



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|--|---|
| <input checked="" type="checkbox"/> Inclusionary Housing         | <input checked="" type="checkbox"/> Public Open Space                 |
| <input checked="" type="checkbox"/> Childcare Requirement        | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Jobs Housing Linkage Program | <input checked="" type="checkbox"/> Transit Impact Development Fee    |
| <input checked="" type="checkbox"/> Downtown Park Fee            | <input checked="" type="checkbox"/> Other – Development Agreement     |
| <input checked="" type="checkbox"/> Public Art                   |   |

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## Planning Commission Resolution No. 19460 General Plan Findings Planning Code Section 101.1 Findings HEARING DATE: SEPTEMBER 17, 2015

*Date:* September 3, 2015  
*Case No.:* 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD  
*Project Address:* **925 Mission Street and various parcels (aka "5M")**  
*Project Site Zoning:* C-3-S (Downtown Support) District, RSD  
40-X/85-B; 90-X and 160-F Height and Bulk Districts  
SOMA Youth and Family Special Use District  
*Block/Lots:* Lots 005, 006, 008, 009, 012, 042-047, 076, 077, 089-091, 093, 094, and 097-  
100 of Assessor's Block 3725  
*Project Sponsor:* Audrey Tendell  
5M Project, LLC  
875 Howard Street, Suite 330  
San Francisco, CA 94103  
*Staff Contact:* Kevin Guy – (415) 558-6163  
[Kevin.Guy@sfgov.org](mailto:Kevin.Guy@sfgov.org)

**ADOPTING FINDINGS OF CONSISTENCY WITH THE SAN FRANCISCO GENERAL PLAN AND PLANNING CODE SECTION 101.1 FOR THE 5M PROJECT AND VARIOUS ACTIONS AND APPROVALS ASSOCIATED THEREWITH (LOTS 005, 006, 008, 009, 012, 042-047, 076, 077, 089-091, 093, 094, AND 097-100, ASSESSOR'S BLOCK 3725)**

### PREAMBLE

1. **WHEREAS**, On August 19, 2014, May 15, 2015, and August 7, 2015, 5M Project, LLC ("Project Sponsor") filed entitlement applications with the San Francisco Planning Department for the development of a mixed-use commercial, residential and retail/educational/cultural development

project known as the 5M Project (“Project”), including amendments to the General Plan, Planning Code and Zoning Maps.

2. **WHEREAS**, The Project is located on approximately four acres of land under single ownership, bounded by Mission, Fifth and Howard Streets. The site is generally bounded by Mission Street to the north, Fifth Street to the east, Howard Street to the south, and Mary Street to the west, along with several additional parcels further to the west along Mary Street. It is currently occupied by eight buildings with approximately 318,000 square feet of office and cultural uses, and several surface parking lots. Buildings on the site include the San Francisco Chronicle Building, Dempster Printing Building and Camelline Building, as well as five low-rise office/warehouse/commercial workshop buildings and several surface parking lots. The site consists of Assessor's Block 3725, Lots 005, 006, 008, 009, 012, 042-047, 076, 077, 089-091, 093, 094, and 097-100.
3. **WHEREAS**, The site is located at the nexus of the Downtown, SOMA, and Mid-Market areas, with a context characterized by intense urban development and a diverse mix of uses. The Westfield San Francisco Centre is located at the southeast corner of Market and Fifth Streets, which defines the entry into the major retail shopping district around Union Square. The Fifth and Mission Parking Garage and the University of the Pacific School of Dentistry are located immediately to the east across Fifth Street, with the Metreon shopping center, Yerba Buena Gardens, and Moscone Center situated further to the east. The 340-foot Intercontinental Hotel is immediately to the east of the site, while the Pickwick Hotel and the Hotel Zetta are located along the 5th Street corridor. The Old Mint is situated immediately to the north of the site across Mission Street. Existing buildings to the west and the south of the site tend to be lower in scale, and contain a wide variety of uses, including residential hotels, older and newly-constructed residential buildings, offices, retail establishments, and automotive repair. The transit spine of Market Street is situated one block to the north, while the alignment of the future Central Subway is located one block to the east along Fourth Street.
4. **WHEREAS**, The Planning Department began conversations with the Project Sponsor in 2008 identifying the subject property as an opportunity site that should both reference the lower-scaled environment to the west by emphasizing the existing historic buildings on the site and adding much needed open space to this part of SOMA, with the potential for density and a mix of uses that relate to the high-rise environment to the east. The proposed Project pre-dates the Central SOMA Plan, but supports many of the goals of the Plan, such as supporting transit oriented growth, providing extensive open space, and shaping the area's urban form with recognition of both the City and neighborhood context.
5. **WHEREAS**, The Project proposes to demolish surface parking lots and several existing buildings (926 Howard Street, 912 Howard Street, 409-411 Natoma Street, and 190 Fifth Street), retain the Dempster, Camelline, Chronicle, and Examiner (portion) buildings, and construct three new towers on the Project site, with occupied building heights ranging from approximately 200 feet to 450 feet. The Project includes approximately 821,300 square feet of residential uses (approximately 690 units), 807,600 square feet of office uses (including active office uses at or below the ground floor), and 68,700 square feet of other active ground floor uses (a mix of retail establishments, recreational and arts facilities, restaurants, workshops, and educational uses).

