

File No. 170751 Committee Item No. 6  
 Board Item No. 24

**COMMITTEE/BOARD OF SUPERVISORS**  
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 24, 2017

Board of Supervisors Meeting Date SEPTEMBER 12, 2017  
 Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN Res No. 19861 022317</u>         |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN Motion No. 19938 061517</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN Motion No. 19939 061517</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN Motion No. 19940 061517</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>PLN Reso No. 19942 061517</u>        |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice 071417</u>            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action 071017</u>       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>PLN HUMAN DETERMINATION 07/24/17</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            |   |

Completed by: Erica Major Date July 19, 2017  
 Completed by: JMM Date 08/28/17

1 [Planning Code, Zoning Map - One Oak Street Project]

2  
3 **Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to**  
4 **change the height and bulk district classification of Assessor's Parcel Block No. 0836,**  
5 **portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue /**  
6 **Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the**  
7 **property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No.**  
8 **001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of**  
9 **the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market**  
10 **Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's**  
11 **determination under the California Environmental Quality Act; and making findings,**  
12 **including findings of public necessity, convenience and welfare under Planning Code,**  
13 **Section 302, and findings of consistency with the General Plan, and the eight priority**  
14 **policies of Planning Code, Section 101.1.**

15 Note: Additions are *single-underline italics Times New Roman*;  
16 deletions are *strikethrough italics Times New Roman*.  
17 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings.

20 (a) On November 18, 2015, One Oak Owner, LLC ("Project Sponsor"), filed an  
21 application to amend Sheet HT07 of the Zoning Map of the City and County of San Francisco  
22 to change the height and bulk classification of (1) the eastern portion (along Van Ness  
23 Avenue) of the property located at Assessor's Block 0836, Lot 001 (1500 Market Street) from  
24 120/400-R-2 to 120-R-2 in a trapezoidal area measuring 668 square feet and (2) a central  
25 portion of the property located at Assessor's Block 0836, Lot 005 (1540 Market Street) from

1 120-R-2 to 120/400-R-2 in a trapezoidal area measuring 668 square feet (collectively  
2 "Proposed Zoning Map Amendment").

3 (b) The Proposed Zoning Map Amendment is part of a project proposed by the  
4 Project Sponsor to demolish existing improvements and construct a 40-story residential  
5 project with ground floor retail space and three levels of underground parking at One Oak  
6 Street ("Proposed Project").

7 (c) On June 15, 2017, at a duly noticed public hearing, by Motion No. 19938, the  
8 Planning Commission certified a Final Environmental Impact Report ("FEIR") for the Proposed  
9 Project, including the Proposed Zoning Map Amendment. The Planning Commission certified  
10 that the FEIR for the Proposed Project reflects the independent judgment and analysis of the  
11 City and County of San Francisco, is adequate, accurate, and objective, and contains no  
12 significant revisions to the Draft EIR, and that the content of the FEIR and the procedures  
13 through which it was prepared, publicized and reviewed comply with the provisions of the  
14 California Environmental Quality Act ("CEQA") (California Public Resources Code section  
15 21000 et seq.), the State CEQA Guidelines (California Code of Regulations Title 14 sections  
16 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A  
17 copy of the FEIR is on file with the Clerk of the Board of Supervisors in File No. 170751.

18 (d) On June 15, 2017, the Planning Commission adopted Motion No. 19939,  
19 adopting CEQA Findings with respect to the approval of the Proposed Project, including the  
20 Proposed Zoning Map Amendment. A copy of such motion is on file with the Clerk of the  
21 Board of Supervisors in File No. 170751. The Board of Supervisors hereby affirms and  
22 adopts said findings based on the reasons set forth therein, and incorporates such reasons by  
23 reference.

1 (e) On June 15, 2017, the Planning Commission adopted Resolution No. 19942,  
2 approving and recommending adoption by the Board of Supervisors of the Proposed Zoning  
3 Map Amendment.

4 (f) The letter from the Planning Department transmitting the Proposed Zoning Map  
5 Amendment to the Board of Supervisors, the FEIR, the CEQA Findings adopted by the  
6 Planning Commission with respect to the approval of the Proposed Project (including a  
7 mitigation monitoring and reporting program) are on file with the Clerk of the Board in File No.  
8 170751. These and any and all other documents referenced in this Ordinance have been  
9 made available to, and have been reviewed by, the Board of Supervisors, and may be found  
10 in both the files of the City Planning Department, as the custodian of records, at 1650 Mission  
11 Street in San Francisco, or in File No. 170751 with the Clerk of the Board of Supervisors at 1  
12 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by reference.

13 (g) The Board of Supervisors has reviewed and considered the FEIR, the  
14 environmental documents on file referred to herein, and the CEQA Findings adopted by the  
15 Planning Commission in support of the approval of the Proposed Project, including the  
16 mitigation monitoring and reporting program. The Board of Supervisors has adopted the  
17 Planning Commission's CEQA Findings as its own and hereby incorporates them by  
18 reference as though fully set forth herein.

19 (h) Pursuant to Planning Code Section 302, this Board of Supervisors finds that the  
20 Proposed Zoning Map Amendment will serve the public necessity, convenience and welfare  
21 for the reasons set forth in Planning Commission Motion No. 19943 (adopting findings relating  
22 to a determination of compliance under Planning Code Section 309 for the Project), Motion  
23 No. 19944 (approving the Conditional Use Authorization for the Proposed Project) and Motion  
24 No. 19942 (adopting environmental findings and recommending that the Board of Supervisors  
25

1 approve this Proposed Zoning Map Amendment), and incorporates such reasons by reference  
2 herein.

3 (i) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that  
4 the Proposed Zoning Map Amendment is consistent with the General Plan, as amended, and  
5 with the Priority Policies of Section 101.1(b) of the Planning Code, and hereby adopts the  
6 findings of the Planning Commission, as set forth in Planning Commission Motion Nos. 19942  
7 and incorporates said findings by reference herein.

8 (j) This ordinance is companion legislation to an ordinance that amends the General  
9 Plan for the One Oak Street project. That ordinance is on file with the Clerk of the Board of  
10 Supervisors in File No. 170750.

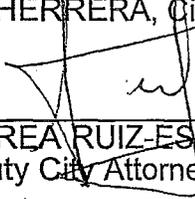
11  
12 Section 2. The Planning Code is hereby amended by revising Sheet HT07 of the  
13 Zoning Map, as follows:

<u>Description of Property</u>	<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts to Be Approved</u>
14 Assessor's Block 0836 15 Lot 001 16 (Western 668 square feet)	120/400-R-2	120-R-2
17 Assessor's Block 0836 18 Lot 005 19 (Central 688 square feet)	120-R-2	120/400-R-2

20 Section 3. Effective Date. This Ordinance shall become effective 30 days from the  
21 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
22 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
23 Board of Supervisors overrides the Mayor's veto of the ordinance.  
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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
ANDREA RUIZ-ESQUIDE  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code, Zoning Map - One Oak Street Project]

**Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

The Zoning Map, which forms part of the Planning Code, includes a series of maps regulating the physical characteristics of development in different areas of the City, such as establishing maximum height and bulk designations.

Amendments to Current Law

This Ordinance would amend Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows:

It would rezone the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and it would rezone the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2

Background Information

These amendments are necessary to implement the project proposed at 1540 Market Street (a.k.a. One Oak Project).

DETERMINATION (170818)  
170750  
170751



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** July 24, 2017  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer *YG*  
**RE:** Appeal Timeliness and Standing Determination – 1500-1540  
Market (One Oak Project), Planning Department Case No.  
2009.0159E

1650 Mission St.  
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San Francisco,  
CA 94103-2479

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An appeal of the Certification of the Final Environmental Impact Report (Final EIR) for the 1500 - 1540 Market Street (One Oak Street Project) Environmental Impact Report, Planning Department Case No. 2009.0159E, was filed with the Office of the Clerk of the Board of Supervisors on July 17, 2017 by Sue Hestor, on behalf of Jason Henderson (Appellant).

Date of FEIR Certification	30 Days after FEIR Certification	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filing	Timely?
June 15, 2017	Saturday, July 15, 2017	Monday, July 17, 2017	July 17, 2017	Yes

**Timeline:** On November 16, 2016, the Planning Department published the Draft Environmental Impact Report (Draft EIR) for the 1500 - 1540 Market Street (One Oak Street Project) with a public review and comment period from November 16, 2016 through January 5, 2017. On January 5, 2017, the Planning Commission held a duly advertised public hearing on the Draft EIR. The Responses to Comments document was issued on June 1, 2017. On June 15, 2017, the Planning Commission held a duly noticed hearing to consider certification of the 1500 - 1540 Market Street (One Oak Street Project) Final EIR. The Planning Commission certified the 1500 - 1540 Market Street (One Oak Street Project) Final EIR on June 15, 2017.

