, and pedestrian and bicycle trips as compared to the Project, resulting in slightly smaller operations changes as compared to those described in the Transportation and Circulation section of the EIR.

The Partial Preservation Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, it would not meet several of the Project objectives, and various City objectives and policies related to affordable housing and urban design, to the same extent as the Project. With respect to affordable housing, the reduction in size of the residential component of Building A by 38 units would provide seven percent fewer residential units than would the Project, with a corresponding reduction in affordable housing units. This reduction in residential units would cause the Full Preservation Alternative to not fully meet the Project objective of developing the site at an intensity and density that takes advantage of area transit resources at the transit-rich intersection of Van Ness and Market Streets. In addition, the City has numerous Plans and policies, including in the General Plan (Housing, Transportation and Market & Octavia Plan Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly detailed in the Executive Summary to the Commission for the October 19, 2017 hearing regarding FEIR certification and Project approvals, which is incorporated by reference as though fully set forth herein. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); 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); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities). From the Market & Octavia Area Plan: Objective 1.1 (create a land use plan embracing the neighborhood's potential as a mixed-use urban neighborhood); Policy 1.1.2 (concentrate more intense uses and activities in those areas best served by transit and most accessible on foot); Policy 1.2.2 (maximize housing opportunities and encourage high-quality ground floor commercial spaces); Objective 2.2 (encourage construction of residential infill); Objective 2.4 (provide increased housing opportunities affordable to households at varying income levels); Policy 3.2.13 (to maintain City's supply of affordable housing, historic rehabilitation projects may need to accommodate other considerations in determining the level of restoration). The Partial Preservation Alternative does not promote these Plans and policies to the same extent as the Project.



Regarding urban design, the Partial Preservation Alternative's modified design would only partially meet the Project objective of producing high-quality architectural and landscape design that contributes to Market Street's vibrancy through strong urban design. It would not meet the objective of providing a prominent corners at 12th and Brady Streets because Building A would be set back 60 feet from the corner of Market and Brady Streets. The Market & Octavia Plan includes design objectives and policies that encourage new structures to be built to property lines, and designed with a strong presence on the street, particularly along major thoroughfares like Market Street, as more particularly detailed in the Executive Summary to the Commission for the October 19, 2017 hearing regarding the FEIR certification and Project approvals, which is incorporated by reference as though fully set forth herein. Relevant policies include, but are not limited to, the following. From the Market & Octavia Area Plan: Policy 1.1.5 (reinforce the importance of Market Street as the City's cultural and ceremonial spine); Policy 1.2.7 (encourage new mixed-use infill on Market Street with an appropriate scale and stature); Objective 3.1 (encourage new buildings that contribute to beauty of built environment and quality of streets as public space); Policy 3.1.1 (ensure that new development adheres to principles of good urban design); Objective 4.3 (reinforce significance of the Market Street streetscape and celebrate its prominence). The Partial Preservation Alternative is less consistent with these objectives and principles, and in addition does not eliminate the significant impact to the Lesser Building.

For these reasons, it is hereby found that the Partial Preservation Alternative is rejected because, although it would reduce the significant and unavoidable historic architectural resources impact identified for the Project, it would not eliminate that impact, and would not meet several of the Project objectives nor City Plans and policies related to production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the Project. It is, therefore, not a feasible alternative.

## VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Section 21081 and CEQA Guidelines Section 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, this determination is that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the Final EIR and the preceding findings, which are incorporated by reference into this Section, and in the documents found in the administrative record, as described in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable significant impacts. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the following specific overriding economic, technical, legal, social and other considerations:

- Consistent with the vision, objectives and goals of the Market & Octavia Area Plan, the Project would create a mixed-use development at a significant, underutilized site in a transit-oriented, urban infill location with an appropriate building density, mix of uses, and public amenity program.
- The Project would create a mixed-use, mixed-income community that includes on-site market-rate, inclusionary below-market-rate, and supportive housing, along with neighborhood-serving retail and new labor union facilities.
- The Project would develop the site at an intensity and density that takes advantage of the transit resources in the area and allows the Project to remain financially feasible while delivering on-site affordable housing, open space, and other public benefits and community amenities.
- The Project would produce high-quality architectural and landscape design that encourages variety, is compatible with its surrounding context, and will contribute to Market Street's unique vibrancy through strong urban design and prominent corners at 12th and Brady Streets.
- The Project would build a transit-oriented development that is committed to sustainable design and programming through its transportation demand management, efficient building systems, and environmentally-conscious construction materials and methods.
- The Project would Preserve the character-defining features of the Civic Center Hotel and retain and renovate portions of the Lesser Brothers Building storefront at 1629–1645 Market Street, and incorporate these resources as integral parts of the overall Project design, massing, and street wall context for Market and 12th Streets.
- The Project would provide affordable housing on the Colton Street portion of the Project site at a sufficient density to support on-site social and health services targeted to serve formerly homeless and at-risk residents.
- The Project would develop a new facility for the property owner and current occupant of the site, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry Local 38 and its Pension Trust Fund, including offices and union meeting space.
- The Project would fulfill key City Market & Octavia Area Plan objectives regarding the network of neighborhood-serving open space and pedestrian passageways by designing, developing, and maintaining the Mazzola Gardens.
- The Project would encourage pedestrian access to the Mazzola Gardens with both north/south and east/west access to the site by creating new mid-block alleyways and other streetscape improvements.
- Under the terms of the Development Agreement, the Project Sponsor would provide a host of additional assurances and benefits that would accrue to the public and the City, including, but not limited to: increased affordable housing exceeding amounts otherwise required, with approximately 100 Affordable Supportive Housing Units at the Colton Street building with a depth of affordability exceeding current City requirements; on-site replacement, to modern standards, of units replacing existing Residential Hotel Units at a replacement ratio exceeding the requirements of the San Francisco Residential Hotel Unit Conversion and Demolition Ordinance; land donation, construction,

and maintenance of the Mazzola Gardens and other publicly accessible open space; and improvement of Stevenson Street for pedestrian and auto use.

- The Project will be constructed at no cost to the City, and will provide substantial direct and indirect economic benefits to the City.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the Final EIR, and that those adverse environmental effects are therefore acceptable.





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20035

HEARING DATE: OCTOBER 19, 2017

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*Case No.:* **2015-005848GPA**

*Project Address:* **1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)**

*Existing Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 40-X and 85-X Height and Bulk Districts

*Proposed Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 68-X and 85-X Height and Bulk Districts

*Block/Lot:* 3505/001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 034, 035

*Project Sponsor:* Strada Brady, LLC

*Staff Contact:* Richard Sucre – (415) 575-9108  
[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)

**RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO MAP NO. 01 AND MAP NO. 03, AND POLICY 7.2.5 OF THE MARKET & OCTAVIA AREA PLAN, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER PLANNING CODE SECTION 340 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend General Plan Amendments to the Board of Supervisors; and

WHEREAS, pursuant to Planning Code Section 340(C), the Planning Commission (“Commission”) initiated a General Plan Amendment for the 1629 Market Street Mixed-Use Project (“Project”), per Planning Commission Resolution No. 19994 on September 14, 2017.

WHEREAS, these General Plan Amendments would enable the Project. The Project is a new mixed-use development with new residential, retail, and institutional uses, as well as a publicly-accessible open space. The Project would demolish the existing UA Local 38 building, demolish the majority of the Lesser Brothers Building at 1629-1645 Market Street, and rehabilitate the Civic Center Hotel at 1601 Market Street, as well as demolish the 242-space surface parking lots on the project site. The Project would construct a total of five new buildings on the project site, including a new UA Local 38 Building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets (“Building A”). A new 10-story residential building with ground-floor retail/restaurant space (“Building B”) would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street (“Building D”). The five-story Civic Center Hotel (also referred to as “Building C”), would be rehabilitated to contain residential units and ground-floor retail/restaurant space, and a new six-story Colton Street Affordable Housing building would be

constructed south of Colton Street as part of the proposed project. Overall, the proposed project would include construction of 455,900 square feet of residential use that would contain up to 484 residential units and up to 100 affordable units in the Colton Street Affordable Housing building, for a total of up to 584 units. In addition, the Project would include 32,100 square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. As part of the project, the Project Sponsor would develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

WHEREAS, these General Plan Amendments would amend Map No. 01, Map No. 3, and Policy 7.2.5 of the Market & Octavia Area Plan to reference and permit implementation of the 1629 Market Street Mixed-Use Project.

WHEREAS, this Resolution approving these General Plan Amendments is a companion to other legislative approvals relating to the 1629 Market Street Mixed-Use Project, including recommendation of approval of Planning Code Text Amendments and Zoning Map Amendments, and recommendation for approval of the Development Agreement.

WHEREAS, on October 19, 2017, the Planning Commission reviewed and considered the Final EIR for the 1629 Market Street Mixed Project (FEIR) and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

WHEREAS, on October 19, 2017, by Motion No. 20033, the Commission certified the Final Environmental Impact Report for the 1629 Market Street Mixed-Use Project as accurate, complete and in compliance with the California Environmental Quality Act ("CEQA").

WHEREAS, on October 19, 2017, the Commission by Motion No. 20034 approved California Environmental Quality Act (CEQA) Findings, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2015-005848ENV, for approval of the Project, which findings are incorporated by reference as though fully set forth herein.

WHEREAS, the CEQA Findings included adoption of a Mitigation Monitoring and Reporting Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

WHEREAS, on October 19, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on General Plan Amendment Application Case No. 2015-005848GPA.

WHEREAS, a draft ordinance, substantially in the form attached hereto as Exhibit A, approved as to form, would amend Map No. 01, Map No. 03 and Policy 7.2.5 of the Market & Octavia Area Plan.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission hereby finds that the General Plan Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The General Plan Amendments would help implement the 1629 Market Street Mixed-Use Project development, thereby evolving currently under-utilized land for needed housing, commercial space, and open space.