6. **WHEREAS**, The Project would also include vehicular parking, bicycle parking, and loading facilities, an extensive program of private- and publicly-accessible open space, and streetscape and public-realm improvements. The northerly portion of Mary Street between Minna and Mission Streets would be converted into a pedestrian alley lined with active uses and enhanced with seating, landscaping, an pedestrian-scaled lighting. Public open space will be provided at the center of the 5M Project, providing active and passive space incorporating artwork, landscape treatments, and furnishings. Another significant open space would be situated on the rooftop of the Chronicle building, including a deck, lawn space, seating, and opportunities for urban agriculture and outdoor gardens.
7. **WHEREAS**, On November 20, 2014, the Planning Commission held an informational hearing regarding the Project, which included a broad overview of the design and regulatory approach being proposed for the site. On July 23, 2015, the Planning Commission held a second informational hearing for the Project, which focused on the Design for Development document proposed as part of the overall project entitlements. On August 6, 2015, the Planning Commission held a third informational hearing for the Project, focusing on public benefits, wind and shadow effect, circulation design and transportation, and street improvements. On September 3, 2015, the Planning Commission held a final informational hearing on the Project, focusing on various issues raised at the third informational hearing.
8. **WHEREAS**, In order for the Project to proceed and be developed with the proposed mix of uses and development controls, various General Plan amendments, height reclassifications and amendments to the Planning Code and Zoning Maps, together with additional entitlements and approvals, are required.
9. **WHEREAS**, On July 9, 2015, Mayor Lee introduced draft Ordinances with respect to the Project 1) approving a Development Agreement for the Project, and 2) amending the Planning Code to add Section 249.74 to create the Fifth and Mission Special Use District, and amending Sectional Maps ZN01, SU01, and HT01 of the Zoning Map to reflect the Fifth and Mission Special Use District and height reclassifications associated therewith.
10. **WHEREAS**, On August 6, 2015, the Planning Commission held a duly noticed public hearing to consider initiation of General Plan Amendments associated with the Project, and adopted Resolution No. 19429 initiating such General Plan Amendments.
11. **WHEREAS**, On October 15, 2014, the Department published a draft Environmental Impact Report (EIR) for public review. The draft EIR public comment period was originally proposed to end on December 1, 2014, and was subsequently extended by the Environmental Review Officer to January 7, 2015. On November 20, 2014, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On August 13, 2015, the Department published a Comments and Responses document, responding to comments made regarding the draft EIR prepared for the Project. The draft EIR and the Comments and Responses document constitute the Final EIR. On September 17, 2015, the Commission reviewed and considered the Final EIR at a duly noticed public hearing and found that 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 (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the Final EIR was adequate, accurate and objective, reflected 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 Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2011.0409ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California