**Appeal Deadline:** Section 31.16(a) and (c) of the San Francisco Administrative Code states that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a Draft EIR, either in writing during the public review period, or orally or in writing at a public hearing on the Draft EIR, may appeal the Planning Commission's certification of the Final EIR up to 30 days after the certification of the Final EIR. The 30<sup>th</sup> day after the certification of the Final EIR was Saturday, July 15, 2017. The next date the Office of the Clerk of the Board was open was Monday, January 17, 2017 (Appeal Deadline).

**Appeal Filing and Timeliness:** The Appellant filed the appeal of the Final EIR on July 17, 2017, prior to the Appeal Deadline and therefore the appeal is considered timely.

**Appellant Standing:** The Appellant submitted written comments on the Draft EIR and submitted comments at the public hearing on the Draft EIR. The Appellant therefore has standing to appeal the certification of the Final EIR.



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19861

HEARING DATE: FEBRUARY 23, 2017

*Project Name:* 1540 Market Street (a.k.a One Oak)  
 Zoning Map Amendments

*Case Number:* 2009.0159GPAMAP

*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102

*Staff Contact:* Tina Chang, AICP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197

*Reviewed by:* Mark Luellen, Northeast Team Manager  
[mark.luellen@sfov.org](mailto:mark.luellen@sfov.org), 415-558-6697

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RESOLUTION TO INITIATE AN AMENDMENT TO HEIGHT AND BULK MAP HT07 TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL AND REDESIGNATE THE HEIGHT AND BULK OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005.

### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the Planning Code and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 2, 3, 4, and 5, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 2, 3, 4, and 5.

WHEREAS, on November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting a.) approval of a Downtown Project

Resolution No. 19861  
February 23, 2017

Case No: 2009.0159MAP  
1540 Market Street

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

RESOLVED, that pursuant to Planning Code Section 302, the Commission Adopts a Motion of Intent to Initiate amendments to the Planning Code Text and Zoning Maps;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code Text and Zoning Maps Amendment contained in the draft Ordinance, approved as to form by the City Attorney in Exhibit B, to be considered at a publicly noticed hearing.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on February 23, 2017.



Jonas P. Ionin  
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: February 23, 2017



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**Planning Commission Motion No. 19938**

HEARING DATE: June 15, 2017

*Case No.:* 2009.0159E  
*Project Address:* 1500-1540 Market Street (One Oak Street)  
*Zoning:* C-3-G - DOWNTOWN  
 120-R-2 and 120/400-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Special Use District  
*Block/Lot:* Block 836, Lots: 001,002, 003, 004, and 005  
*Project Sponsor:* Steve Kuklin, Build Inc.  
 315 Linden Street  
 San Francisco, CA 94102  
 (415)-551-7627  
*Staff Contact:* Diane Livia - (415) 575-8758  
 diane.livia@sfgov.org

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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT WITH 310 RESIDENTIAL UNITS, APPROXIMATELY 4,025 GROSS SQUARE FEET OF COMMERCIAL SPACE, AND IMPROVEMENTS TO PORTIONS OF THE ADJACENT OAK STREET AND VAN NESS AVENUE PUBLIC RIGHTS-OF-WAY CREATING AN APPROXIMATELY 14,000-GROSS SQUARE FOOT PUBLIC PLAZA. THE PROJECT WOULD INCLUDE PRIVATE VEHICULAR PARKING IN AN ON-SITE GARAGE AND BICYCLE PARKING IN THE BUILDING MEZZANINE AND ALONG PUBLIC SIDEWALKS. A NEW ENCLOSURE WOULD BE PROVIDED AROUND THE EXISTING STREET-LEVEL ELEVATOR THAT PROVIDES ACCESS TO THE MUNI METRO-VAN NESS STATION CONCOURSE. WIND CANOPIES WOULD BE INSTALLED IN THE PLAZA AND ON SIDEWALKS TO ENSURE ACCEPTABLE WIND CONDITIONS IN PUBLIC AREAS ADJACENT THE PROJECT SITE.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2009.0159E, the "One Oak Project" at 1500 - 1540 Market Street and various other parcels, above (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on June 17, 2015.

- B. The Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR in a newspaper of general circulation on November 16, 2016. Notice was mailed to the Department's list of persons requesting such notice and to property owners and occupants within a 300-foot radius of the site on November 18, 2016.
  - C. The Department posted notices of availability of the DEIR and of the date and time of the public hearing near the project site by Department staff on November 18, 2016.
  - D. The Department mailed or otherwise delivered copies of the DEIR to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse on November 16, 2016.
  - E. The Department filed Notice of Completion with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on Thursday, January 5, 2017 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on January 10, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 55-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. The Department has prepared a Final Environmental Impact Report (hereinafter "FEIR") consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  5. The Department has made available project EIR files for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On June 15, 2017, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is the Revised Project, analyzed in Chapter 2 of the Comments and Responses document, and as further refined as described

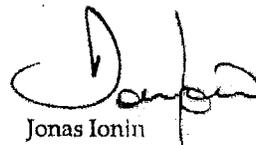
in the various proposed approvals for the One Oak Street project, as detailed in revisions to the DEIR and other staff reports.

8. The Planning Commission hereby does find that the FEIR concerning File No. 2009.0159E reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR, in combination with past, present, and reasonably foreseeable future development in the project vicinity would contribute considerably to cumulative construction-related transportation impacts, denoted in the DEIR as Impact C-TR-7. Despite implementing Mitigation Measure M-C-TR-7 the project may not feasibly reduce effects to a less-than-significant level.

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.



Jonas Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES:

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Affordable Housing (Sec. 415)

Transit Impact Dev't Fee (Sec. 411)

Childcare Fee (Sec. 414)

First Source Hiring (Admin. Code)

Better Streets Plan (Sec. 138.1)

Public Art (Sec. 429)

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## Planning Commission Motion No. 19939 CEQA Findings

HEARING DATE: June 15, 2017

Case No.: 2009.0159E

Project Address: 1540 Market Street (a.k.a One Oak)

Current Zoning: C-3-G (Downtown General)

120/400-R-2, 120-R-2 Height and Bulk Districts

Van Ness & Market Downtown Residential Special Use District

Block/Lot: 0836, Lots 001, 002, 003, 004 and 005

Project Sponsor: Steve Kuklin, 415.551.7627

Build, Inc.

315 Linden Street

[steve@bldsf.com](mailto:steve@bldsf.com)

San Francisco, CA 94102

Staff Contact: Tina Chang – (415) 575-9197

[Tina.Chang@sfgov.org](mailto:Tina.Chang@sfgov.org)

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE PROJECT AT 1540 MARKET STREET TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING UP TO 310 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 372 BICYCLE PARKING SPACES (310 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, INCLUDING A HEIGHT RECLASSIFICATION.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 002, 003, 004, and 005 of Assessor's Block 0836 of the current project site, but did not include the easternmost lot on the block (Lot 001). On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes to the proposed project. For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption Waiver for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of the Project. These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, However, that Octavia BMR Project is an independent project subject to its own independent environmental review under CEQA.

On November 16, 2016, the Planning Department published a notice of the availability (NOA) of a Draft Environmental Impact Report (DEIR) for the One Oak Street Project and the date of the Planning Commission's public hearing on the DEIR in a newspaper of general circulation and posted the notice in the Planning Department offices, and on November 18, 2016, caused the notice to be posted at four locations on and near the project site and mailed the NOA to property owners and tenants within 300 feet of the project site and to over 90 organizations and individuals requesting such notice. The NOA identified a public comment period on the DEIR from November 16, 2016, through January 10, 2017. A Notice of Completion was filed with the State Secretary for Resources via the State Clearinghouse on November 17, 2016. Copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it on November 18, 2016.

On January 5, 2017 the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 55 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, The Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document, all as required by law. The Responses to Comments document was distributed to the Commission and all parties who commented on the DEIR, and made available to others at the request of Planning Department staff.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this Motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") pursuant to this Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings attached hereto as Attachment A as set forth in this Motion No. 19939.