2. The General Plan Amendments would help implement the 1629 Market Street Mixed-Use Project, which in turn will provide employment opportunities for local residents during construction and post-occupancy, as well as a new open space for new and existing residents.
3. The General Plan Amendments would help implement the 1629 Market Street Mixed-Use Project by enabling the creation of a new mixed-use development. This new development would integrate with the surrounding City fabric and the existing neighborhood as outlined in the Market & Octavia Area Plan.
4. The General Plan Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including a new publicly-accessible open space. The General Plan Amendments would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The General Plan Amendments would enable construction of new housing, including new on-site affordable housing and new supportive housing. These new uses would create a new mixed-use development that would strengthen and complement nearby neighborhoods.
6. The General Plan Amendments would facilitate the preservation and rehabilitation of Civic Center Hotel--an important historic resource.

**AND BE IT FURTHER RESOLVED**, that the Planning Commission finds these General Plan Amendments are in general conformity with the General Plan, and the Project and its approvals associated therein, all as more particularly described in Exhibits A (Legal Description), B (Project Description and Site Plan), and E (Approvals) to the Development Agreement on file with the Planning Department in Case No. 2015-005848DVA, are each on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended as described herein, and as follows:

### **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 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

##### **Policy 1.3**

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

##### **Policy 1.8**

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

**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.

**OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

**Policy 4.2**

Provide a range of housing options for residents with special needs for housing support and services.

**Policy 4.5**

Ensure that new permanently affordable housing is located in all of the city's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*The Project is a mixed-use development that will contain up to 584 dwelling units, approximately 26-28% of which will be affordable to low- and very low-income residents. These affordable units include inclusionary affordable units and a standalone supportive housing building for formerly homeless individuals providing approximately 100 units through a unique arrangement between the Project Sponsor and Community Housing Partnership. As detailed in the Development Agreement, the Project exceeds the Planning Code's inclusionary affordable housing requirements, and will provide an approximately 26-28% level of on-site affordable housing at Project buildout. The Project is located near major public transportation in an area that is easily accessible for bicyclists and pedestrians.*

**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 11.6**

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

**Policy 11.7**

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



*The Project, as described in the Development Agreement, renovates and rehabilitates the existing Civic Center Hotel for residential uses, retaining the building's exterior character-defining features, including the building's height and massing, three brick-clad street-facing elevations on Market, 12th, and Stevenson Streets, cast stone and sheet metal ornament on the Market and 12th Street facades, street-level storefronts, regular pattern of double-hung windows, and neon blade sign. The Project would retain the entire 140-foot-long Market Street façade of the Lesser Brothers Building, which is the building's primary façade and only façade with ornamentation, including the following character-defining features: the façade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof. In addition, the Project would retain 80 percent (48 of 60 feet) of the west (Brady Street) façade, as well as 40 percent (24 of 60 feet) of the east façade, which currently abuts 1621 Market Street. The Lesser Brothers Building's single-story height and massing would be eliminated, but the Market Street façade and portions of the Brady Street façade and newly exposed east façade would remain visible as a single-story element. The retained façades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, with a 10-foot setback, irregularly-spaced, multi-story rectangular bay windows and a new material palette providing contrast with the historic façades, while aligning rectangular bays with storefronts in the retained façades to create a geometric relationship between old and new construction. These historic resources would be incorporated as integral parts of the overall Project design, massing, and street wall context for Market and 12th Streets. The Project's high-quality architectural and landscape design encourages variety, compatibility with the surrounding context, and strong urban design with prominent corners at 12th and Brady Streets. The Project has been designed to promote community interaction, both within the Project through common residential open space and with the broader community, through access to the public open space.*

**OBJECTIVE 12:**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**Policy 12.2**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

*The Project balances housing with new and improved infrastructure and related public benefits. The Project is located along major transit corridors within close proximity to major regional and local public transit lines. The Project includes incentives for use of transit, walking, and bicycling through its TDM program. In addition, the Project's streetscape design would enhance vehicular, bicycle, and pedestrian access and connectivity through the site. The new and rehabilitated buildings constructed as part of the Project would rely on transit use and is easily accessed by bicyclists and pedestrians. The Project is located in an area that is well-served by retail and other neighborhood services.*

*The Project will provide approximately 33,500 square feet of open space, including approximately 23,400 square feet of privately-owned, publicly-accessible open space that will create a community benefit for the neighborhood, in furtherance of the Market & Octavia Area Plan.*

*The Project contributes substantially to quality of life elements such as open space, affordable housing, and streetscape improvements.*

### **COMMERCE AND INDUSTRY ELEMENT**

#### **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.

*The Project would provide a distinct mixed-used development with residential (including substantial new affordable housing), union hall, retail, and open space uses, leveraging the Project site's location along major transit corridors and allowing people to work and live within close proximity to transit. The Project would incorporate varying heights, massing, and scale, creating a strong, consistent streetwall along Market Street. The Project would create appropriate density at a location that is well served by transit and would include substantial new on-site open space to support and activate the new active ground floor and open space uses in the Project and to serve the broader neighborhood.*

*The Project would help meet the job creation goals established in the City's Economic Development Strategy by generating new employment opportunities and stimulating job creation. The Project would also construct high-quality housing with sufficient density to contribute to 24-hour activity on the Project site, while offering a mix of unit types, sizes, and levels of affordability to accommodate a range of potential residents. The Project would facilitate a vibrant, interactive ground plane for Project and neighborhood residents, commercial users, and the public, with public spaces providing ample opportunities for recreation, and adjacent ground floor building spaces that would maximize circulation between, and cross-activation of, interior and exterior spaces.*

#### **OBJECTIVE 3:**

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

#### **Policy 3.2**

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The Project would help meet the job creation goals established in the City's Economic Development Strategy by generating new employment opportunities, and by providing expanded employment opportunities for City residents at varying employment levels both during and after construction. The Development Agreement's*

*community benefit programs include commitments to construction and operations workforce first source hiring, as well as local business enterprise requirements for construction and end use jobs.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 2:**

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

**Policy 2.1**

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

**Policy 2.5**

Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.

*The Project is located in a transit-rich location, within close proximity to Muni's Van Ness station, BART and Muni's Civic Center station, and numerous bus and streetcar lines running down Market Street. The Project includes a detailed, TDM program tailored to the Project uses, with various performance measures, monitoring and enforcement measures designed to incentivize use of transit and other alternatives to single occupancy vehicle trips. The Project's design, including its streetscape elements, is intended to promote and enhance walking and bicycling opportunities.*

**OBJECTIVE 23:**

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

**Policy 23.1**

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

*The Project will encourage pedestrian access within the Project site through north/south and east/west access to the proposed publicly accessible open space, with mid-block passages and related streetscape improvements. Stevenson Street and Colton Street would receive pedestrian-friendly improvements and amenities, and passageways through the block would be recreated; at present, those passageways are largely blocked by surface parking lots. All streetscape improvements would be consistent with the Better Streets Plan.*

**URBAN DESIGN ELEMENT**

**OBJECTIVE 1:**

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

**Policy 1.2**

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

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The Project would re-establish north/south and east/west connections through the block via pedestrian walkways and pedestrian-friendly street improvements. New buildings would range in height from 58 to 85 feet, complementing the existing historic Civic Center Hotel building (57 feet tall) and incorporating the Lesser Brothers Building as integral parts of the overall Project design, massing, and street wall context for Market and 12th Streets, with strong urban design and prominent corners at 12th and Brady Streets. The Civic Center Hotel building would retain its exterior character-defining features, and the new adjacent UA Local 38 building would be set back three feet to provide separation, with vertically-oriented fenestration and bays that complement the Civic Center Hotel's Market Street façade, and would provide a visual buffer between the Civic Center Hotel and taller construction at Building B. At the Lesser Brothers Building, new construction would be set back 10 feet from the retained façades, with irregularly-spaced, multi-story rectangular bay windows and a new material palette providing differentiation between the new construction and the resource, with alignment of the rectangular bays and the storefronts in the retained façades creating a compatible relationship between the structures. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the entire Market Street façade and portions of the other retained façades would remain visible as a single-story element. Accordingly, the Project's new construction and rehabilitation of the Civic Center Hotel, along with its incorporation of the Lesser Brothers Building, would be compatible with, yet differentiated from, those resources and other nearby historic resources.*

**OBJECTIVE 2:**

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

**Policy 2.4**

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

**Policy 2.5**

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

*The Project would retain and rehabilitate the Civic Center Hotel, in compliance with the Secretary of the Interior's Standards, and would promote preservation of the historic resource by repurposing it within a modern mixed-use development while retaining the resource's exterior character-defining features. The adjacent new UA Local 38 building would be set back three feet from the Civic Center Hotel to provide separation, with vertically-oriented fenestration and bays that complement the Civic Center Hotel's Market Street façade, and would provide a visual buffer between the Civic Center Hotel and taller construction at Building B. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the entire Market Street façade and portions of the other retained façades would remain visible as a single-story element. Construction of the mixed-use building with residential and retail/restaurant uses above the retained facades of the Lesser*

*Brothers Building would be set back 10 feet from those retained facades, with features such as rectangular bay windows and a new material palette that differentiate new construction from the retained resource, while also creating a compatible relationship between the structures allowing for continued visibility of much of the façade as a single-story element. Accordingly, new construction would be compatible with, yet differentiated from, the existing historic context.*

## **RECREATION AND OPEN SPACE ELEMENT**

### **OBJECTIVE 1:**

ENSURE A WELL-MAINTAINED, HIGHLY UTILIZED, AND INTEGRATED OPEN SPACE SYSTEM.

#### **Policy 1.1**

Encourage the dynamic and flexible use of existing open spaces and promote a variety of recreation and open space uses, where appropriate.

*The Project would create approximately 33,500 square feet of open space, including approximately 23,400 square feet of privately-owned, publicly-accessible open space that will create a community benefit for the neighborhood, in furtherance of the Market & Octavia Plan, and substantially increasing the amount of open space in the neighborhood. The publicly-accessible open space would consist of both passive recreation and more active recreation opportunities, such as a children's play area, and will encourage socialization and community building. The Project would provide approximately 10,100 square feet of common residential open space for the benefit of the Project's residents.*

#### **Policy 1.12**

Preserve historic and culturally significant landscapes, sites, structures, buildings and objects.