12. **WHEREAS**, On September 17, 2015, at a duly noticed public hearing at a regularly scheduled meeting, by Motion No. 19459, the Commission adopted findings, including a statement of overriding considerations and a Mitigation Monitoring and Reporting Program pursuant to CEQA, the State CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with the actions contemplated herein, the Commission has reviewed the FEIR for the Project and adopts and incorporates by reference as though fully set forth herein the findings, including a statement of overriding considerations, pursuant to CEQA, adopted by the Commission by Motion No. 19459.
13. **WHEREAS**, Also on September 17, 2015 at a duly noticed public hearing at a regularly scheduled meeting, by Resolution No. 19463, the Commission adopted a Resolution recommending that the Board of Supervisors approve various General Plan amendments required for the Project, and adopted findings in connection therewith.
14. **WHEREAS**, The proposed Ordinance prepared in order to create the Fifth and Mission Special Use District and amend Sectional Maps ZN01, SU01, and HT01 of the Zoning Map to reflect the Fifth and Mission Special Use District and height reclassifications associated therewith is attached to Planning Commission Motion No. 19464 and is incorporated herein by reference.
15. **WHEREAS**, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

**MOVED**, that the Planning Commission has reviewed and considered the Project and approval actions associated therewith, and the record associated therewith, including the comments and submissions made to this Planning Commission, and based thereon, hereby adopts the General Plan and Planning Code Section 101.1 Consistency Findings set forth herein.

## 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. **General Plan Compliance.** The Project and approvals associated therewith, and the individual building components and improvements associated therewith, all as more particularly described in Exhibit B to the Development Agreement on file with the Planning Department in Case No. 2011.0409DVA, are each on balance, consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended as described in this Planning Commission Resolution No. 19460.

**A. HOUSING ELEMENT**

**OBJECTIVE 1: IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

**POLICY 1.1:** Plan for the full range of housing needs in the City and County of San Francisco, especially 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.

The Project is a mixed-use development comprising a total of approximately 690 residential units with a range of unit types, including studios and one- and two-bedroom units. As detailed in the Development Agreement, the Project exceeds the inclusionary affordable housing requirements of the Planning Code, through a partnership between the developer and the City to reach a 33% affordable level, including through contributions to housing from the commercial buildings.

The location of the Project site in close proximity to major regional and local public transit, together with the Project's proposed pedestrian and bicycle circulation improvements, as described in more detail below, would enable households within the Project to easily rely on public transportation, walking and bicycling for the majority of daily trips. The mixed-use nature of the Project and the proximity of the commercial buildings to transit further supports these policies.

**OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**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, includes a program of substantial community benefits designed to support and respect the character of the surrounding neighborhoods. In addition, the Project would preserve three historic resources, the Chronicle Building at 901-933 Mission Street, the Camelline Building at 430 Natoma Street, and the Dempster Printing Building at 447-449 Minna Street, and would not demolish any historic resources.

Any work that affects the character-defining features of the exterior of the Chronicle will be conducted according to Secretary of the Interior Standards. The Dempster Printing Building will be rehabilitated according to Secretary of the Interior Standards, anchoring the low-rise texture of the area and supporting the pedestrian-focused alleyways that will intersect around the core public spaces at Mary Court. Any future proposal to modify the exterior of the Camelline Building in a manner that affects character-defining features similarly will be required to comply with Secretary of the Interior Standards.

The Project design would respect the character of older development in the vicinity through D4D standards and guidelines for overall building massing and design strategies to achieve a relationship to the historic context.

**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 site is located at a transit hub, in close proximity to major regional and local public transit. The Project includes incentives for the use of transit, walking and bicycling through its Transportation Demand Management ("TDM") program. In addition, the Project's streetscape design would enhance vehicular, bicycle and pedestrian access and connectivity through the site. The Project site can be accessed directly by several major local and regional public transportation providers. Therefore, new residential and commercial buildings constructed as part of the Project would rely on transit use and environmentally sustainable patterns of movement.

The Project would include approximately 59,500 gross square feet of open space and landscaped areas, as further detailed in the D4D. The Project would include two major open space areas: the Chronicle Rooftop, and Mary Court, plus pedestrian improvements along the northern portion of Mary Street between Mission and Minna Streets and the southern portion of Mary Street between Natoma and Howard Streets, and would exceed the Planning Code requirements for open space.