**Motion No. 19939**  
**Hearing Date: June 15, 2017**

**CASE NO. 2009.0159E**  
**1540 Market Street**

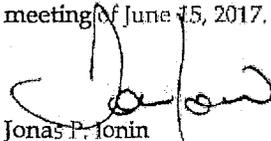
On June 15, 2017 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Maps 3 and 5; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that same hearing the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Zoning Map Amendment. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYS: Commissioner Koppel

ABSENT: Commissioner Fong

DATE: June 15, 2017

ACTION: Adoption of CEQA Findings



## SAN FRANCISCO PLANNING DEPARTMENT

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# ATTACHMENT A TO MOTION NO. 19939

## California Environmental Quality Act Findings

### PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

**Section I** provides a description of the proposed project at 1540 Market Street, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

**Section II** lists the Project's less-than-significant impacts 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 one significant impact that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The Final EIR identified a mitigation measure to address this impact, but implementation of the mitigation measure will not reduce the impact to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures identified in the Final EIR. (The Draft EIR and the Comments and Responses document (the "RTC document") together comprise the Final EIR, or "FEIR.") Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report that is required to reduce a significant adverse impact and is deemed

feasible, identifies the parties responsible for carrying out the measure and reporting on its progress, and presents a schedule for implementation of each measure listed.

**Section V** evaluates the alternatives to the proposed project that were analyzed in the EIR and the economic, legal, social, technological and other considerations that support the approval of the Project and discusses the reasons for the rejection of the Project Alternatives, or elements thereof.

**Section VI** sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The Mitigation Monitoring and Reporting Program (MMRP) for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 and 15097. Attachment B provides a table setting forth each mitigation measure identified in the FEIR that would reduce a significant adverse impact and has been adopted as a condition of approval of the Project. Attachment B 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 adopted as conditions of approval is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before 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 ("RTC") document, with together comprise 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 AND PROCEDURAL BACKGROUND**

### **A. Project Description**

The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The surface parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of 2016, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements would be constructed as part of the proposed Project.

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 310 unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface parking garage containing 136 spaces for residents. Bicycle parking accommodating 310 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (Assessor Block 0836/01) to the western portion of the project site (Assessor Block 0836/05), which would not result in any increased development potential.

## B. Project Objectives

The FEIR discusses several project objectives identified by the Project Sponsor. The objectives are as follows:

- ▶ to increase the City's supply of housing in an area designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ to create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ to permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ to realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.
- ▶ to construct a high-quality project with enough residential floor area to produce a return on investment sufficient to attract private capital and construction financing.
- ▶ to encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ to improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

- ▶ to provide adequate parking and vehicular and loading access to serve the needs of project residents and their visitors.

### C. Project Approvals

The Project requires the following Board of Supervisors approvals:

- ▶ Approval of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 3 of the Market and Octavia Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 5 of the Downtown Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ If required, adoption of the proposed Oak Plaza into the City's Plaza Program, pursuant to SF Administrative Code Section 94.3.
- ▶ If required, approval of a Street Encroachment Permit for improvements (including retail kiosks) within the proposed Oak Plaza and wind canopies in the public right of way (at Oak Plaza and at the northeast corner of Polk and Market Streets).

The Project requires the following Planning Commission approvals:

- ▶ Initiation Hearing of the *San Francisco General Plan (General Plan)* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the *Downtown Area Plan* and amendment to Height and Bulk Map HT07 to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, between Lot 001 and Lot 005.
- ▶ Certification of the Final EIR and adoption of CEQA Findings and adoption of a Mitigation Monitoring and Reporting Program.
- ▶ *General Plan* referral to allow construction in the Oak Street right-of-way, and installation of proposed wind canopies within Oak Street Plaza and the public right-of way.
- ▶ Approval of the project under Planning Code Section 309, including exceptions with regard to ground-level winds and maximum lot coverage.
- ▶ Approval of a conditional use authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and 303.

- ▶ Approval of an In-Kind Improvements Agreement under Planning Code Section 424.3(c) for community improvements for the Complete Streets infrastructure portion of the Van Ness and Market Downtown Residential Special Use District Neighborhood Infrastructure Fee.
- ▶ Recommendation of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 3 of the *Market and Octavia Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 5 of the *Downtown Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ Determination under Planning Code Section 295 that net new project shadow being cast on Patricia's Green, Page and Laguna Mini Park, and the future 11<sup>th</sup> and Natoma Streets Park would not adversely affect the use of the parks.

The Project requires the following Historic Preservation Commission approvals:

- ▶ A Permit to Alter would be required for the proposed retail kiosks at 11 Van Ness Avenue. If the proposed kiosks are determined to constitute as a Minor Permit to Alter, review is delegated to Planning Department Staff and would not need to be reviewed by the Historic Preservation Commission. If the work is determined to constitute as a Major Permit to Alter, a hearing before the Historic Preservation Commission may be required.

Department of Public Works (DPW)

- ▶ Approval of changes in public rights-of-way and conversion of a portion of Oak Street into a pedestrian plaza. This approval may proceed under the City's newly adopted Plaza Program, San Francisco Administrative Code Sections 94.1-94.7.
- ▶ Permit for planting of street trees.
- ▶ Approval of subdivision map and condominium map applications.
- ▶ Approval of a lot line adjustment.
- ▶ Approval of a Street Space Permit from the Bureau of Street Use and Mapping for use of a public street space during project construction.
- ▶ Approval of a Memorandum of Understanding (MOU) regarding the maintenance and availability of curbside loading zones on Oak Street and Market Street.
- ▶ Street Encroachment Permit, to be approved by the Director of Public Works, and by the Board of Supervisors if required by the Director, for wind canopies in the public right of way to be located at Oak Plaza and at the corner of Market and Polk streets and for improvements (including retail kiosks) within the proposed Oak Plaza.

*Actions by Other City Departments and State Agencies*

- ▶ Demolition, grading, building and occupancy permits (Department of Building Inspection)
- ▶ Approval of Planning Code variances under Planning Code Section 305 related to dwelling unit exposure and garage entrance width and an elevator penthouse height exemption under Planning Code Section 260(b)(1)(B). (Zoning Administrator)
- ▶ Approval of the recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Muni-Zone-of-Influence; approval of Oak Plaza conversion; approval of Special Traffic Permit from the Department of Parking and Traffic for use of a public street space during project construction; approval of the passenger loading (white) zone on the south side of the proposed Oak Street shared street pursuant to the SFMTA Color Curb program (San Francisco Municipal Transportation Agency)
- ▶ Approval of recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Bart-Zone-of-Influence (Bay Area Rapid Transit).
- ▶ Approval of the proposed Oak Plaza design by the Civic Design Review Committee and approval of the wind canopies design at the project site and at the corner of Market and Polk streets by the Visual Arts Committee; approval of 1 percent Art Fee for art canopies or other art pieces within the Plaza (San Francisco Arts Commission)

- ▶ Recommendation to the Planning Commission that shadow would not adversely affect open spaces under Commission jurisdiction (San Francisco Recreation and Park Commission and General Manager)
- ▶ Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) (San Francisco Department of Public Health)
- ▶ Recommendation of conditions of approval for residential development proposals under Administrative Code Chapter 116 (San Francisco Entertainment Commission)

#### D. Environmental Review

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessors Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E). For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project. The NOP was accompanied by an Initial Study ("IS") that fully analyzed some environmental topics, supporting preparation of a focused EIR. Publication of the NOP initiated a 30-day public review and comment period that began on June 17, 2015 and ended on July 17, 2015.

On November 16, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR"), including the NOP and IS, and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project Site on November 18, 2016.

On November 18, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners and tenants, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.

The Commission held a duly advertised public hearing on the DEIR on January 5, 2017, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017.

The Department prepared responses to comments on environmental issues received during the 55 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR. This material was presented in the RTC document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Planning Commission recognizes that minor changes have been made to the Project and additional evidence has been developed after publication of the DEIR. Specifically, as discussed in the RTC document, after publication of the DEIR, the Project Sponsor has proposed Project refinements that are described in Chapter 2 of the RTC document. The Project refinements constitute minor Project changes which include (i) selection of the project variant as the preferred project, (ii) reduction in project parking spaces, (iii) specifying that the existing Market Street loading zone would not be used for proposed project loading, (iv) addition of retail kiosks in the proposed Oak plaza, and (v) other minor revisions to clarify or address more accurately specific details of the proposed project or setting described in the DEIR.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document all as required by law. The IS is included as Appendix A to the DEIR and is incorporated by reference thereto. As described in the FEIR, the refinements discussed above would result in either no changes to the impact conclusions or a reduction in the severity of the impact presented in the DEIR.