*See Discussion in Urban Element Objective 2, Policy 2.4 and 2.5, which is incorporated by reference.*

## **MARKET & OCTAVIA AREA PLAN**

### **Land Use and Urban Form**

#### **OBJECTIVE 1.1:**

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

#### **Policy 1.1.2**

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

#### **Policy 1.1.5**

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

**OBJECTIVE 1.2:**

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

**Policy 1.2.2**

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

**Policy 1.2.7**

Encourage new mixed-use infill on Market Street with a scale and stature appropriate for the varying conditions along its length.

**Housing**

**OBJECTIVE 2.2:**

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

**Policy 2.2.2**

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

**Policy 2.2.4**

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

**OBJECTIVE 2.4:**

PROVIDE INCREASED HOUSING OPPORTUNITIES AFFORDABLE TO HOUSEHOLDS AT VARYING INCOME LEVELS.

**Building With a Sense of Place**

**OBJECTIVE 3.1:**

ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.

**Policy 3.1.1**

Ensure that new development adheres to principles of good urban design.

**OBJECTIVE 3.2:**

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

**Policy 3.2.1**

Promote the preservation of notable historic landmarks, individual historic buildings, and features that help to provide continuity with the past.

**Policy 3.2.2**

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

**Policy 3.2.10**

Apply the "Secretary of the Interior's Standards for the Treatment of Historic Properties" for all projects that affect individually designated buildings at the local, state, or national level.

**Policy 3.2.12**

Preserve the cultural and socio-economic diversity of the plan area through preservation of historic resources.

**Policy 3.2.13**

To maintain the City's supply of affordable housing, historic rehabilitation projects may need to accommodate other considerations in determining the level of restoration.

Streets and Open Spaces

**OBJECTIVE 4.3:**

REINFORCE THE SIGNIFICANCE OF THE MARKET STREET STREETScape AND CELEBRATE ITS PROMINENCE AS SAN FRANCISCO'S SYMBOLIC "MAIN STREET."

**POLICY 4.3.1**

Recognize the importance of the entire Market Street corridor in any improvements to Market Street proposed for the plan area.

A New Neighborhood in SoMa West

**OBJECTIVE 7.2:**

ESTABLISH A FUNCTIONAL, ATTRACTIVE AND WELL-INTEGRATED SYSTEM OF PUBLIC STREETS AND OPEN SPACES IN THE SOMA WEST AREA TO IMPROVE THE PUBLIC REALM.

**Policy 7.2.5 (As Amended)**

Make pedestrian improvements within the block bounded by Market, Twelfth, Otis, and Gough Streets and redesign Twelfth Street between Market and Mission Streets, creating a new park and street spaces for public use, and new housing opportunities.

*The Market & Octavia Plan anticipated development of the Project site with a new park and housing opportunities, as part of a broader effort to create a vibrant, dense, mixed-use urban neighborhood taking advantage of Market Street and the ample nearby transit opportunities. The Project is consistent with the objectives and policies of the Market & Octavia Plan, and with the specific Policy 7.2.5 outlined for the Project site, with amendments to reflect the proposed private development of the publicly accessible open space and coordination with BART regarding the adjacent BART-owned parcel. The Project would concentrate new units of market-rate and affordable housing within close proximity to transit and ample pedestrian and bicycle facilities. The Project's design would improve and enhance the street wall context for Market and 12th Streets, with strong urban design and prominent corners at 12th and Brady Streets, in recognition of Market Street's current and historic importance. Up to 584 housing units would be provided on an infill site, including a*

*substantial amount of affordable housing on-site, with an appropriate mix of unit sizes and types to accommodate a diverse range of individuals and families, while also creating retail and restaurant spaces that reinforce the Market and Octavia Plan Area's uniqueness, physical fabric, and character. The Project would rehabilitate the Civic Center Hotel while retaining all of its exterior character-defining features, integrating adjacent construction in a manner that provides separation and a visual buffer between the retained Civic Center Hotel and taller Project buildings. The Project would retain the entire 140-foot-long Market Street façade of the Lesser Brothers Building, which is the building's primary façade and only façade with ornamentation, including the following character-defining features: the façade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the Market Street façade and portions of the Brady Street façade and newly exposed east façade would remain visible as a single-story element. The retained façades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, with a 10-foot setback, irregularly-spaced, multi-story rectangular bay windows and a new material palette providing contrast with the historic façades, while aligning rectangular bays with storefronts in the retained façades to create a geometric relationship between old and new construction. The Project's incorporation of the Lesser Brothers Building strikes a balance between preservation, urban design, and maximizing housing opportunities—including affordable housing—on transit-rich infill sites.*

*The Project would be consistent with Policy 7.2.5, with the amendments discussed above, as well as Maps 1 ("Land Use Districts") and 3 ("Height Districts"), which would be amended to reflect the configuration of the privately-owned publicly accessible open space and the increase in height at the Colton Street Affordable Housing Building site from 40-X to 68-X to allow for up to 100 supportive housing units for formerly homeless individuals to be built.*

**AND BE IT FURTHER RESOLVED**, that the Planning Commission finds these General Plan Amendments are in general conformity with the Planning Code Section 101.1, and the Project and its approvals associated therein, all as more particularly described in Exhibits A (Legal Description), B (Project Description and Site Plan), and E (Approvals) to the Development Agreement on file with the Planning Department in Case No. 2015-005848DVA, are each on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended as described herein, and as follows:

- 1) *That existing neighbor-serving retail uses will be preserved and enhanced, and future opportunities for resident employment in and ownership of such businesses enhanced;*

The project site currently contains limited retail uses along the Market Street frontage. The site's retail uses will be retained and improved as part of a series of active spaces at the ground floor, with the total retail area expected to remain at approximately 13,000 square feet, as under existing conditions. The individual retail spaces are relatively small in size and allow for a variety of different users, providing opportunity for diverse neighborhood-serving retail, including for local businesses with local employees and ownership. As part of a new, vibrant mixed-use community, these retail spaces will have the opportunity to thrive with additional customers and improved facilities. In addition, future Project residents will patronize existing retail uses in the nearby neighborhood, enhancing the local retail economy. The Project will maintain and enhance existing retail storefronts on Market Street.



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

The Project is a mixed-use and mixed-income development, which provides a range of improvements, housing, and services that preserve the neighborhood's cultural and economic diversity. It includes approximately 584 units, approximately 26-28% of which will be affordable to low- and very low-income residents, and market rate units with a range of unit sizes to accommodate a diverse set of residents. These affordable units include affordable inclusionary units and the Supportive Housing Project's approximately 100 units, including integrated community and social service space. The Project will exceed the one-for-one replacement requirements of Administrative Code Chapter 41 by providing approximately 100 units of supportive housing on-site to replace the existing 71 protected market-rate residential hotel units in the Civic Center Hotel. This will be the first project to comply with Chapter 41 by including supportive housing within a new market-rate development to provide an integrated, mixed-income community. The Supportive Housing Project will offer vastly improved living conditions compared to the residential hotel units within the existing Civic Center Hotel—the new units will have private bathrooms and kitchenettes, and will benefit from community and social service space included in the building. The Project will be phased so that current residents can move directly into the new units and will not be displaced during construction, ensuring that all existing housing will be replaced with higher quality housing tied to social services. No Mayor's Office of Housing development grants will be required to build the Supportive Housing Project.

- 3) *That the City's supply of affordable housing be preserved and enhanced;*

The existing residential hotel units will be replaced with higher quality housing meeting modern Code requirements and tied to social services, and offered first to current permanent residents of the Civic Center Hotel. The Project will enhance the City's supply of affordable housing through its affordable housing commitments in the Development Agreement, which will result in a total of approximately 26-28% on-site affordable housing units.

- 4) *That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;*

The Project would not impede transit service or overburden streets and neighborhood parking. The Project does not include any additional commercial office uses that would generate commuter traffic, and the Project includes a robust transportation program with an on-site Transportation Demand Management (TDM) program. The Project locates housing and retail uses within close proximity to public transit on Market Street and Van Ness Avenue. Moreover, the Project contains new space for vehicle parking at a level that encourages transit and alternative modes of transportation while also ensuring sufficient parking capacity so that the Project would not overburden neighborhood parking.

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

The Project does not include additional commercial office development, and does not displace any industrial or service uses. The site will maintain and improve the existing UA Local 38 office and meeting hall, creating a visible and enhanced trade union work and meeting space. In addition, the restaurant

and retail uses would provide future opportunities for resident employment and ownership in the service sector.

- 6) *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. This proposal will not impact the property's ability to withstand an earthquake.

- 7) *That landmarks and historic buildings be preserved;*

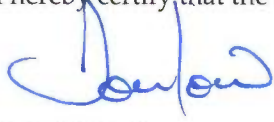
The Project would preserve and rehabilitate the Civic Center Hotel, adapting it to a modern residential use while maintaining its exterior character-defining elements through compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Project would retain the entire 140-foot-long Market Street façade of the Lesser Brothers Building, which is the building's primary façade and only façade with ornamentation, including most of the building's character-defining features. It would also retain 80 percent (48 of 60 feet) of the west (Brady Street) façade, as well as 40 percent (24 of 60 feet) of the east façade, which currently abuts 1621 Market Street. The Lesser Brothers Building's single-story height and massing would be eliminated, but the Market Street façade and portions of the Brady Street façade and newly exposed east façade would remain visible as a single-story element. The façades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, set back 10 feet from the retained façade, in a manner that allows the Project to incorporate the Lesser Brothers Building as an integral part of the overall Project design, massing, and streetwall context for Market and 12th Streets, and maximizes the number of on-site affordable housing units as compared to alternatives with larger setbacks.

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

The Project site does not currently contain parks or open spaces, and the Project will create major new private and publicly-accessible open spaces on private property. The Project will not affect any of the City's existing parks or open space or their access to sunlight and vistas. The shadow diagrams prepared as part of the Project's environmental review demonstrate that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. The location, orientation and massing of structures on the site has been designed to maximize solar access to the Project's open spaces, including the major new publicly accessible open space.