The D4D includes a 5M Sustainability Code Baseline Sustainability Standards Matrix that details applicable State and local code requirements applicable to the Project, and requires the Project to fulfill the minimum requirements in this Matrix related to energy, water, waste, transportation, materials, air quality, wildlife, and site. The D4D further provides that all new large commercial buildings and major renovations within the Project site shall achieve a minimum certification of LEED Gold and all new high-rise residential buildings shall achieve a minimum certification of LEED Silver. D4D also

includes a Sustainability Guidelines Matrix, and encourages the Project to incorporate goals and implement strategies listed therein where possible.

The Project includes substantial contributions related to quality of life elements such as open space, affordable housing, transportation improvements, childcare, schools, arts and cultural facilities and activities, workforce development, youth development, and historic preservation.

## **B. 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 which has substantial undesirable consequences that cannot be mitigated.**

The Project is intended to provide a distinct mixed-use development with office, retail, residential, cultural, educational, and open space uses and providing space for uses such as co-working, media, arts, and small-scale urban manufacturing. The Project would leverage the Project site's central location and close proximity to major regional and local public transit by building a dense mixed-use development that allows people to work and live close to transit. The Project's buildings would be developed in a manner that reflects the Project's location at the intersection of the Downtown core and South of Market Area through urban design features such as incorporating heights and massing at varying scales, orienting tall buildings toward the Downtown core, maintaining a strong streetwall along exterior streets, and utilizing mid-rise buildings to provide appropriate transitions to larger buildings. The Project would create a dense commercial center and a continuum of floorplate sizes for a range of users, substantial new on-site open space, and sufficient density to support and activate the new active ground floor uses and open space in the Project.

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 across all sectors. 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 that could accommodate a variety of events and programs, and adjacent ground floor building spaces that include elements such as transparent building frontages and large, direct access points to maximize circulation between, and cross-activation of, interior and exterior spaces.

As described in the Housing Element findings above, the Project would retain the Chronicle, Camelline, and Dempster Printing Buildings as cultural markers on the site. The Project would also promote sustainability at the site, building, and user level by incorporating LEED or equivalent sustainability strategies, as described in the above findings regarding Housing Element Objective 12. As described in the Development Agreement, the Project provides a substantial program of community benefits.

**OBJECTIVE 2: MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

**POLICY 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.**

See discussion in Commerce and Industry Element Objective 1 and Policy 1.1, which explain the Project's contribution to the City's overall economic vitality.

**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 stimulating job creation across all sectors. The Project will provide expanded employment opportunities for City residents at all employment levels, both during and after construction. The Development Agreement, as part of the extensive community benefit programs, includes focused workforce first source hiring – both construction and end-user – as well as a local business enterprise component.

**C. 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 within an existing high-density urban context, and within the core of existing and future local, regional, and statewide transportation services. The Project includes a detailed TDM program, including various performance measures, physical improvements and monitoring and enforcement measures designed to create incentives for transit and other alternative to the single occupancy vehicle for both residential and commercial buildings. In addition, the Project's design, including its streetscape elements, is intended to promote and enhance walking and bicycling.



**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.

**POLICY 23.2:** Widen sidewalks where intensive commercial, recreational, or institutional activity is present, sidewalks are congested, where sidewalks are less than adequately wide to provide appropriate pedestrian amenities, or where residential densities are high.

**POLICY 23.6:** Ensure convenient and safe pedestrian crossings by minimizing the distance pedestrians must walk to cross a street.

The Project reflects these policies by improving pedestrian safety and streetscape enhancement measures as described in the D4D and reflected in the mitigation measures and Transportation Plan in the Development Agreement, including but not limited to conversion of Mary Street between Mission and Minna Streets to a pedestrian-only alley, the North Mary Pedestrian Alley, and widening of various sidewalks within and adjacent to the Project site, and the addition of new, and enhancement of existing, mid-block crossing and crosswalk areas.

**D. 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 1.1:** Recognize and protect major views in the city, with particular attention to those of open space and water.