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Here, the FEIR includes supplemental data and information that was developed after publication of the DEIR to further support the information presented in the DEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the DEIR, or to the significance of impacts as disclosed in the DEIR. Nor does it add any new mitigation measures or alternatives that the project sponsor declined to implement. The Planning Commission finds that none of the changes and revisions in the FEIR substantially affects the analysis or conclusions presented in the DEIR; therefore, recirculation of the DEIR for additional public comments is not required.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

#### **E. Content and Location of Record**

The record upon which all findings and determinations related to the adoption of the proposed Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP; and,

- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

## **F. Findings about Environmental Impacts and Mitigation Measures**

The following Sections II, III and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures identified in the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings, and relies upon them as substantial evidence supporting these findings.

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which to the extent feasible are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure that is deemed feasible and should have been included in the MMRP but was inadvertently omitted is 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 measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall

control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

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 is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments 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.

## **II. LESS-THAN-SIGNIFICANT IMPACTS**

The FEIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Recreation, Utilities and Services Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Mineral and Energy Resources, Agriculture and Forest Resources, and Wind and Shadow.

Note: Senate Bill (SB) 743 became effective on January 1, 2014. Among other things, SB 743 added § 21099 to the Public Resources Code and eliminated the requirement to analyze aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed Project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Public Resources Code § 21099. Accordingly, the FEIR did not discuss the topic of Aesthetics, which is no longer considered in determining the significance of the proposed Project's physical environmental effects under CEQA. The FEIR nonetheless provided renderings illustrating the proposed project for informational purposes. Similarly, the FEIR included a discussion of parking for informational purposes. This information, however, did not relate to the significance determinations in the FEIR.

## **III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE 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. The findings in this section concern 8 potential impacts and mitigation measures proposed in the IS and/or FEIR. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential cultural and paleontological resources, air quality, and noise impacts identified in the IS and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project Sponsor will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or to avoid significant or potentially significant environmental

impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or Final EIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Downtown Project Authorization under Planning Code Section 309 and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce 16 impacts identified in the Initial Study and/or FEIR to a less-than-significant level:

#### **Impacts on Cultural and Paleontological Resources**

- **Impact CP-2:** Construction activities for the proposed project could cause a substantial adverse change in the significance of archaeological resources and human remains, if such resources are present within the project site. With implementation of Mitigation Measure M-CP-2 (Archeological Testing, Monitoring, Data Recovery and Reporting), Impact CP-2 is reduced to a less-than-significant level.
- **Impact CP-3:** Construction activities of the proposed project could affect a unique paleontological resource or a unique geologic feature. With implementation of Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact CP-3 is reduced to a less-than-significant level.
- **Impact C-CP-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to significant cumulative impacts on cultural resources. With implementation of Mitigation Measure M-CP-2 (Archaeological Testing, Monitoring, Data Recovery and Reporting) and Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact C-CP-1 is reduced to a less-than-significant level.

#### **Impacts on Air Quality**

- **Impact AQ-2:** The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality), Impact AQ-2 is reduced to a less-than-significant level.
- **Impact AQ-4:** The proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact AQ-4 is reduced to a less-than-significant level.
- **Impact C-AQ-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project area would contribute to cumulative air quality impacts. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality) and Mitigation

Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact C-AQ-1 is reduced to a less-than-significant level.

#### Impacts from Noise

- **Impact NO-2:** Project demolition and construction would temporarily and periodically increase ambient noise and vibration in the project vicinity compared to existing conditions. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact NO-2 is reduced to a less-than-significant level.
- **Impact C-NO-1:** Construction of the proposed project, in combination with other past, present, and reasonably foreseeable future projects in the site's vicinity, would not result in a cumulatively considerable contribution to significant temporary or periodic increases in ambient noise or vibration levels in the project vicinity above levels existing without the proposed project. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact C-NO-1 is reduced to a less-than-significant level.

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

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there is a significant cumulative impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. Specifically, the FEIR identifies one significant and unavoidable cumulative construction related transportation impact. The Planning Commission finds that, although a mitigation measure has been included in the FEIR and MMRP to address this impact, this impact would remain significant and unavoidable even with mitigation.

Thus, the following significant impact on the environment, as reflected in the FEIR, is unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Planning Commission finds that this impact is acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impact for which no feasible mitigation measures were identified that would reduce this impact to a less than significant level:

##### Impact on Transportation and Circulation – Impact C-TR-7

The proposed Project in combination with past, present, and reasonably foreseeable future development in the project's vicinity would contribute considerably to significant cumulative construction-related transportation impacts. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement one mitigation measure, as follows:

- Mitigation Measure M-C-TR-7 (Cumulative Construction Coordination)

The Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measure M-C-TR-7 would reduce the Project's contribution to cumulative transportation and circulation impacts during the construction phase of the Project, this impact would nevertheless remain significant and unavoidable.

## V. EVALUATION OF PROJECT ALTERNATIVES

### A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the 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 Project.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative and the Podium-only Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

### B. Reasons for Selecting the Project

The Proposed Project would meet the Project Sponsor's Objectives, and would provide numerous public benefits, including the following:

- ▶ Build a substantial number of residential dwelling units within a transit rich neighborhood designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ Create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ Permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ Contribute to the development of permanently affordable housing in the City through the payment of an in lieu fee under the City's Inclusionary Housing Ordinance. Additionally, the fee could potentially be used for the development of affordable housing in the vicinity of the project pursuant to a letter agreement and conditions imposed by the Mayor's Office of Housing and Community Development (MOHCD) (including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA), will be directed towards the future development of 72 permanently affordable housing units on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project") within 1/3 mile of the project site.
- ▶ Realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.

- ▶ Create a residential building with ground floor retail and public open space generally consistent with the land use, housing, open space and other objectives and policies of the Market & Octavia Area Plan.
- ▶ Encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ Improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

### C. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR." (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning 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, social, legal, and technological factors." The Commission is also aware that 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.

Three alternatives were considered as part of the FEIR's overall alternatives analysis, but ultimately rejected from detailed analysis. Those alternatives are as follows:

- **Off-site Alternative.** This alternative was rejected because the Project Sponsor does not have control of another site that would be of sufficient size to develop a mixed-use project with the intensities and mix of uses that would be necessary to achieve most of the basic Project objectives listed in the FEIR.
- **Code Compliant with Tower Alternative.** An alternative that would consider project development of the site compliant with the site's existing Height and Bulk districts by shifting the placement of a 400-foot-tall tower eastward so that the tower would be located entirely outside of the existing 120-R-2 Height and Bulk District at the western end of the project site and entirely within the existing 120/400-R-2 Height and Bulk District (a shift eastward of 4 feet, 7.5 inches) was not considered for further analysis because such an alternative would not improve, and could worsen, wind impacts from the less-than-significant impact identified for the proposed project, and furthermore, would reduce the amount of public open space offered under the proposed project, while offering no environmental advantages over the proposed project.

- **Lower Podium-Only Alternative.** An alternative that would include a lower podium only was considered but rejected because such an alternative would fail to meet key project objectives and would fail to reduce to a less-than-significant level the proposed project's significant and unavoidable transportation impact related to construction traffic.
- **Lower Podium with Tower Alternative.** An alternative that would include a lower podium with tower was considered but rejected because such an alternative would not substantially reduce environmental impacts as compared to the proposed project.

The following alternatives were fully considered and compared in the FEIR:

**1. No Project Alternative**

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition. The existing commercial buildings and 47-car surface parking lot on the project site would remain, and the proposed 499,580 combined square feet residential building with ground floor retail, and approximately 14,000 square foot neighborhood serving public plaza would not be constructed. Because no directed in lieu fee would be provided, no offsite below market rate units would be provided. No improvements would be made to the existing Muni Van Ness station elevator. The project site would not be rezoned to shift the existing 120/400-R-2 Height and Bulk District from the easternmost portion of the building site (Lot 1) to the westernmost portion (Lot 5).

This alternative would not preclude development of another project on the project site should such a proposal be put forth by the project sponsor or another entity. However, it would be speculative to set forth such an alternative project at this time.

The Planning Commission rejects the No Project Alternative as unreasonable and infeasible because it would fail to meet the Project Objectives and the City's policy objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project Sponsor's objectives;
- 2) The No Project Alternative would be inconsistent with key goals of the General Plan with respect to housing production. With no new housing created here and no construction, the No Project Alternative would not increase the City's housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, and would not expand the City's property tax base.
- 3) The No Project Alternative would leave the Project Site physically unchanged, and thus would not result in the redevelopment of an underutilized site (consisting of underdeveloped commercial buildings and a surface parking lot), creation of a residential project with ground floor retail that provides a substantial number of new residential dwelling units and affordable housing through the payment of a directed in lieu fee, in immediate proximity to mass transit and jobs within the Downtown Core.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

## 2. Podium-only Alternative

The Podium-only Alternative would comply with the existing height and bulk limits by reducing the height of the proposed building to include the podium only; thus not requiring the legislative amendments required for the proposed project to shift the existing Height and Bulk District 120/400-R-2 designation from Lot 1 to the western half of Lot 5 on Assessor's Block 0836. Under this alternative, a new 12-story residential building measuring 120 feet tall (136 feet tall including a mechanical penthouse) would be constructed within the building site.