**AND BE IT FURTHER RESOLVED**, that pursuant to Planning Code Section 340, the Commission recommends to the Board of Supervisors **APPROVAL** of the aforementioned General Plan Amendments. This approval is contingent on, and will be of no further force and effect until the date that the San Francisco Board of Supervisors has approved the Zoning Map Amendment, Planning Code Text Amendment, and Development Agreement.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 19, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NOES: None

ABSENT: Hillis, Melgar, and Moore

ADOPTED: October 19, 2017





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20036

HEARING DATE: OCTOBER 19, 2017

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*Case No.:* 2015-005848MAP/PCA  
*Project Name:* 1601-1645 Market St (aka 1629 Market Street Mixed-Use Project)  
*Existing Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 40-X and 85-X Height and Bulk Districts  
*Proposed Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 68-X and 85-X Height and Bulk Districts  
*Block/Lot:* 3505/001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 035  
*Project Sponsor:* Strada Brady, LLC  
*Staff Contact:* Richard Sucre – (415) 575-9108  
[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE PLANNING CODE WITH MODIFICATIONS TO ESTABLISH THE 1629 MARKET STREET SPECIAL USE DISTRICT, AMEND ZONING USE DISTRICT MAP NO. ZN07 TO AMEND ASSESSOR’S BLOCK 3505 LOT 001, 007, 008, 029, 031, 031A, 032, 032A, 033, 033A AND 035 FROM NCT-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) AND P (PUBLIC) TO NCT-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) AND P (PUBLIC) AS DEPICTED IN EXHIBIT A OF BOARD OF SUPERVISORS FILE NO. 170938, AMEND HEIGHT AND BULK DISTRICT MAP NO. HT07 TO AMEND ASSESSOR’S BLOCK 3505 LOT 001, 007, 008, 029, 031, 031A, 032, 032A, 033, 033A AND 035 FROM 85-X AND OS TO 85-X AND OS AS DEPICTED IN EXHIBIT B OF BOARD OF SUPERVISORS FILE NO. 170938, AND AMEND HEIGHT & BULK DISTRICT MAP NO. HT07 TO INCREASE THE HEIGHT LIMIT FOR BLOCK 3505 LOT 027 AND 028 FROM 40-X TO 68-X, AMEND SPECIAL USE DISTRICT MAP NO. SU07 TO INCLUDE THE NEW 1629 MARKET STREET SPECIAL USE DISTRICT, AND VARIOUS FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on September 5, 2017, Mayor Edwin Lee and Supervisor Jane Kim introduced an ordinance for Planning Code Text Amendments to establish the 1629 Market Street Special Use District (herein “1629 Market Street SUD”) and amend Zoning Use District Map No. ZN07, Height and Bulk District Map No. HT07, and Special Use District Map No. SU07 for the 1629 Market Street Mixed-Use Project (“Project”).

WHEREAS, pursuant to Planning Code Section 302(b), on September 5, 2017, the San Francisco Board of Supervisors initiated the aforementioned Planning Code Text Amendments.

WHEREAS, these Planning Code Text Amendments would enable the Project. The Project is a new mixed-use development with new residential, retail, and institutional uses, as well as a publicly-accessible open space. The Project would demolish the existing UA Local 38 building, demolish the majority of the Lesser Brothers Building at 1629-1645 Market Street, and rehabilitate the Civic Center Hotel at 1601 Market Street, as well as demolish the 242-space surface parking lots on the project site. The Project would construct a total of five new buildings on the project site, including a new UA Local 38 Building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets ("Building A"). A new 10-story residential building with ground-floor retail/restaurant space ("Building B") would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street ("Building D"). The five-story Civic Center Hotel (also referred to as "Building C"), would be rehabilitated to contain residential units and ground-floor retail/restaurant space, and a new six-story Colton Street Affordable Housing building would be constructed south of Colton Street as part of the proposed project. Overall, the proposed project would include construction of 455,900 square feet of residential use that would contain up to 484 residential units and up to 100 affordable units in the Colton Street Affordable Housing building, for a total of up to 584 units. In addition, the Project would include 32,100 square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. As part of the project, the Project Sponsor would develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

WHEREAS, these Planning Code Text Amendments would establish the 1629 Market Street SUD, which modify the Planning Code requirements for useable open space and the bulk controls adjacent to narrow streets and alleys.

WHEREAS, these Planning Code Text Amendments would amend Zoning Use District Map No. ZN07 and Height and Bulk District Map No. HT07 to realign the zoning and height for Block 3505 Lots 001, 007, 008, 029, 031, 031A, 032, 032A, 033, 033A, and 035 to reflect the updated parcel configuration of the Project, as depicted in Board of Supervisors File No. 170938-Exhibit A and Exhibit B.

WHEREAS, these Planning Code Text Amendments would amend Height & Bulk District Map No. HT07 to increase the height limit for Block 3505 Lots 027 and 028 from 40-X to 68-X.

WHEREAS, these Planning Code Text Amendments would amend Special Use District Map No. SU07 to include the new 1629 Market Street Special Use District.

WHEREAS, this Resolution approving these Planning Code Text Amendments is a companion to other legislative approvals relating to the Project, including recommendation of approval of General Plan Amendments and recommendation for approval of the Development Agreement.

WHEREAS, on October 19, 2017, the Planning Commission reviewed and considered the Final EIR for the 1629 Market Street Mixed Project ("FEIR") and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and, by Motion No. 20033, certified the FEIR as accurate, complete and in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on October 19, 2017, the Commission by Motion No. 20034 approved California Environmental Quality Act (CEQA) Findings, including adoption of a statement of overriding

considerations, under Case No. 2015-005848ENV, for approval of the Project, which findings are incorporated by reference as though fully set forth herein.

WHEREAS, the CEQA Findings included adoption of a Mitigation Monitoring and Reporting Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

WHEREAS, on October 19, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed Planning Code Text Amendments.

WHEREAS, a draft ordinance, substantially in the form attached hereto as Exhibit A, approved as to form, would establish the 1629 Market Street SUD and amend Zoning Use District Map No. ZN07, Height and Bulk District Map No. HT07, and Special Use District Map No. SU07 for the Project.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission hereby finds that the Planning Code Text Amendments promote the public welfare, convenience and necessity for the following reasons:

1. The Planning Code Text Amendments would help implement the 1629 Market Street Mixed-Use Project development, thereby evolving currently under-utilized land for needed housing, commercial space, and open space.
2. The Planning Code Text Amendments would help implement the 1629 Market Street Mixed-Use Project, which in turn will provide employment opportunities for local residents during construction and post-occupancy, as well as a new open space for new and existing residents.
3. The Planning Code Text Amendments would help implement the 1629 Market Street Mixed-Use Project by enabling the creation of a new mixed-use development. This new development would integrate with the surrounding City fabric and the existing neighborhood as outlined in the Market & Octavia Area Plan.
4. The Planning Code Text Amendments would enable the construction of a new vibrant, safe, and connected neighborhood, including a new publicly-accessible open space. The General Plan Amendments would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The Planning Code Text Amendments would enable construction of new housing, including new on-site affordable housing and new supportive housing. These new uses would create a new mixed-use development that would strengthen and complement nearby neighborhoods.
6. The Planning Code Text Amendments would facilitate the preservation and rehabilitation of Civic Center Hotel—an important historic resource.

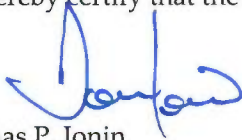
**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code Text Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20035.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code Text Amendments are in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20036.

**AND BE IT FURTHER RESOLVED**, that the Commission recommends approval of the proposed legislation with the following modifications:

- Affordable Housing – The Ordinance should be updated to reflect a clarification in the Project’s responsibilities in meeting the inclusionary housing program.
- Non-Substantial Text edits – The Ordinance should be updated to reflect other non-substantial text edits, as defined by Planning Department staff.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 19, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NOES: None

ABSENT: Hillis, Melgar, and Moore

ADOPTED: October 19, 2017





# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20037

HEARING DATE: OCTOBER 19, 2017

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*Case No.:* **2015-005848DVA**

*Project Address:* **1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)**

*Existing Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 40-X and 85-X Height and Bulk Districts

*Proposed Zoning:* NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
P (Public) Zoning District  
OS, 68-X and 85-X Height and Bulk Districts

*Block/Lot:* 3505/001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, 035

*Project Sponsor:* Strada Brady, LLC

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**RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND STRADA BRADY, LLC, FOR CERTAIN REAL PROPERTY LOCATED AT MARKET AND COLTON STREETS, COMPRISED OF ASSESSOR’S BLOCK 3505 AND LOTS 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A AND 035, ALTOGETHER CONSISTING OF APPROXIMATELY 2.2 ACRES, AND ADOPTING VARIOUS FINDINGS, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, Chapter 56 of the San Francisco Administrative Code sets forth the procedure by which a request for a development agreement will be processed and approved in the City and County of San Francisco.

WHEREAS, the Development Agreement would enable the 1629 Market Street Mixed-Use Project. The 1629 Market Street Mixed-Use Project (“Project”) is a new mixed-use development with new residential, retail, and institutional uses, as well as a publicly-accessible open space. The Project would demolish the existing UA Local 38 building, demolish the majority of the Lesser Brothers Building at 1629-1645 Market Street, and rehabilitate the Civic Center Hotel at 1601 Market Street, as well as demolish the 242-space surface parking lots on the project site. The Project would construct a total of five new buildings on the project site, including a new UA Local 38 Building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets (“Building A”). A new 10-story residential building with ground-floor retail/restaurant space (“Building B”) would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street (“Building D”). The five-story Civic Center Hotel (also referred to as “Building C”),

would be rehabilitated to contain residential units and ground-floor retail/restaurant space, and a new six-story Colton Street Affordable Housing building would be constructed south of Colton Street as part of the proposed project. Overall, the proposed project would include construction of 455,900 square feet of residential use that would contain up to 484 residential units and up to 100 affordable units in the Colton Street Affordable Housing building, for a total of up to 584 units. In addition, the Project would include 32,100 square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. As part of the project, the Project Sponsor would develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

WHEREAS, the Board will be taking a number of actions in furtherance of the Project, including the adoption of the 1629 Market Street Special Use District ("1629 Market Street SUD"), which provides modification to the Planning Code requirements for useable open space and bulk along narrow streets and alleys, Zoning Map Amendments and General Plan Amendments.