As explained in the D4D, the Project uses a mix of scales and interior and exterior spaces, with this basic massing further articulated through carving and shaping the buildings to create views and variety on the skyline, as well as pedestrian-friendly, engaging spaces on the ground. The massing locates the greatest height and density along the larger streets of Fifth and Howard, stepping down toward the center of the Project site. The Project would not have any substantial adverse effect on any views from streets that transect the City and are recognized in the Urban Design Element as a critical component of the City's pattern and legibility. As explained in the D4D, the view from Powell Street south to Portrero Hill (from California Street) was an important factor in the Project's urban design. In order to provide an open view of the sky and distant hills from Powell Street, the M-2 Building has been limited to a maximum of 220 feet in height.

**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.**

Although building heights in the immediate vicinity of the Project site, including areas to the north, south and west of the site, generally range between 45 and 160 feet, a concentration of 300- to 500-foot-tall buildings can be found within one or two blocks to the east, including the 340-foot-tall Intercontinental Hotel at the northeast corner of Fifth and Howard Streets, immediately across from the Project site. Although the proposed buildings on the Project site would be taller than buildings surrounding the site, taller buildings and increased density would not be inherently incompatible with surrounding areas, as the Downtown is planned to contain the most intense pattern of urban development in the City. This area of San Francisco is characterized by a pattern of varied building forms and heights, ranging from early 20th Century one- to two-story buildings to taller, more modern construction, and the more intensely developed uses on the site near lower-scale buildings would not inherently conflict with adjacent land uses.

The proposed buildings have been designed, through their architectural features and articulations, along with the streetscape design tying them together, with the open spaces, and into the neighborhood, to complement each other and the surrounding buildings (including the existing Chronicle, Examiner, Camelline, and Dempster Printing Buildings), open spaces, and neighborhoods. The D4D includes architectural design guidelines for the residential towers that ensure that the design shall respond to immediately adjacent historic buildings. As a result, the Project would be integrated into the pattern of and would further activate the neighborhood, downtown, and the City as a whole. The Project, which will be a center of activity, will be architecturally compatible with the prevailing pattern of buildings in the SoMa/Yerba Buena area.

**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.**

See discussion above in Housing Element Objective 11, Policy 11.7.

**OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

See discussion above in Objective 1, Policy 1.3.

**E. 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.**

**POLICY 1.7: Support public art as an essential component of open space design.**

The Project would include approximately 59,500 gross square feet of open space and landscaped areas, as further detailed in the D4D. Mary Court is intended to serve as an "urban room" that spills out of and into adjacent active frontages and shared streets. Mary Court will be divided by Central Mary Street into a more passive open space area (Mary Court West) and more active open space area (Mary Court East). Both are capable of hosting public events and performances, paired with circulation to support and expand the space as needed. Mary Court will provide a platform for creativity and interaction. Primarily hardscaped with flexible structures, it is intended to facilitate a range of informal and formal activities, including: play space for kids (and adults); dance performances; plays and live music; interactive art installations; art exhibitions; general seating and people watching; café and/or retail kiosks; program containers and pods; food trucks; and festivals and weekend markets.

Public usable open space within the Chronicle Rooftop will provide opportunities for informal and formal activities, passive and active, to invite people of different generations and cultures, and different pastimes into the space. The D4D provides for temporary streetscape improvements, such as parklets, along all interior streets (Minna, Natoma, and Mary), with selected locations for street trees and artwork. Other amenities to enhance the pedestrian experience may include comfortable seating, attractive plantings, public art displays, and additional bicycle parking.

**POLICY 1.12: Preserve historic and culturally significant landscapes, sites, structures, buildings and objects.**

See discussion in Housing Element Objective 11, Policy 11.7.

**OBJECTIVE 3: IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE.**

**POLICY 3.1: Creatively develop existing publicly-owned right-of-ways and streets into open space.**

The Project would encourage non-automobile transportation to and from open spaces, and would ensure physical accessibility to recreational facilities and open spaces to the extent feasible. The D4D provides that Natoma, Mary, and Minna Streets would provide pedestrian-focused design elements, such as parklets, to expand the experience of the sidewalks.