In plan, this alternative would resemble the site plan and corresponding floor level plans of the proposed project. However, the Podium-only Alternative would contain 119 dwelling units (191 fewer units than under the proposed project), consisting of 35 studio units, 36 one-bedroom units, and 48 two-bedroom units. No three-bedroom units would be constructed. Like the proposed project, this alternative would also provide for approximately 4,025 gsf of ground-floor retail/restaurant uses. Parking uses would total 53,308 gsf (6,782 gsf less than the proposed project). The alternative would provide 59 residential parking spaces, as compared to 136 spaces with the proposed project. Like the proposed project, the Podium-only Alternative would provide two carshare spaces, one off-street truck loading space, and two service vehicle loading spaces. The number of bicycle parking spaces would total 127 (119 Class 1 and 8 Class 2 spaces), fewer spaces than with the proposed project (366 spaces consisting of 310 Class 1 and 62 Class 2 spaces). This alternative would also include the same right of way improvements as the proposed project, including the construction of the proposed Oak Plaza and wind canopies.

Construction activities associated with the Podium-only Alternative would be similar to those described for the proposed project. Accordingly, as with the proposed project, the Podium-only Alternative would result in a considerable contribution to a significant and unavoidable cumulative impact related to transportation (construction traffic), and the same less-than-significant impacts related to other transportation subtopics, air quality, wind and shadow, and cultural resources impacts as the proposed project. Additionally, this alternative meets many but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it reduces the number of residential units by roughly 62%.

The Planning Commission rejects the Podium-only Alternative because it would not eliminate the significant unavoidable impact of the proposed Project and it would not meet the Project Objectives or City policy objectives for reasons including, but not limited to, the following:

- 1) The Podium-only Alternative would limit the Project to 119 dwelling units; whereas the proposed Project would provide up to 310 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Podium-only Alternative would not fulfill the objective of the Market & Octavia Plan to increase housing density by eliminating density maximums close to transit (Policy 2.2.1) and to encourage the development of slender residential towers above the base height along the Market Street corridor (Policy 1.2.8).
- 3) The Podium-Only Alternative would also reduce the Project's in lieu fee contribution under the City's Inclusionary Housing Program by approximately \$11.9 million, thus reducing the

project's inclusionary housing fee and the potential directed fee contribution toward the development of permanently affordable housing units and potentially delaying the production of those units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.

- 4) The Podium-only Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others. The alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities as well as the proposed Project does, and would not remove all significant unavoidable impacts.

For the foregoing reasons, the Planning Commission rejects the Podium-only Alternative as infeasible.

## VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, one impact related to Transportation and Circulation will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning 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 this significant and unavoidable impact 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, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impact, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures identified in the PEIR/IS and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would add up to 310 dwelling units (approximately 57 studios, 100 1-bedroom units, 138 2-bedroom units, and 15 3-bedroom units), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes

the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.

2. The Project would increase the stock of permanently affordable housing by paying an in lieu fee. Further, subject to a letter agreement and certain conditions imposed by the Mayor's Office of Housing and Community Development (including the requirement for independent environmental review of the Octavia BMR Project under CEQA), such fee would potentially be "directed" and used to fund the creation of approximately 72 new residential units affordable to low-income households at the Octavia BMR Project, within 0.3 mile of the project site. In addition to the directed in lieu fee, the project would also pay approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, would fund additional affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing underdeveloped commercial structures and surface parking lot with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the surface parking lot and its replacement with active street frontages will improve pedestrian and neighborhood safety. By including a ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would include an inviting public plaza and significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
4. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity, and with that envisioned for the site under the Planning Code and General Plan.
5. The Project's iconic and attractive design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
6. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of a surface commercial parking lot with private residential underground parking will bring the site into greater conformity with current Planning Code and urban design principles.
7. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
8. The Project adds approximately 4,110 gross square feet of neighborhood serving retail and restaurant space in an area with a growing residential and workplace population, consistent with the policies of the Downtown Area Plan and Market & Octavia Area Plan.

9. The Project will include a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, which would activate the streetscape, serve to calm traffic on the street and build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.
10. The Project includes a massing scheme and wind reduction elements, including wind canopies, to avoid the creation of any net new hazardous wind conditions on any nearby public sidewalks or seating areas and would reduce hazardous wind hours over current conditions.
11. The Project provides approximately 310 Class 1 secure indoor bicycle parking spaces and 62 Class 2 sidewalk bike rack spaces, both in excess of the number required by the Planning Code, encouraging residents and visitors to access the site by bicycle.
12. The Project promotes a number of Downtown Area Plan Objectives and Policies, including Policy 5.1, which encourages the provision of space for commercial activities; and Policies 7.1 and 7.2, which further the Objective of expanding the supply of housing in and adjacent to Downtown. The Project also promotes several Market and Octavia Area Plan Objectives and Policies, including Objectives 2.3 and 2.4, which encourage increasing the existing housing stock, including affordable units.
13. The Project promotes a number of City urban design and transportation policies, including: reducing curb cuts; slowing vehicular traffic; providing street trees, landscaping, seating, bike racks and other street furniture for public use and enjoyment; widening sidewalks, using high-quality materials; activating the street frontage; maximizing ground floor transparency; and providing adequate lighting.
14. The Conditions of Approval for the Project include all the mitigation measures set forth in the FEIR to mitigate the Project's potentially significant impact to insignificant levels except for its cumulative construction impact on Transportation and Circulation which would remain significant and unavoidable even with the implementation of mitigation measures. The Conditions of Approval also include all the improvement measures set forth in the FEIR to further reduce the magnitude of less-than-significant effects.
15. The Project will create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing 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 FEIR and/or IS, and that those adverse environmental effects are therefore acceptable.

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
 One Oak Street Project  
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<b>MITIGATION MEASURE</b>				
<i>Cultural Resources Mitigation Measures</i>				
<p><b>Mitigation Measure M-CP-2: Archaeological Testing, Monitoring, Data Recovery, and Reporting.</b></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archeological research design and treatment plan (WSA <i>Final Archeological Research Design Treatment Plan for the 1510-1540 Market Street Project</i>, February 2012) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail.</p> <p>All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means</p>	<p>Project sponsor</p>	<p>Prior to commencement of demolition and soil-disturbing activities.</p>	<p>Retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.</p>	



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<p>with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected</li> </ul>	<p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Project sponsor, archeological consultant, and ERO shall meet prior to commencement of soils-disturbing activities. If ERO determines that archeological monitoring is necessary, monitor throughout all soils-disturbing activities. Considered complete on ERO's approval of AMP; submittal of report regarding findings of AMP; and ERO's finding that AMP has been implemented.</p>	<p>If required, archeological consultant to prepare AMP in consultation with the ERO.</p> <p>Project sponsor, archeological consultant, archeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO.</p>	

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<p>resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</li> </ul> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>				

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<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and</li> </ul>	<p>Archaeological consultant in consultation with the ERO.</p>	<p>If there is a determination by the ERO that an ADRP is required. .</p>	<p>If required, prepare an ADRP with ERO consultation and approval.</p>	

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<p>distribution of results.</p> <ul style="list-style-type: none"> <li>▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	<p>Project sponsor and archaeological consultant in consultation with the San Francisco Coroner, Native American Heritage Commission and Most Likely Descendent.</p>	<p>In the event human remains and/or funerary objects are encountered project sponsor's construction contractor to contact archaeological consultant and ERO. Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p>	<p>Archaeological consultant/archaeological monitor/project sponsor or contractor to contact San Francisco County Coroner and implement regulatory requirements regarding discovery of Native American human remains, if applicable.</p>	

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<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archeological consultant in consultation with ERO.</p> <p>Project sponsor and archeological consultant to distribute FARR.</p>	<p>If applicable, after completion of archeological data recovery, inventorying, analysis and interpretation.</p> <p>Upon completion and ERO approval of the FARR.</p>	<p>If applicable, archeological consultant to submit a FARR to ERO for approval.</p> <p>Archaeological consultant to provide ERO with written confirmation of distribution.</p>	
<p><b>Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program</b></p> <p>The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.</p> <p>The PRMMP shall be consistent with the Society for Vertebrate Paleontology</p>	<p>Project sponsor to retain appropriately qualified consultant to prepare PRMMP, carry out monitoring, and reporting, if required.</p>	<p>Prior to and during construction.</p>	<p>ERO to approve final PRMMP.</p>	