WHEREAS, in furtherance of the Project and the City's role in subsequent approval actions relating to the Project, the City and Strada Brady, LLC negotiated a development agreement for development of the Project site, a copy of which is attached as Exhibit A (the "Development Agreement").

WHEREAS, the City has determined that as a result of the development of the Project site in accordance with the Development Agreement, clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies, as more particularly described in the Development Agreement.

WHEREAS, the Development Agreement shall be executed by the Director of Planning and City Attorney, subject to prior approval by the Board of Supervisors.

WHEREAS, on October 19, 2017, the Planning Commission ("Commission") reviewed and considered the Final EIR for the 1629 Market Street Mixed Project ("FEIR") and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and, by Motion No. 20033, certified the FEIR as accurate, complete and in compliance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on October 19, 2017, the Commission by Motion No. 20034 approved California Environmental Quality Act (CEQA) Findings, including adoption of a statement of overriding considerations, under Case No. 2015-005848ENV, for approval of the Project, which findings are incorporated by reference as though fully set forth herein.

WHEREAS, the CEQA Findings included adoption of a Mitigation Monitoring and Reporting Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

WHEREAS, on October 19, 2017, by Motion Nos. 20034 and 20038, the Commission adopted findings in connection with its consideration of, among other things, the adoption of amendments to the General Plan and related zoning text and map amendments, as well as adoption of the 1629 Market Street SUD, under CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code

and made certain findings in connection therewith, which findings are hereby incorporated herein by this reference as if fully set forth.

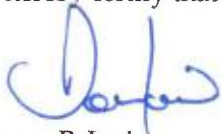
WHEREAS, on October 19, 2017, by Motion No. 20038, the Commission adopted findings regarding the Project's consistency with the General Plan, Planning Code Section 101.1, and all other approval actions associated with the SUD and development therein.

**NOW THEREFORE BE IT RESOLVED**, that the Commission recommends approval of the Development Agreement, in substantially the form attached hereto as Exhibit A.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the application, public notice, Planning Commission hearing, and Planning Director reporting requirements regarding the Development Agreement negotiations contained in Administrative Code Chapter 56 required of the Planning Commission and the Planning Director have been substantially satisfied in light of the regular monthly meetings held for the last two years, the public informational hearings provided by the Planning Department staff at the Planning Commission, the provision of required public notices, and the information contained in the Director's Report.

**AND BE IT FURTHER RESOLVED**, that the Commission authorizes the Planning Director to take such actions and make such changes as deemed necessary and appropriate to implement this Commission's recommendation of approval and to incorporate recommendations or changes from other City agencies and/or the Board, provided that such changes do not materially increase any obligations of the City or materially decrease any benefits to the City contained in the Development Agreement attached as Exhibit A.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 19, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NOES: None

ABSENT: Hillis, Melgar, and Moore

ADOPTED: October 19, 2017





# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (TSF, Sec. 411A & M&O CIF, Sec. 416)

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## Planning Commission Motion No. 20038

HEARING DATE: OCTOBER 19, 2017

Case No.: 2015-005848CUA  
 Project Address: 1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)  
 Existing Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
 P (Public) Zoning District  
 OS, 40-X and 85-X Height and Bulk Districts  
 Proposed Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;  
 P (Public) Zoning District  
 OS, 68-X and 85-X Height and Bulk Districts  
 Block/Lot: 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035  
 Project Sponsor: Strada Brady, LLC  
 101 Mission Street, Suite 420  
 San Francisco, CA 94105  
 Staff Contact: Linda Ajello Hoagland – (415) 575-6823  
[linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)

ADOPT FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION AND PLANNED UNIT DEVELOPMENT FOR: 1) DEVELOPMENT ON A LOT LARGER THAN 10,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 2) ESTABLISHMENT OF A NON-RESIDENTIAL USE LARGER THAN 4,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 3) MODIFICATION OF THE DWELLING UNIT MIX REQUIREMENT, PURSUANT TO SECTIONS 121.1, 121.2, 207.6, 303, 304 AND 752 OF THE PLANNING CODE WITH A MODIFICATION TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134), PERMITTED OBSTRUCTIONS (PLANNING CODE SECTION 136), DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140), STREET FRONTAGE (PLANNING CODE SECTION 145.1), OFF-STREET LOADING (PLANNING CODE SECTION 152), AND MEASUREMENT OF HEIGHT (PLANNING CODE SECTION 260), AT 1601-1645 MARKET STREET (ASSESSOR'S BLOCK 3505, LOTS 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035) WITHIN THE P (PUBLIC) AND NCT-3 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICTS AND A OS (OPEN SPACE), 68-X & 85-X HEIGHT AND BULK DISTRICTS, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On October 19, 2016, Michael Cohen on behalf of Strada Brady (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization and Planned Unit Development under Planning Code Section(s) 121.1, 121.2, 207.6, 303, 304 and 752 to

allow a non-residential use greater than 4,000 square feet, a modification to the dwelling unit mix, and development on a lot larger than 10,000 square feet at 1601-1645 Market Street within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) and P (Public) Zoning Districts and a OS, 68-X and 80-X Height and Bulk Districts.

The Project Sponsor filed an Environmental Evaluation Application for the Project with the Department on July 10, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department ("Department"), as lead agency, published and circulated a Notice of Preparation ("NOP") on February 8, 2017, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on March 1, 2017, at the American Red Cross Building at 1663 Market Street.

During the approximately 30-day public scoping period that ended on March 10, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

The Department published a Draft EIR for the project on May 10, 2017, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On May 10, 2017, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on June 15, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until June 26, 2017.

The San Francisco Planning Department then prepared the Comments and Responses to Comments ("RTC") on Draft EIR document. The Final EIR (FEIR) document was published on October 4, 2017, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

The Commission reviewed and considered the Final Environmental Impact Report (FEIR) for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

By Motion No. 20034, the Planning Commission approved California Environmental Quality Act (CEQA) Findings, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2015-005848CUA, for approval of the Project, which findings are incorporated by reference as though fully set forth herein. The CEQA Findings included adoption of a Mitigation Monitoring and Reporting

Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2015-005848CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-005848CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-005848CUA, 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 project site occupies approximately 97,617 square feet, or 2.2 acres, on the block bounded by Market, 12th, Otis, and Brady Streets located within the boundaries of Market & Octavia Area Plan. Most of the site is located within the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District, while the southwestern portion of the site, occupying approximately 20,119 square feet is in a P (Public) Zoning District. The portions of the project site north of Stevenson Street and east of Colusa Place are located within an 85-X Height and Bulk District, while the portion of the project site south of Colton Street is in a 68-X Height and Bulk District, and the portion of the project site in the P (Public) Zoning District is in an Open Space (OS) Height and Bulk District.

The project site is currently occupied by four surface parking lots containing 242 parking spaces, an approximately 15-foot-tall Bay Area Rapid Transit (BART) ventilation structure for the below-grade BART tunnel,<sup>1</sup> as well as three buildings: the Civic Center Hotel, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry (UA) Local 38 building, and the Lesser Brothers Building, which is currently occupied by a variety of retail tenants.

3. **Surrounding Properties and Neighborhood.** The project site is located in an area that is mixed-use in character with a variety of residential uses and commercial establishments, including an automobile-oriented businesses, urgent care medical services, and residential buildings with ground-floor, neighborhood-serving retail. Several community facilities, including the San

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<sup>1</sup> The BART ventilation structure is located on a separate lot (3505/034), which is owned by BART.

Francisco Conservatory of Music, the International High School and the Chinese American International School, and the San Francisco Law School are located north of the project site near Market Street, while the City College of San Francisco has an auditorium and administrative offices along Gough Street, west of the project site.

On the north side of Market Street across from the UA Local 38 Building (1621 Market Street) and the Lesser Brothers Building (1629-1645 Market Street) on the project site is a recently constructed five-story (approximately 60 feet tall) building with residential uses above a Golden Gate Urgent Care facility located on the ground floor, and a three-story (approximately 45 feet tall), masonry-clad residential building with a Pilates studio on the ground-floor. On the north side of Market Street across from the Civic Center Hotel (1601 Market Street) is a six-story (approximately 75 feet tall), brick-clad residential building with ground-floor retail, including two cafes, a bicycle shop, and a small workout/training facility. An approximately 30-foot-tall Honda Dealership and Service Center is located east of the Civic Center Hotel across 12th Street at 10 South Van Ness Avenue. The Ashbury General Contracting & Engineering business is located in a two-story (approximately 35 feet tall) stucco building located south of the Civic Center Hotel across Stevenson Street. A one-story rear portion (approximately 20 feet tall) of a three-story, masonry-clad vacant building forms the southern boundary of the parking lot south of Stevenson Street on the project site, as well as the western boundary of the parking lot bounded by Colton Street to the north, Colusa Place to the east, and Chase Court to the south. The southern boundary of this parking lot is formed by two one-story masonry (approximately 20 feet tall) buildings containing the City Ballet School, LLC and an auto service center. A two-story, wood shingle-clad residence forms the eastern boundary of this parking lot and is located south of Colton Street across from the project site. A one-story (approximately 20 feet tall), wood-clad building containing a full-service sign shop is also located south of Colton Street across from the project site. A five-story (approximately 60 feet tall), brick-clad building containing a hair salon and a clothing and accessories shop on the ground floor and residential uses above is located west of the project site across Brady Street.