**F. ARTS ELEMENT**

**POLICY VI-1.9: Create opportunities for private developers to include arts spaces in private developments city-wide.**

The Development Agreement includes as Exhibit H an arts program which includes contributions to fund both on-site arts facilities and programs.

**G. DOWNTOWN AREA PLAN**

**OBJECTIVE 2: MAINTAIN AND IMPROVE SAN FRANCISCO'S POSITION AS A PRIME LOCATION FOR FINANCIAL, ADMINISTRATIVE, CORPORATE, AND PROFESSIONAL ACTIVITY.**

**POLICY 2.2: Guide location of office development to maintain a compact downtown core and minimize displacement of other uses.**

The Project facilitates maintenance of a compact downtown core by locating a dense, mixed-use development, including major new office space, in the downtown and adjacent to major transit resources. The project consists of redevelopment of existing commercial buildings and surface parking lots, would not displace any existing housing, and would incorporate existing tenants into new uses.

**OBJECTIVE 7: EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.**

**POLICY 7.1: Promote the inclusion of housing in downtown commercial developments.**

The Project is a mixed-use development that would include a total of 690 residential units. Fees contributed by the commercial and residential components would also facilitate additional affordable housing resources in the Project vicinity, as further described in the Housing Element discussion under Objective 1.

**POLICY 7.2: Facilitate conversion of underused industrial and commercial areas to residential use.**

The Project involves the conversion of portions of an underused industrial and commercial site, portions of which are currently used for surface parking lots, to residential use.

**OBJECTIVE 9: PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.**

**POLICY 9.1: Require usable indoor and outdoor open space, accessible to the public, as part of new downtown development.**

**POLICY 9.2: Provide different kinds of open space downtown.**

**POLICY 9.5: Improve the usefulness of publicly owned rights-of-way as open space.**

See discussion under Recreation and Open Space Element Objective 1, Policies 1.1 and 1.7.

**OBJECTIVE 10: ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.**

**POLICY 10.1:** Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.

**POLICY 10.2:** Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

See Discussion under Recreation and Open Space Element Objective 1, Policies 1.1 and 1.7.

**OBJECTIVE 12:** CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

**POLICY 12.1:** 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 12.2:** Use care in remodeling significant older buildings to enhance rather than weaken their original character.

**POLICY 12.3:** Design new buildings to respect the character of older development nearby.

See discussion under Housing Element, Objective 11, Policy 11.7.

**OBJECTIVE 13:** CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

**POLICY 13.1:** Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

See discussion under Urban Design Element, Objective 1, Policies 1.1-1.3

**OBJECTIVE 15:** CREATE A BUILDING FORM THAT IS VISUALLY INTERESTING AND HARMONIZES WITH SURROUNDING BUILDINGS.

See discussion under Urban Design Element, Objective 1, Policies 1.1-1.3.

## **H. GENERAL PLAN MAPS.**

Several maps and exhibits in the General Plan would need to be amended in association with the 5M project. A portion of the project site (bounded by Howard, Natoma, and Mary Streets) at the southeast corner of the property is located outside of the Downtown Plan, within the South of Market Area Plan. These amendments will adjust these boundaries to incorporate the project site within the Downtown

Plan. The amendment will also correct an error in the Eastern Neighborhoods Area Plan maps, which erroneously depict these parcels as being located within the Eastern Neighborhoods boundary even though the parcels were not included in the implementing ordinances. In addition, the amendments will indicate the rezoned heights proposed for the property, and will refer to the SUD associated with the project for guidance on specific controls for height, bulk, and tower separation. It should be noted that the parcel located at the northwest corner of Howard and Fifth Streets (194-198 Fifth Street, Lot 7 in Assessor's Block 3725), containing a five-story building with residential uses and "The Chieftain" bar at the ground floor, is not a part of the 5M Project site and would not be affected by these amendments. The specific exhibits to be amended are as follows:

- Downtown Plan Map 1 ("Downtown Land Use and Density Plan"): Amend boundaries of the Downtown Plan to incorporate the southeast portion of the project site, identify the land use designation as C-3-S, and add notes to refer to the Fifth and Mission Special Use District.
- Downtown Plan Map 5 ("Proposed Height and Bulk Districts"): Reclassify height and bulk limits within the project site to conform to heights proposed by associated zoning changes.
- Downtown Plan Figure 2 ("Bulk Limits"): Add reference to and SUD.
- Downtown Plan Figure 3 ("Bulk Control Upper Tower Volume Reduction"): Add reference to SUD.
- Downtown Plan Figure 4 ("Separation Between Towers"): Add reference to SUD.
- Urban Design Element Map 4 ("Urban Design Guidelines for Height of Buildings"): Add reference to SUD.
- Urban Design Element Map 5 ("Urban Design Guidelines for Bulk of Buildings"): Add reference to SUD.
- South of Market Area Plan Map 2 ("Generalized Land Use Plan"): Amend boundaries of South of Market Area Plan to remove southeast portion of the project site.
- South of Market Area Plan Map 3 ("Density Plan"): Amend boundaries of South of Market Area Plan to remove southeast portion of the project site.
- South of Market Area Plan Map 5 ("Height Plan"): Amend boundaries of South of Market Area Plan to remove southeast portion of the project site.
- South of Market Area Plan Map 7 ("Open Space and Pedestrian Network Map"): Amend boundaries of South of Market Area Plan to remove southeast portion of the project site.

As amended, the Project would be consistent with the General Plan Maps.

3. **General Plan/Section 101.1 Consistency Determination.** The Project and approvals associated therewith, and the individual building components and improvements associated therewith, all as more particularly described in Exhibit B to the Development Agreement on file with the Planning Department in Case No. 2011.0409DVA, are each on balance, consistent with the priority policies of Planning Code Section 101.1(b) 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;*

No neighborhood-serving retail uses are present on the Project site. Once constructed, the Project will contain major new retail space that will provide opportunities for employment and ownership of retail businesses in the community. These retail spaces will serve building residents and tenants and the

local community. In addition, building tenants will patronize existing retail uses in the community, enhancing the local retail economy. The Development Agreement includes commitments related to local hiring for commercial uses.

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

No existing housing will be removed for the construction of the Project, which will provide up to 690 new residential units. Furthermore, the Project is designed to be consistent with the varied land uses in the surrounding neighborhood, which reflect the intersection of Downtown and South of Market (SoMa) neighborhoods. Uses in the area include high-rise hotel, major retail, convention center, midrise office and residential development within one block of the building site. Additional major planned and approved projects in the immediate vicinity include two hotels, mixed-use residential and commercial uses. Mid- and high-rise office and residential uses are also approved and proposed within the surrounding neighborhoods, including the Transit Center District Plan area, Mid-Market, and forthcoming Central SoMa Plan area.

The Project design is consistent with this context, both the density and height of Downtown and the diverse architectural character of SoMa. New office and residential towers in the Project reflect the density and height of Downtown. Concentrating these new buildings at the exterior edge of the Project site, along major roadways, enables the creation of new open space in the interior of the Project site. The retained and renovated or rehabilitated buildings within the Project site and active ground floor uses within the Project's new buildings would interact with the Project's new open spaces to reflect the finer-grain character of SoMa.

Lastly, the pedestrian streetscape and open space improvements proposed by the Project would function as a connection between the surrounding neighborhoods, and contribute to greater activity levels within the Project area itself. This would provide a desirable, pedestrian-friendly experience that would interact with ground floor retail space in the Project, and serve the existing neighborhood.

Thus, the Project would preserve and contribute to housing within the surrounding neighborhood and would otherwise preserve and be consistent with the neighborhood context.

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

The construction of the Project will not remove any residential uses. The Project will enhance the City's supply of affordable housing through its affordable housing commitments in the Development agreement, which include a City/developer partnership to provide 33% affordable housing at or below 50% of Area Median Income.

*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. A primary goal of the Project is to locate development in a manner that minimizes additional single-vehicle commuter traffic. The Project includes new residential uses together with existing and new

commercial uses to promote commuting from within the site. The Development Agreement includes a Transportation Sustainability Fee, transit improvements, and a robust Transportation Demand Management program.