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<p>Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by non-sedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.</p> <p>The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects on a significant paleontological resource as previously defined to a less-than-significant level.</p>	<p>The project paleontological consultant to consult with the ERO as indicated.</p>	<p>Prior to and during construction, if required. Considered complete on approval of final documentation by ERO.</p>	<p>Consultant shall provide brief monthly reports to ERO during monitoring or as identified in the PRMMP, and notify the ERO immediately if work should stop for data recovery during monitoring. The ERO to review and approve the final documentation as established in the PRMMP.</p>	
<p><i>Transportation and Circulation Mitigation Measures</i></p>				
<p><b>Mitigation Measure M-C-TR-7: Cumulative Construction Coordination</b></p> <p>If construction of the proposed project is determined to overlap with nearby project(s) as to result in temporary construction-related transportation impacts, the project sponsor or its contractor(s) shall consult with City departments such as the SFMTA and Public Works through ISCOTT, and other interdepartmental meetings as deemed necessary by the SFMTA, Public Works, and the Planning Department, to develop a Coordinated Construction Management Plan. The Coordinated Construction Management Plan shall address construction-related vehicle routing, detours, and maintaining transit,</p>	<p>Project sponsor and project construction contractor(s) and Planning Department.</p>	<p>Prior to, and as a condition of, building permit issuance.</p>	<p>Develop and obtain Planning Department approval of a Coordinated Construction Management Plan.</p>	

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<p>bicycle, vehicle, and pedestrian movements in the vicinity of the construction area for the duration of the construction period overlap. Key coordination meetings would be held jointly between project sponsors and contractors of other projects for which City departments determine impacts could overlap. The Coordinated Construction Management Plan shall consider other ongoing construction in the project vicinity, including development and transportation infrastructure project, and shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• <b>Restricted Construction Truck Access Hours</b> – Limit construction truck movements to the maximum extent feasible to the hours between 9:00 AM and 4:30 PM, or other times if approved by the SFMTA, to minimize disruption to vehicular traffic, including transit during the AM and PM peak periods.</li> <li>• <b>Construction Truck Routing Plans</b> – Identify optimal truck routes between the regional facilities and the project site, taking into consideration truck routes of other development projects and any construction activities affecting the roadway network.</li> <li>• <b>Coordination of Temporary Lane and Sidewalk Closures</b> – The project sponsor shall coordinate lane closures with other projects requesting concurrent lane and sidewalk closures through the ISCOTT and interdepartmental meetings process above, to minimize the extent and duration of requested lane and sidewalk closures. Lane closures shall be minimized especially along transit and bicycle routes, so as to limit the impacts to transit service and bicycle circulation and safety.</li> <li>• <b>Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access</b> – The project sponsor/construction contractor(s) shall meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit, vehicles, bicycles and pedestrians. This shall include an assessment of the need for temporary transit stop relocations or</li> </ul>	<p>Project sponsor and project construction contractor(s)</p>	<p>Throughout all phases of construction to the extent applicable.</p>	<p>Implement measures of the Coordinated Construction Management Plan.</p>	

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<p>other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.</p> <ul style="list-style-type: none"> <li>• <b>Carpool, Bicycle, Walk and Transit Access for Construction Workers</b> – The construction contractor shall include methods to encourage carpooling, bicycling, walk and transit access to the project site by construction workers (such as providing transit subsidies to construction workers, providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from <a href="http://www.511.org">www.511.org</a>, participating in emergency ride home program through the City of San Francisco (<a href="http://www.sferh.org">www.sferh.org</a>), and/or providing transit information to construction workers).</li> <li>• <b>Construction Worker Parking Plan</b> – The location of construction worker parking shall be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking shall be discouraged. The project sponsor shall provide on-site parking to the extent feasible once the below-grade parking garage is usable.</li> <li>• <b>Project Construction Updates for Adjacent Businesses and Residents</b> – To minimize construction impacts on access for nearby institutions and businesses, the project sponsor shall provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. At regular intervals to be defined in the Coordinated Construction Management Plan, a regular email notice shall be distributed by the project sponsor that shall provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</li> </ul>				

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<i>Noise Mitigation Measures</i>				
<p><b>Mitigation Measure M-NO-2: General Construction Noise Control Measures</b></p> <p>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor and/or its construction contractors shall undertake the following:</p> <ul style="list-style-type: none"> <li>The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</li> <li>The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically- or electrically-powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</li> <li>The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy</li> </ul>	<p>Project sponsor and project construction contractor(s).</p>	<p>Prior to, and as a condition of building permit issuance.</p> <p>Implement measures throughout all phases of construction.</p>	<p>Submit contract documents incorporating identified practices along with documentation designating a Noise Disturbance Coordinator and protocol for noise complaints to Planning Dept. and DBL.</p>	

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<p>activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.</p> <ul style="list-style-type: none"> <li>• Prior to the issuance of building permits, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.</li> </ul>				
<i>Air Quality Mitigation Measures</i>				
<p><b>Mitigation Measure M-AQ-2: Construction Air Quality</b></p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel</p>	<p>Project sponsor and construction contractor(s) shall prepare and implement Construction Emissions Minimization Plan.</p>	<p>Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>	<p>Project sponsor/contractor to submit a Construction Emissions Minimization Plan. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase.</p>	

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<p>Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <ol style="list-style-type: none"> <li>2. Where access to alternative sources of power are reasonably available, portable diesel engines shall be prohibited.</li> <li>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</li> <li>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</li> </ol> <p><b>B. Waivers.</b></p> <ol style="list-style-type: none"> <li>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</li> <li>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected</li> </ol>		<p>The Plan shall be kept on site and available for review. A sign shall be posted at the perimeter of the construction site indicating the basic requirements of the Plan and where copies of the Plan are available to the public for review.</p>	<p>For off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Considered complete upon ERO/Planning Department review and approval of Construction Emissions Minimization Plan or alternative measures that achieve the same emissions reduction.</p>	

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<p>operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-2, below.</p> <p><b>Table M-AQ-2: Off-Road Equipment Compliance Step-down Schedule</b></p> <table border="1" data-bbox="216 753 871 954"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>* Alternative fuels are not a VDECS</p> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p><b>C. Construction Emissions Minimization Plan.</b></p> <p>Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> <li>The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment</li> </ol>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
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<p>manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i></p> <p>After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM FOR One Oak Street Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<b>M-AQ-4: Best Available Control Technology for Diesel Generators</b>  The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.	Project sponsor	Prior to, and as a condition of building permit issuance.	Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all installed diesel generators on the project site.  Considered complete upon submittal of documentation to the Planning Department.	
<b>IMPROVEMENT MEASURES FOR THE ONE OAK STREET PROJECT</b> <i>(Improvement measures are not required under CEQA. The EIR identifies Improvement Measures to avoid or reduce the less-than-significant impacts of the proposed project. The decision-makers may adopt these Improvement Measures as conditions of approval.)</i>				
<i>Transportation and Circulation Improvement Measures</i>				
<b>Improvement Measure I-TR-B: Loading Operations Plan</b>  As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA prior to receiving the final certificate of occupancy. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised as necessary and feasible to more appropriately respond to changes in street or circulation conditions.	Project sponsor	Prior to, and as a condition of, certificate of occupancy issuance.	Develop and obtain Planning Department and SFMTA approval of a Loading Operations Plan.	