- 4. Project Description.** The Project includes the demolition of the existing UA Local 38 Building, demolition of the majority of the Lesser Brothers Building, and rehabilitation of the Civic Center Hotel, as well as the demolition of the 242-space surface parking lots on the project site. The Project would construct a total of five new building on the project site, including a new UA Local 38 building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets ("Building A"). A new 10-story residential building with ground-floor retail/restaurant space ("Building B") would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street ("Building D"). The five-story Civic Center Hotel would be rehabilitated to contain residential units and ground-floor retail/restaurant space ("Building C"), and a new six-story Colton Street Affordable Housing Building would be constructed south of Colton Street as part of the Project. Overall, the Project will include construction of 455,900 square feet of residential use containing up to 484 residential units (including market rate and on-site affordable housing units) and up to 100 affordable units in the Colton Street Affordable Housing Building, for a total of up to 584 dwelling units. The residential unit breakdown for the 484 units would consist of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). In addition, the Project will include 32,100



square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. In addition, the Project would include construction of a two-level, below-grade garage with up to 316 parking spaces (some of which may include the use of stackers) accessible from Brady and Stevenson Streets. As part of the project, the Project Sponsor will develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

5. **Public Comment.** The Department has not received any public correspondence in support or in opposition to the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 752 defines the permitted uses within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District. Per Planning Code Section 752, residential, retail and institutional uses as principally permitted uses.

*The Project would provide up to 584 residential units, including up to 100 units in the Colton Street Affordable Housing Building and an additional 12 percent of the remaining residential units designated as affordable housing, construct a new UA Local 38 building, and provide 6,950 square feet of retail sales and service use and 6,050 square feet of eating and drinking uses. Therefore, the proposed uses comply with Planning Code Section 752.*

- B. **Non-Residential Use Size.** Planning Code Section 121.2, the project is required to obtain Conditional Use Authorization for a non-residential use size of 4,000 square feet or larger.

*The Project includes the demolition of the existing 24,100 square foot UA Local 38 Building and construction of a new 32,095 square foot UA Local 38 Building (an institutional use); therefore, the Project is requesting Conditional Use Authorization from the Planning Commission to establish a non-residential use size larger than 4,000 square feet in the NCT-3 Zoning District.*

- C. **Development of Large Lots in the NCT-3 Zoning District.** Planning Code Section 121.1, the project is required to obtain Conditional Use Authorization from the Planning Commission for new development on a lot larger than 10,000 square feet.

*The Project site occupies approximately 97,617 square feet, or 2.2 acres, therefore the Project is requesting Conditional Use Authorization from the Planning Commission for development on a large lot in the NCT-3 Zoning District.*

- D. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

*Currently, the Project does not provide a rear yard according to the requirements specified in the Planning Code, and is seeking a modification of this requirement in the PUD. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground floor open space (1,151 sq. ft.), and common ground floor open*

space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12<sup>th</sup> Streets (7,839 sq. ft.); however, this space is not included in the overall open space calculation, since the Project Sponsor is requesting in-kind credit for the construction of this open space, as outlined in the Development Agreement (See Case No. 2015-005848DVA).

Overall, the Project provides more than 33,500 square feet of open space, including the privately owned, publicly accessible open space utilized for in-kind credit. Since the Project does not provide a code-complying rear yard, the Project is seeking a modification to the rear yard requirement as part of the Planned Unit Development. The Project occupies the majority of the block bounded by Market, Brady, 12<sup>th</sup>, Colton and Stevenson Streets. The subject block does not currently possess a pattern of mid-block open space, since the majority of the project site is currently occupied by three existing buildings and surface parking lots. However, the new privately owned, publicly accessible open space will create new open space.

- E. **Usable Open Space.** Per the 1629 Market Street SUD, a minimum of 36 square feet of private or common open space is required per dwelling unit.

Common open space within this SUD is exempt from the 45-degree requirements of Planning Code Section 135(g)(2), and projections of portions of adjacent residential structures over such open space are considered permitted obstructions under Planning Code Sections 135(g)(2) and 136, provided that each such project leaves at least 7 1/2 feet of headroom.

*The Project includes open space through a roof deck on Building A (measuring 2,950 sq ft), a roof deck on Building D (measuring 1,500 sq ft), private stoops along Brady Street (measuring 1,163 sq ft), an inner court around Building B, C and the new UA Local 38 Building (measuring 2,230 sq ft), an inner court behind Building D (measuring 743 sq ft), an inner court behind the Colton St Affordable Housing Project (measuring 608 sq ft), a publicly-accessible mid-block passage between Building A and B (measuring 6,645 sq ft), and open space north of the new Mazzola Gardens (collectively measuring 4,043 sq ft). All common open space complies with Planning Code Section 135's dimensional requirements as specifically modified by the 1629 Market Street SUD. In total, the Project provides 21,032 sq ft of useable open space; therefore, the Project meets the requirements for open space at 36 square feet per dwelling unit.*

- F. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for features, which may be permitted over street, alleys, setbacks, yards or useable open space.

*Currently, the Project includes bay windows and projections in Buildings A and B, which project over the street and useable open space, and projections at Building D which project over usable open space, do not conform to the dimensional requirements of the Planning Code. Therefore, the Project is seeking a modification of this requirement under the PUD.*

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20 feet wide, side yard or rear yard must be at least 25 feet in

width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

*The Project organizes the dwelling units to have exposure on Market, Brady 12<sup>th</sup>, Stevenson and Colton Streets and Colusa Place or along an inner court or open space between buildings. As proposed, 36 dwelling units in Building D do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140 and is seeking a modification of this requirement under the PUD.*

- H. **Off-Street Parking.** Planning Code Section 151.1 states that off-street parking is not required in the NCT-3 Zoning District. Rather, Planning Code Sections 151.1 permits a maximum of .50 off-street parking spaces per residential dwelling unit and a 1 space for every 1,500 square feet of institutional and retail uses.

*The Project provides 316 off-street parking spaces, including 4 car share-share spaces where a maximum of 323 spaces is permitted; therefore, the Project complies with Planning Code Section 151.1.*

- I. **Bicycle Parking.** Planning Code Section 155.2. requires 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100 for buildings containing more than 100 dwelling units and 1 Class 2 space for every 20 units; a minimum of two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area for institutional uses and a minimum of two Class 2 spaces for any use greater than 5,000 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for retail sales and service uses and one Class 2 space for every 2,500 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for eating and drinking uses and one Class 2 space for every 750 square feet of Occupied Floor Area eating and drinking uses.

*The Project includes 584 dwelling units, 6,950 square feet of retail, 6,050 square feet of eating and drinking uses and 32,095 square feet of institutional uses; therefore, the Project is required to provide 221 Class 1 bicycle parking spaces and 28 Class 2 bicycle parking spaces for residential uses; two Class 1 and two Class 2 bicycle space for retail uses; 1 Class 1 and eight Class 2 bicycle parking spaces for eating and drinking uses; and six Class 1 bicycle spaces and two Class 2 bicycle parking spaces for the institutional uses. The Project will provide two-hundred and thirty (230) Class 1 bicycle parking spaces and forty (40) Class 2 bicycle parking spaces, which meets the requirement. Therefore, the Project complies with Planning Code Section 155.2*

- J. **Off-Street Loading.** Planning Code Section 152 requires three (3) off-street loading spaces for uses greater than 500,000 square feet, plus one (1) for each additional 400,000 square feet. Further, these loading spaces must meet the dimensional requirements outlined in Planning Code Section 154.

*The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking*

*garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, thus ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses. The Project does not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154 and is seeking a modification of these requirements under the PUD.*

- K. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

Per Planning Code Section 145.1(b)(2)(A), residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.

*Overall, the Project meets the majority of the requirements outlined in Planning Code Section 145.1. However, the Project provides a garage entrance along Stevenson Street, which measures 23-ft wide. Per Planning Code Section 145.1, new garage entrances are limited to 20-ft wide; therefore, the Project is seeking a modification of this requirement under the PUD.*

- L. Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 61 points.

*The Project submitted a completed Environmental evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a target of 30.5 points. As currently proposed, the Project will achieve its required 30.5 points through the following TDM measures:*

- *Improve Walking Conditions (Option B)*
- *Bicycle Parking (Option A)*
- *Bicycle Repair Station*
- *Car-share Parking and Membership (Option A)*
- *Delivery Supportive Amenities*
- *Family TDM Amenities – Residential Use (Option A)*
- *Multimodal Wayfinding Signage*
- *Real Time Transportation Information Displays*

- Tailored Transportation Marketing Services (Option A)
- On-site Affordable Housing (Option C)
- Unbundle Parking: Location C
- Parking Supply (Option C)

- M. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

*Overall, the Project provides a dwelling unit mix consisting of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). Excluding the Colton Street Affordable Housing Building and the rehabilitated Civic Center Hotel ("Building C"), 40 percent of the remaining residential units would be two-bedroom units. Since the Project does not provide the required dwelling unit mix for the entirety of the Project, the Project is seeking an exception from this requirement.*

- N. **Measurement of Height.** Planning Code Section 260(a)(1)(B) requires that for sites such as the Project site, where a lot slopes down from the street, the point at which building height is measured be taken at curb level, at the centerpoint of the building or building step. That point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. After that 100 foot line, the height limit is considered in relation to the opposite (lower) end of the lot, measured pursuant to Planning Code Section 260(a)(1)(C). Planning Code Section 260(a)(1)(C) which requires that on lots sloping upward from the centerline of the building or building step, the point at which building height is measured be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section.