The Project is also well served by public transit. It is located on Mission Street and one block from Market Street, both major transit corridors, as well as one block from the Powell Street BART/MUNI Station, a major transit hub. It is also one block from the alignment of the forthcoming Central Subway, providing a direct link to the CalTrain terminus at Fourth and Townsend Streets. The Golden Gate Bridge, Highway, and Transportation District provides regional transit services between San Francisco and Marin and Sonoma Counties with stops on Folsom and Harrison Streets. The A/C Transit District provides regional transit services between San Francisco and Alameda and Contra Costa Counties, with stops on Market Street. SamTrans, the San Mateo County Transit District provides regional services between San Francisco and San Mateo Counties with stops on Mission Street.

Lastly, the Project contains new space for vehicle parking within the N-1, M-2 and H-1 Buildings to serve new parking demand. Together with available capacity in the adjacent Fifth and Mission Parking Garage, this will ensure that sufficient parking capacity is available so that the Project would not overburden neighborhood parking, while still implementing a rigorous TDM Plan to be consistent with the City's "transit first" policy for promoting transit over personal vehicle trips.

*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 would not result in displacement of industrial or service uses. The Project is located on an underutilized site consisting of low-rise commercial buildings and surface parking lots, and will provide space to meet demand for various sizes of office space within the Downtown and SoMa areas.

The Project will provide future opportunities for service-sector employment within the retail and other active ground floor uses located within the Project.

*6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;*

The Project will comply with all current structural and seismic requirements under the San Francisco Building Code.

*7. That landmarks and historic buildings be preserved;*

The Project would preserve three historic resources, the Chronicle Building at 901-933 Mission Street, the Camelline Building at 430 Natoma Street, and the Dempster Printing Building at 447-449 Minna Street. and would not demolish any historic resources.



Any work that affects the character-defining features of the exterior of the Chronicle will be conducted according to Secretary of the Interior standards. The Dempster Printing Building will be rehabilitated according to Secretary of the Interior standards, anchoring the low-rise texture of the area and supporting the pedestrian-focused alleyways that will intersect around the core public spaces at Mary Court. Any future proposal to modify the exterior of the Camelline Building in a manner that affects character-defining features similarly will be required to comply with Secretary of the Interior Standards.

The Project design would respect the character of older development in the vicinity through D4D standards and guidelines for overall building massing and design strategies to achieve a relationship to the historic context.

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

A technical analysis, prepared by Environmental Vision, was submitted to the Planning Department on analyzing the potential shadow impacts of the 5M Project to properties under the jurisdiction of the Recreation and Park Department. The analysis concluded that the 5M Project would cast approximately 6,583 annual square-foot-hours of new shadow on Boeddeker Park, equal to approximately 0.00418% of the theoretically available annual sunlight ("TAAS") on Boeddeker Park. On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the Park (with no adjacent structures present) is approximately 157,345,444 square-foot-hours of sunlight. Existing structures currently shade Boeddeker Park 41.59% of the year.

The increase in shadow is very small, and is concentrated in the passive recreation area and walkways near the northern gate along Ellis Street. The largest portion of the Park, which fronts on Eddy and Jones Streets and contains a playground, multi-purpose court, numerous tables and chairs, and expanses of grassy lawns would not be impacted by shadows from the 5M Project. The new shadows would be cast in the early morning hours, when usage of the park is generally low or prohibited. New shadows would occur during relatively limited spans of the year (from mid-October through late-November, and again from mid-January through late-February). When they occur, the shadows would be fleeting and of relatively short duration, ranging from 5 to 25 minutes, with an average duration of approximately 12 minutes.

In addition, the Project provides two major new privately owned, publicly accessible open spaces, a large privately owned residential open space and two smaller residential open spaces that together would provide up to 59,500 square feet of new open space through the Chronical rooftop and Mary Court.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby ADOPTS this Resolution of findings of Consistency with the General Plan and the Priority Policies of Planning Code Section 101.1

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on Thursday, September 17, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson, Richards

NAYS: Moore, Wu

ABSENT: None

ADOPTED: September 17, 2015