*The Project seeks a modification of the Planning Code Section 260(a)(1)(B) requirement for Buildings A and B, which would permit the Market Street measurement point to be used for height measurement only for the first 100 feet of lot depth. Compliance with this requirement would eliminate approximately 50% of 9th floor dwelling units in Buildings A and B. Accordingly, the Project seeks the following minor deviations from the provisions for measurement of height: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet.*

- O. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

- P. **Market & Octavia Infrastructure Impact Fee.** Per Planning Code Section 416, the Project is subject to the Market & Octavia Infrastructure Impact Fee.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

*The Project will satisfy a portion of this fee with an in-kind contribution of publicly-accessible open space, as set forth in the Development Agreement.*

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

*The Project will meet the TSF requirements that apply under Section 411A based on the Environmental Evaluation Application submittal date of July 10, 2015, as set forth in the Development Agreement*

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

*The Project will comply with Section 414A, as set forth in the Development Agreement.*

- S. **Inclusionary Affordable Housing.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

*The Development Agreement outlines terms for the Project's affordable inclusionary housing requirements. At buildout, approximately 26-28% of the Project's units will be affordable to low- and very low-income residents through a combination of on-site affordable rental units and the Solton Street Affordable Housing building's approximately 100 units, including integrated community and social service space.*

7. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots in Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

*Overall, the Project would result in six buildings, including the rehabilitation of the Civic Center Hotel and the reuse of a portion of the Lesser Brothers Building. The new construction rises to 85-ft tall, and is compatible with the scale and mass of new buildings found along Market Street. The Project would rehabilitate the Civic Center Hotel and retain all of its exterior character-defining features. The Project integrates new construction in a manner that provides a physical separation and a visual buffer between the Civic Center Hotel and adjacent new construction. The Project would retain the entire 140-foot-long Market Street façade of the Lesser Brothers Building, which is the building's primary façade and only façade with ornamentation, including the following character-*

*defining features: the façade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the Market Street façade and portions of the Brady Street façade and newly exposed east façade would remain visible as a single-story element. The retained façades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, with a 10-foot setback, irregularly-spaced, multi-story rectangular bay windows and a new material palette providing contrast with the historic façades, while aligning rectangular bays with storefronts in the retained façades to create a geometric relationship between old and new construction. The Project's collection of buildings provide an appropriate scale and mass for this portion of Market Street with the recognition of the lower-scale buildings found along Brady and Colton Streets.*

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

*The Project retains the entire 140-foot-long Market Street facade of the Lesser Building and will rehabilitate the existing Civic Center Hotel. The new buildings will incorporate design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor which is consistent with the design features of adjacent facades and of those in the district along Market Street. The new buildings' character ensures the best design of the times with high-quality building materials (including board textured concrete, cement plaster, metal cladding, metal and glass guardrails, metal fins and brick tile) that relate to the surrounding structures that make-up the character of the neighborhood while acknowledging and respecting the positive attributes of the older buildings. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood.*

- 8. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for non-residential use size in Neighborhood Commercial Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The existing 24,100 gsf UA Local 38 Building will be demolished and replaced with a new 32,095 gsf UA Local 38 Building; thus, resulting in an additional 7,995 gsf. The new facility will provide updated meeting and office space for UA Local 38, which is an institutional use. Therefore, the larger use will not foreclose the location of other needed neighborhood-serving uses in the area. As part of the larger Project, retail and eating and drinking uses are proposed on other parts of the project site.*

- b) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The existing 24,100 gsf UA Local 38 Building was constructed in 1923. The new 32,095 gsf building will provide updated meeting and office space for UA Local 38 to accommodate their current needs. The new, updated and enlarged building will allow the organization to remain in the neighborhood and continue to serve its members in the community as it has done for many years.*

- c) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The design and scale of the new UA Local 38 Building has been designed to relate to the existing historic buildings and new buildings that are included in the Projects overall scope. The height, bulk and massing of the new building is consistent with the existing Civic Center Hotel, in which it is adjacent to and has been designed in a classic contemporary style which will contribute to and respect the existing context of the district.*

9. **Planning Code Section 207.6** establishes criteria for the Planning Commission to consider when reviewing applications for dwelling unit mix in Neighborhood Commercial Transit Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The project demonstrates a need or mission to serve unique populations, or

*Portions of the Project include market-rate housing with on-site inclusionary affordable housing units in Buildings A, B, C and D. The Colton Street Affordable Housing Building will be a 100% affordable housing project with supportive housing services. Supportive housing is much needed throughout the City.*

- b) The project site or existing building(s), if any, feature physical constraints that make it unreasonable to fulfill these requirements.

*The Project will comply with Planning Code Section 207.6's dwelling unit mix criteria in Buildings A, B, and D. The Colton Street Affordable Housing Building is exempt from the applicable dwelling unit mix criteria as a 100% affordable building. The Civic Center Hotel (Building C) was determined to be eligible for the California Register as a historic building, due in part to the building's fenestration pattern of regularly punched, double-hung wood windows for SRO units; this pattern will be retained as part of the building's adaptive reuse. This fenestration pattern, along with the need to preserve the building's other historic features creates a physical constraint making it unreasonable to fulfill the requirements of Planning Code Section 207.6, as fulfillment of those requirements would entail construction of a large number of one and two bedroom units that vary significantly in dimension and layout from the existing units within the building.*

10. **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:

- 1) 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 Project will demolish the existing UA Local 38 Building and partially demolish the existing retail space in order to construct a new mixed-use development with five new buildings, including 584 residential units, approximately 157 (26-28 percent) of which will be affordable to low- and very low-income residents, and a new UA Local 38 facility. These units include 57 inclusionary units and up to*



100 units in a stand-alone supportive housing building for formerly homeless individuals which will replace the Single Room Occupancy (SRO) units from the Civic Center Hotel. The Project will also include ground-floor retail and other active commercial uses.

The Project is necessary and desirable in that it will create a new mixed-used infill development on Market Street with a scale and stature that appropriately preserves the diversity and vitality of the neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities and minimizing displacement. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is consistent with the policies and objectives of the Market & Octavia Area Plan and is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood, including a new system of parks and pedestrian connections to and through the site. The Project will also replace an underutilized site and adaptively reuse and rehabilitate a notable historic resource (Civic Center Hotel) while also providing new public amenities, including landscaping, sidewalk improvements and bicycle parking. The Project will also include the required 1:1 replacement units for the SRO dwelling units, which are being removed from the Civic Center Hotel. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, educational facilities, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.

- 2) 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 is an infill development that replaces existing buildings and surface parking lots with a new mixed-use development that is generally consistent with the Market & Octavia Area Plan and NCT-3 Zoning District. The site is substantial in size at approximately 100,000 square feet. The Project provides an appropriate residential density at this transit-rich location while also introducing new pedestrian connections, hard- and soft-scape open space, and allowing for a scale of development that is consistent with existing and planned development in the area. The shape and arrangement of structures has been carefully crafted to allow for a consistent street wall along Market and 12<sup>th</sup> Streets, and active ground floor spaces along the site's perimeter, with an appropriate variation in building design, texture and scale. The arrangement and sculpting of buildings is also designed to frame the network of pedestrian and visual pathways through the site and to its major open spaces, creating a sense of permeability and connectivity with the surrounding neighborhood.*

- 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;

*The Project provides a total of 316 spaces, three on-site loading areas (one on 12<sup>th</sup> Street and two on Brady Street) and 230 Class 1 and 40 Class 2 bicycle parking spaces, as permitted by the Planning Code. The Project provides a parking supply that is consistent with the Market & Octavia Area Plan's goals to improve the pedestrian realm and promote transit use and is adequate to serve the site given its transit-rich location on Market Street. Additionally, a compliant TDM program will be incorporated into the Project. The Project is in close proximity to numerous public transit options given the proximity to the Market & Van Ness Muni Station, and the various bus routes along Market Street.*

*The Project will provide new pedestrian connection to and through the site. Parking garage access will be from Brady Street. Stevenson Street will be treated as a shared "green street" with paving and landscaping to encourage pedestrian connection between 12<sup>th</sup> Street and the site's open space, in addition to vehicular garage access. The Project also includes three on-street loading zones, one on 12<sup>th</sup> Street and two on Brady Street. These loading zones function in concert with the streetscape and sidewalk plans for both streets.*

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

*The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. As a mixed-use residential development, Project operations are not expected to create any noxious or offensive emissions. Overall, the Project is not expected to generate dust or odor impacts.*

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

*The Project will create a series of new north/south and east/west pedestrian connections, including substantial new landscaping around and throughout the site, and major new publicly accessible open space. The open space plan and landscape design includes features such as plaza and garden elements, drought resistant plantings at modest heights to retain sight lines, incorporation of natural elements, and a sculptural installation or landscape wall around the existing BART vent as a visual anchor. The Project Sponsor will use commercially reasonable efforts to enter into an agreement with BART regarding proposed improvements on the BART Parcel, which BART would continue to own; all improvements on the BART Parcel would be subject to BART's operational needs and permitting requirements. Lighting, signs and all other project elements will be consistent with the City's Better Streets Program.*

- 3) 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 will generally comply with the provisions of the Planning Code, with amendments to the Planning Code and General Plan (Market & Octavia Plan) identified and addressed in the Legislative Amendment application. As amended, the Project will be consistent with the General Plan, including the Market & Octavia Area Plan, and particularly plans and policies related to locating density near transportation, creating new housing, including affordable/supportive housing, providing new publicly accessible private open space, creating new pedestrian connections to and through the neighborhood, and implementing streetscape improvements.*

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

*The Project is consistent with the stated purposes of NCT-3 Districts in that the intended use is a moderate to high density mixed-use project that will support neighborhood-serving commercial uses on the ground floor with housing above and will maximize residential and commercial opportunities on or near major transit service. As described in Planning Code Section 754, the NCT-3 Zoning Districts are described as follows:*

*NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for Residential Uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets to preserve and enhance the pedestrian-oriented character and transit function.*

*NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings may range in height, with height limits varying from four to eight stories.*

*NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.*

*A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.*

*Housing development in new buildings is encouraged above the second story.*

11. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

A. **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

i. Rear Yard:

- a) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

*Since the Project does not provide a code-complying rear yard, the Project is seeking a modification of the rear yard requirement defined in Planning Code Section 134. The Commission finds this modification warranted, since the Project provides for a comparable amount of open space accessible to residents of the development, in lieu of the required rear yard. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground-floor open space (1,151 sq. ft.), and common ground-floor open space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.); under the 1629 Market Street SUD, these spaces count toward the usable open space notwithstanding technical non-compliance with certain requirements of Planning Code Section 135(g)(2). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12<sup>th</sup> Streets (7,839 sq. ft.), which is not included in the overall tabulation because it will be separately credited as an in-kind agreement.*

- b) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

*The Project site, which occupies almost the entire block, has been carefully designed in a manner that will not significantly impede the access to light and air for the adjacent properties.*

- c) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

*The subject block does not possess a strong pattern of mid-block open space; therefore, the Project does not impact the pattern of mid-block open space*

- ii. Permitted Obstructions: *The Project includes bay windows and projections over the street and useable open space, which do not meet the dimensional requirements of the Planning Code. Specifically, Buildings A, B and D possess projections, which do not conform to the dimensional requirements of the Planning Code. Overall, the Commission finds this modification to be acceptable given the unique design and high quality materials of the Project.*
- iii. Dwelling Unit Exposure: *In order to meet exposure requirements, residential units must face a public street or alley at least 20 feet in width, side yard at least 25 feet in width, or a rear yard meeting the requirements of the Planning Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width. As proposed, approximately five percent of the units do not meet the exposure requirements for which an exception has been requested. Overall, the Commission finds this exception to be acceptable given the unique design and configuration of the Project, along with the available common and publicly-accessible open space available to Project residents.*
- iv. Off-Street Loading: *Because the Project's five off-street loading spaces do not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154, the Project seeks a modification of these requirements under the PUD. The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses.*
- v. Street Frontage: *The Project provides a garage entrance along Stevenson Street, which measures 24 feet wide, and therefore seeks a modification of the Planning Code Section 145.1 requirement limiting new garage entrances to a 20-foot width. The Commission finds this modification to be acceptable given that Stevenson Street is located within the block, rather than on the 12th, Market, or Brady perimeter streets, and because the modification will allow*

*for larger vehicles with greater turning radii to more easily access the off-street loading spaces provided in the underground garage.*

- vi. Measurement of Height: *The Project seeks an exception in the form of the following minor deviations from the Planning Code Section 260(a)(1)(B) provisions for measurement of height at Buildings A and B: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet. Without these minor deviations, approximately 50% of 9th floor dwelling units in Buildings A and B would be eliminated, reducing the overall number of units and a corresponding number of inclusionary affordable housing units. These deviations are minor and do not depart from the purposes or intent of Planning Code 260, and would be minor enough in nature not to constitute an effective height reclassification. Given the above, the Commission finds this exception to be acceptable given the Project site's configuration and the desire to provide ample market-rate and inclusionary affordable housing units at the Project site.*

B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

- 1) Affirmatively promotes applicable objectives and policies of the General Plan;

*The Project complies with the objectives and policies of the General Plan (See Below) and the Market & Octavia Area Plan.*

- 2) Provides off-street parking adequate for the occupancy proposes.

*The Project provides 316 off-street parking spaces, including 4 car-share spaces, which is below the maximum permitted per the Planning Code.*

- 3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

*The Project would provide approximately 33,500 square feet of open space, distributed across publicly-accessible and common residential open space. The proposed Special Use District would set the ratio of usable open space per dwelling unit at 36 square feet, and the Project would comply with that requirement.*

- 4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

*There are no residential density limits by lot area in the NCT-3 Zoning District. Density is restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of the Planning Codes, as well as by applicable design*

*guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. Therefore, the Project does not seek any additional density through the PUD.*

- 5) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;

*The Project is not located in an R District.*

- 6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

*The Project would rezone a portion of the site from a 40 foot to a 68 foot height district to accommodate sufficient density at the Supportive Housing Building. In addition, the proposed Special Use District would modify Planning Code Section 261.1 restrictions on height limits for narrow streets and alleys. Minor deviations from the provisions for measurement of height are sought through the PUD to accommodate the height of the "A" and "B" Buildings, and would be consistent with the purposes and intent of the Planning Code's height limit provisions.*

- 7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

*In the NCT-3 District, floor area ratio limits apply only to non-residential uses. The approximately 45,000 square feet of non-residential uses are well within the applicable 3.6 to 1 floor area ratio limit.*

- 8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

*The Project is located within a NC District, and has requested Conditional Use Authorization from the Planning Commission to establish a non-residential use (UA Local 38) greater than larger than 4,000 sq. ft. in the NCT-3 Zoning District, per Planning Code Sections 121.2 and 752. The Project's first-floor retail/restaurant uses are permitted in the NCT-3 District, as are the first-floor and upper-floor residential uses and the multi-floor UA Local 38 uses.*

- 9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site,

continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

*The Project creates new publicly-accessible north/south and east/west connections to and through the site, facilitating access to publicly-accessible open space, creating passageways through the site breaking down its scale, creating a pattern of block size, streets and alleys that is consistent with the surrounding neighborhood and contemporary urban design, and fostering beneficial pedestrian and vehicular circulation to and through the site.*

- 10) Provide street trees as per the requirements of Section 138.1 of the Code.

*The Project would retain or replace the existing 29 street trees along 12th, Market, Brady, and Colton Streets, and would plant an additional 39 trees, for a total of up to 68 street trees in compliance with Planning Code Section 138.1. Per Planning Code Section 138.1(c)(1), the Department of Public Works is responsible for reviewing and guiding any new street trees present on the project site. If any underground utilities or other barriers prevent a street tree from being planted, the Project would comply with Section 138.1's requirements pursuant to Section 138.1(c)(2)(C)(iii).*

- 11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

*The Project is not subject to the requirements of Planning Code Section 132(g) and (h); however, the Project does provide new streetscape elements, including new street trees, new landscape areas and new sidewalk paving around the Project site.*

12. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, as adopted in Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

13. **Planning Code Section 101.1(b).** The Project is, on balance, consistent with the Findings of Planning Code Section 101.1(b), as adopted in Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

14. **First Source Hiring** The Project is subject to the requirements of the First Source Hiring Program and the Local Business Enterprise program under Chapters 83 and 14B, respectively of the Administrative Code, as well as additional operational period commitments agreed to by the Project Sponsor, in each case under the terms and conditions set forth in the Development Agreement.

*See the Development Agreement for the detailed provisions regarding First Source and Local Business Enterprise requirements that will apply to the Project*

15. 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, as adopted in



Planning Commission Motion No. 20038 and incorporated by reference as though fully set forth herein.

16. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City for the reasons set forth in this Motion above.

## 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. 2015-005848CUA**, under Planning Code Sections 121.1, 121.2, 207.6, 303, 304 and 752, for: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirements; and, 3) establishment of a non-residential use larger than 4,000 square feet in the NCT-3 Zoning District, for the 1629 Market Street Mixed-Use Project. Under the PUD, the Commission must also grant modifications from the Planning Code requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); 4) street frontage (Planning Code Section 145.1); 5) off-street loading (Planning Code Section 152); and, 6) measurement of height (Planning Code Section 260), within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a OS, 68-X and 85-X Height and Bulk Districts. The following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 31, 2017, 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. 20038. 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 October 19, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Johnson, Koppel and Richards

NAYS: None

ABSENT: Hillis, Melgar, and Moore

ADOPTED: October 19, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirement; and 3) establishment of a non-residential use (Plumbers' Hall) larger than 4,000 square feet in the NCT-3 Zoning District, with modifications for: rear yard, dwelling unit exposure, permitted obstructions, street frontage, off-street loading and measurement of height, located at 1629 Market Street, Assessors Block 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035, pursuant to Planning Code Sections 134, 136, 135, 140, 207.6, 260 and 731.93 within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a 40-X and 85-X Height and Bulk Districts; in general conformance with plans, dated August 31, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-005848CUA and subject to conditions of approval reviewed and approved by the Commission on October 19, 2017 under Motion No. 20038. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 19, 2017 under Motion No 20038.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20038 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.

### RELATIONSHIP TO DEVELOPMENT AGREEMENT

In the case of any conflict between this Conditional Use Authorization, the Development Agreement shall prevail.

## Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for the term of the Development Agreement.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after expiration or earlier termination of the Development Agreement, 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](http://www.sf-planning.org)*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued for a building, construction must commence within the timeframe required by the Department of Building Inspection for such building and be continued diligently to completion.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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 the Development Agreement with respect to 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](http://www.sf-planning.org)*
6. **Mitigation Measures.** Mitigation measures described in the MMRP (Case No. 2015-005848ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation as applicable to each building or component of the project is a condition of project approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Additional Authorizations.** The Project Sponsor must obtain a Planning Code Text Amendment and Zoning Map Amendment to establish the 1629 Market Street Special Use District and an amendment to the Zoning Map No. 07 and Height & Bulk District Map No. 07 to realign the zoning to the adjusted parcel boundaries and increase the height and bulk of Block 3505 Lots 027 and 028 from 40-X to 68-X, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply, where not inconsistent with the Development Agreement.

This approval is contingent on, and will be of no further force and effect until the date that the San Francisco Board of Supervisor has approved by resolution approving the Zoning Map Amendment, Planning Code Text Amendment and General Plan Amendment.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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 May 25, 2017. These conditions state:

8. **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.
9. **Sound Study.** The 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.
10. **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.
11. **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.
12. **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

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

14. **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](http://www.sf-planning.org)*

15. **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](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

18. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be

designed to complement, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

19. **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>*

## **PARKING AND TRAFFIC**

20. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit, with the exception of the Colton Street Affordable Housing Building units, for which no parking is provided. Each unit within the Project, with the exception of the Colton Street Affordable Housing Building units, shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*



21. **Car Share.** Pursuant to Planning Code Section 166, no fewer than four (4) 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](http://www.sf-planning.org)*

22. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 270 bicycle parking spaces (221 Class 1 and 28 Class 2 spaces for the residential portion of the Project and two (9 Class 1 and 12 Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

23. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than three-hundred and sixteen (316) off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

24. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide five (5) off-street loading spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

25. **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](http://www.sf-planning.org)*

## PROVISIONS

26. **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](http://www.sf-planning.org)*

27. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program set forth in the Development Agreement. Following expiration or earlier termination of the Development Agreement, the provisions of Administrative Code Chapter 83 regarding development projects shall apply.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

28. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A, as set forth in the Development Agreement. Based on the Project's Environmental Evaluation Application date of July 10, 2015, and pursuant to Planning Code Section 411A(d)(2), residential uses subject to the TSF shall pay 50% of the applicable residential TSF rate, and the non-residential uses subject to the TSF shall pay the applicable Transit Impact Development Fee (TIDF) rate.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

29. **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](http://www.sf-planning.org)*

30. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

31. **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](http://www.sf-planning.org)*

32. **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](http://www.sf-planning.org)*

## OPERATION

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

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

34. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main 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/>*
35. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
36. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*