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
 One Oak Street Project  
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Reporting Actions and Responsibility</b>	<b>Status/Date Completed</b>
<p>The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facility, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:</p> <ul style="list-style-type: none"> <li>• Commercial loading for the project should be accommodated on-site and within planned on-street commercial loading spaces on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions.</li> <li>• Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets.</li> <li>• Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management.</li> <li>• All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities. (Information on SFMTA temporary signage permit process available online at <a href="https://www.sfmta.com/services/streets-sidewalks/temporary-signage">https://www.sfmta.com/services/streets-sidewalks/temporary-signage</a>)</li> <li>• Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on</li> </ul>	<p>Project sponsor or building management representative</p>	<p>Implementation of this improvement measure is ongoing and enforceable during the life of the project.</p>		

<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project            (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for            Implementation</b>	<b>Schedule</b>	<b>Monitoring/Reporting            Actions and            Responsibility</b>	<b>Status/Date            Completed</b>
<p>weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.</p> <ul style="list-style-type: none"> <li>• The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules.</li> <li>• Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&amp;Rs and Rules &amp; Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.</li> <li>• The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am).</li> <li>• Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via Oak</li> </ul>				



<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project            (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p><u>Construction Worker Parking Plan</u> – As part of the Construction Management Plan that would be developed by the construction contractor, the location of construction worker parking could be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking could be discouraged. The project sponsor could provide on-site parking once the below grade parking garage is usable.</p> <p><u>Project Construction Updates for Adjacent Businesses and Residents</u> – As an improvement measure to minimize construction impacts on access to nearby institutions and businesses, the project sponsor would provide nearby residences and adjacent businesses with regularly updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and parking lane and sidewalk closures. The project sponsor could create a web site that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</p>				
<i>Wind Improvement Measure</i>				
<p><b>Improvement Measure I-W-1: Wind Reduction Features</b></p> <p>To reduce ground-level wind speeds and project comfort criteria exceedances in areas used for public gathering, such as MUNI transit stops and crosswalk entrances, the Project Sponsor is encouraged to install, or facilitate installation of, wind reduction measures that could include but are not limited to structures, canopies, wind screens and landscaping as feasible. In so doing, the Project Sponsor would coordinate with the Planning Department and representatives of responsible City agencies or third parties, as may be warranted by the specific nature and location of the improvement, as applicable.</p>	Project sponsor	Install, wind reduction features prior to issuance of a certificate of occupancy.	Project sponsor to coordinate with the Planning Department and other responsible agencies to determine the locations and types of wind reduction features to be implemented.	



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Transit Impact Dev't Fee (Sec. 411)
- Childcare Fee (Sec. 414)
- First Source Hiring (Admin. Code)
- Better Streets Plan (Sec. 138.1)
- Public Art (Sec. 429)

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## Planning Commission Motion No. 19940

HEARING DATE: JUNE 15, 2017

*Case No.:* 2009.0159EGPAMAPDNXCUA VARK  
*Project Address:* 1540 Market Street (a.k.a. One Oak)  
*Zoning:* C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District  
*Block/Lot:* 0836, Lots 001, 002, 003, 004 and 005  
*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102  
*Staff Contact:* Tina Chang, AICP, LEED AP  
 tina.chang@sfgov.org, 415-575-9197  
*Reviewed by:* Mark Luellen, Northeast Team Manager  
 mark.luellen@sfov.org, 415-558-6697

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, AND THE PROPOSED 11<sup>TH</sup> AND NATOMA PARK DESIGNATED FOR ACQUISITION BY THE RECREATION AND PARK COMMISSION BY THE PROPOSED PROJECT AT 1540 MARKET STREET WOULD NOT BE ADVERSE TO THE USE OF PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, OR THE PROPOSED 11<sup>TH</sup> AND NATOMA PARK AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Patricia's Green is a 0.41 acre park located in the Western Addition neighborhood along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park is bounded by Hayes Street to the north and Fell Street to the south. Patricia's Green is characterized by a picnic seating area, a circular plaza, grassy areas, and a children's play area. The neighborhood immediately surrounding Patricia's Green is characterized by residential buildings of two to five stories in height, as well as ground floor retail and restaurant uses.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Patricia's Green (with no adjacent structures present) is approximately 66,622,661 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,034,236 square-foot hours, or approximately 18.06 percent of the TAAS.

Page Laguna Mini Park is a 0.15 acre park 6 located in the Western Addition Neighborhood of San Francisco on Assessor's Block 0852 / Lot 015. It is located mid-block with residences east and west and is bounded by Page Street to the north and Rose Street to the south. Page Laguna Mini Park is enclosed by fences—one along Rose Street and another which bisects the site from east to west. The mini park has two entrances on Page and Rose Streets, respectively which are connected by a meandering serpentine path creating a pedestrian connection between the two streets. The mini park features two fixed benches, a designated community gardening area and several trees ranging in size from small shrubbery to deciduous trees with larger canopies.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Page and Laguna Mini Park (with no adjacent structures present) is approximately 24,402,522 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,098,693 square-foot hours, or approximately 49.58 percent of the TAAS.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the proposed 11<sup>th</sup> and Natoma Park (with no adjacent structures present) is approximately 72,829,287 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 14,449,512 square-foot hours, or approximately 19.480 percent of the TAAS.

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 1) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental

Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

On June 15, 2017, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and, in consultation with their General Manager, recommended that the

Planning Commission find that the shadows cast by the Project on Patricia's Green, Page and Laguna Mini-Park, and the proposed park at 11<sup>th</sup> and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11<sup>th</sup> and Natoma Streets.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

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

#### FINDINGS

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of Patricia's Green, for the following reasons:
  - a. The proposed project would reduce the annual available insolation by about 0.22 percent (a reduction of 148,200 square foot hours of sunlight). This results in a total shadow load of 12,182,435 square foot hours and a reduction of the available insolation by 18.28 percent.
  - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon Patricia's Green from the Project would occur in the early mornings from February 17 through April 5, and again from September 8 through

October 25, when observed park usage is relatively sparse compared to later morning, midday peak and afternoon times. At these times, the southwest portion of the park would continue to be unshaded by existing and project shadow and would be available to those park users seeking sunlight.

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 28 minutes.
4. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Page and Laguna Mini Park, for the following reasons:
- a. The proposed project would reduce the annual available insolation by about 0.04 percent (a reduction of 9,576 square foot hours of sunlight). This results in a total shadow load of 12,108,269 square foot hours and a reduction of the available insolation by 49.62 percent.
  - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon Page and Laguna Mini Park from the Project would occur in the early mornings from May 19 through July 26, when observed park use would be considered low.
  - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 15 minutes.
5. The additional shadow cast by the Project would be numerically insignificant, and therefore would not be adverse, and is not expected to interfere with the use of the proposed 11<sup>th</sup> and Natoma Park, for the following reasons:
- a. The proposed project would reduce the annual available insolation by about 0.004 percent (a reduction of 2,838 square foot hours of sunlight). This results in a total shadow load of 14,452,350 square foot hours and a reduction of the available insolation by 19.844 percent.
  - b. The additional shadow cast by the proposed project has a numerically insignificant effect, and the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon the proposed 11<sup>th</sup> and Natoma Park from the Project would occur in the early evenings from June 9 through July 5.

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 18 minutes.
6. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19943, which are incorporated by reference as though fully set forth herein.
7. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19943 which are incorporated by reference as though fully set forth herein.
8. 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.
9. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project.

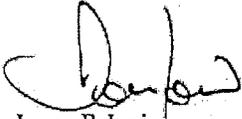
Motion No. 19940  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCUIAVARK  
1540 Market Street

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, 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 DETERMINES, under Shadow Analysis Application No. 2009.0159EGPAMAPDNXCUIAVARK, that the net new shadow cast by the Project on Patricia's Green, Page and Laguna Mini Park, and the proposed park at 11<sup>th</sup> and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11<sup>th</sup> and Natoma Streets.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on June 15, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYES: Commissioner Koppel

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission

### Planning Code Text and Zoning Map Amendment Resolution No. 19942

HEARING DATE: JUNE 15, 2017

*Project Name:* 1540 Market Street (a.k.a One Oak)  
*Case Number:* 2009.0159EGPAMAPDNXCVA VARK  
*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
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 San Francisco, CA 94102

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RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS THE APPROVAL OF AN AMENDMENT TO THE PLANNING CODE TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL AND AMEND HEIGHT AND BULK MAP HT07 TO REDESIGNATE A PORTION OF THE HEIGHT AND BULK OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

#### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the Planning Code and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous

iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B); h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed Zoning Map Amendment would not result in increased development potential from what is permitted under the existing height and bulk district; and

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [ ] to make the necessary amendments to Zoning Map HT07 to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR through Motion No. 19938; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. 19939; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, 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 Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

RESOLVED, that pursuant to Planning Code Section 302, the Commission hereby recommends approval of the amendment to the Zoning Map, and adopts this resolution to that effect;

AND BE IT FURTHER RESOLVED, that the findings set forth in the Downtown Project Authorization, Motion No. 19943 adopted by the Commission on this date are hereby incorporated by reference.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

## FINDINGS

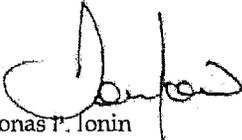
Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.

2. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA.
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.
7. The Project would create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs would provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.
8. The Zoning Map Amendment is necessary in order to approve the Project;

9. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19943, which are incorporated by reference as though fully set forth herein.
10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19943 which are incorporated by reference as though fully set forth herein.
11. 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.
12. Based on the foregoing and in accordance with Section 302, the public necessity, convenience and general welfare require the proposed Zoning Map Amendment.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 15, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NOES: Commissioner Koppel

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Transit Impact Dev't Fee (Sec. 411)
- Childcare Fee (Sec. 414)
- First Source Hiring (Admin. Code)
- Better Streets Plan (Sec. 138.1)
- Public Art (Sec. 429)

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## Planning Commission Motion No. 19943

HEARING DATE: JUNE 15, 2017

Case No.: 2009.0159EGPAMAPDNXC~~U~~AVARK  
 Project Address: 1540 Market Street (aka One Oak )  
 Zoning: C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District  
 Block/Lot: Block 0836; Lots 001, 002, 003, 004 and 005  
 Project Sponsor: Steve Kuklin, Build Inc.  
 315 Linden Street  
 San Francisco, CA 94102  
[steve@bldsf.com](mailto:steve@bldsf.com), 415.551.7627  
 Staff Contact: Tina Chang, AICP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197  
 Reviewed by: Mark Luellen, Northeast Team Manager  
[mark.luellen@sfo.gov](mailto:mark.luellen@sfo.gov), 415-558-6697

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR LOT COVERAGE PER PLANNING CODE SECTION 249.33(b)(5) AND REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148 TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING WITH 304 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE, 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2), AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied the property at Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 001) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolution No.'s 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Commission Secretary, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

**MOVED**, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2009.0159EGPAMAPDNXCUIAVARK, 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 is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005, an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor research and development space and offices on the upper floors. The building also houses the San Francisco New Conservatory Theater. Further north along the west side of

Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

- 4. Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way (Oak Plaza); construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it. Some of the streetscape improvements for Oak Plaza are included within the Project being approved pursuant to Motion No.'s 19940, 19943, and 19944. At a later date, the Project Sponsor will additionally seek approval of an In-Kind Fee Waiver

Agreement pursuant to Planning Code Sections 421.3(d) and 424.3(c), to provide certain additional public realm improvements within Oak Plaza. Additional improvements subject to the In-Kind Fee Waiver Agreement include: (a) improvements within the existing Oak Street sidewalk along the northern side, including retail kiosks, above ground planters, street lighting, movable seating, waterproofing at the 25 Van Ness basement, and new sidewalk paving; (b) pavers and improvements within the Oak Street roadway; and (c) specialty electrical connections and fixtures for the theatrical lighting, audio/visual, and power for the performance area and the public wireless services in the Plaza. These additional public realm improvements are subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

**General Community Engagement:** The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over

time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U; including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

**Arts and Culture Stakeholder Engagement:** In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of

the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Floor Area Ratio.** Pursuant to Section 123, 249.33 and 424 of the Planning Code, Projects in the C-3-G Zoning District and the Van Ness and Market Residential Special Use District have a base floor area ratio (FAR) of 6.0:1 and may reach an FAR of 9.0:1 with payment into the Van Ness and Market Affordable Housing Fund as set forth in Sections 249.33 and 424. To exceed a floor area ratio of 9.0:1, all such projects must contribute to the Van Ness and Market Neighborhood Infrastructure Fund.

*The Project Site has a lot area of approximately 18,219 square feet. As shown in the conceptual plans, the Project includes 499,539 square feet of development, of which 432,746 square feet would count towards FAR. Since the Project exceeds a FAR of 9.0:1, the Project would make a payment pursuant to Section 249.33 to the Van Ness and Market Affordable Housing Fund for the Floor Area exceeding the base FAR ratio of 6.0:1 up to a ratio of 9.0:1 and to the Van Ness and Market Neighborhood Infrastructure Fund pursuant to Section 424 for any Floor Area exceeding an FAR of 9.0:1.*

- B. **Rear Yard Requirement.** Within the Van Ness and Market Downtown Residential Special Use District pursuant to Planning Code Section 249.33(b)(5), Rear Yard requirements do not apply. Rather, lot coverage is limited to 80 percent at all residential levels.

*The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the landscaped podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. Accordingly, the Project does not comply with the Code's lot coverage requirements on the first residential floor up through level 12, and as such, requires an exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." While lot coverage requirements are technically not met, the Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to the*

*new mid-block open space currently under construction as part of the 1554 Market Street project immediately to the west of the Project Site. See Section 7, below, for 309 findings.*

- C. **Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open space be provided per dwelling unit. However, common usable open space for mixed-use, residential and non-residential projects may be used to count against requirements contained in both Section 135 and 138. Further, projects within the Van Ness and Market Downtown Residential Special Use District may elect to meet up to 40 percent of the open space requirements off-site if the space is within the Special Use District or within 900 feet of the project site and meets standards described in Section 249.33 indicated below.

*The Project complies with the requirements of Section 135 and 249.33. The Project includes 304 dwelling units and provides at least 36 square feet of private open space for 74 units through private balconies. Therefore approximately 11,012 square feet of common open space is required for the remaining 230 units (230 units x 47.88 = 11,012). In all, the Project provides approximately 11,056 square feet of common open space of which 3,058 square feet is located off-site within the public right-of-way, and is incorporated into the proposed Oak Plaza. The remaining 7,998 square feet of common open space is located within the sponsor's private property, within the front ground-level setback, within a solarium at the third level, and a terrace at the 14<sup>th</sup> level.*

*As permitted by Section 249.33(4)(C)(v), the Project is electing to meet a portion (approximately 22 percent) of its open space requirement off-site as part of the proposed Oak Plaza and in the form of streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market and Octavia Area Plan. The Plaza would additionally be characterized as an unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service. The portions qualified to meet the Project's open space requirement consist of two sidewalk bulb-out areas on the north and south sides of Oak Street. These areas will be integrated into a larger, contiguous Plaza that also includes improvements to the pre-existing sidewalks on both sides of Oak Street and Van Ness Avenue, plus the Oak Street roadway, and the sponsor's private property, subject to review and approval of an In-Kind Fee Waiver Agreement for those improvements that exceed the required Project improvements pursuant to the Planning Code. The qualified off-site open space areas must meet the following standards:*

*Be within the SUD or within 900 feet of the project site;*

*As noted above, the proposed off-site open space will be located within the shared public way within the Oak Street right-of-way fronting the project site. Thus, the proposed off-site open space will be within the SUD and within 900 feet of the Project Site.*

*Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;*

*The proposed open space includes a sidewalk widening along the north and south sides of Oak Street, resulting in additional space beyond the pre-existing sidewalk width and immediately adjacent to the Project Site, where security would be present. Accordingly, the open space would provide a convenient, safe, secure and easily accessible public area for the enjoyment of the general public.*

Be appropriately landscaped;

*Underground utilities render street trees and other underground plantings infeasible on the south side of Oak Street. However, the open space would be landscaped appropriately for its intended use and, to the degree feasible, with above-ground planters on the south side of Oak Street, and in-ground street trees within a continuous planter along the north side of Oak Street.*

Be protected from uncomfortable winds;

*The Plaza features wind canopies that would protect pedestrians from hazardous wind conditions in the open space, and would reduce hazardous wind conditions near the site compared to existing conditions.*

Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;

*The open space would include movable tables and chairs as well as fixed seating collocated with planters on the south side of Oak Street, and within the open space area on the north side of Oak Street. In addition, four "micro-retail" kiosks would be located on the northern sidewalk to activate the Plaza with neighborhood-serving retail uses, potentially serving limited food and beverages.*

Be well signed and accessible to the public during daylight hours;

*The privately owned, publicly accessible open space will have signage indicating that the space is publicly accessible during the day. The streetscape improvements that will satisfy Planning Code requirements as permitted by Section 249.33(4)(C)(v) within the public right-of-way will be open to members of the public 24 hours a day.*

Be well lighted if the area is of the type requiring artificial illumination;

*The open space will be within the public right of way and well-lit with regularly spaced street lights on the north side of Oak Street. In addition, project lighting on the canopy supports, and foot lighting under planters would be provided within the privately-owned portions of the public open space and in the public right-of-way.*

Be designed to enhance user safety and security;

*The proposed ground-floor restaurant / café and micro-kiosks located on the north side of Oak Street would provide essential "eyes" on the proposed Plaza from early morning to late evening. In addition, 24-hour security and valet staff associated with building operations would collectively help ensure user safety and security with the open space and Plaza.*

Be of sufficient size to be attractive and practical for its intended use; and

*The Project would add approximately 3,058 square feet of open space within the existing right-of-way, and would improve the existing sidewalks, and street envisioned to become a shared public way. In total, the Plaza would consist of publicly accessible open space of approximately 16,050 square feet, of which 13,932 square feet would be in the public right-of-way, and approximately 2,118 square feet would be on the sponsor's private property. The public realm would be improved with quality paving materials, landscaping and other pedestrian amenities including seating, lighting, bicycle parking,*

*kinetic wind-based artwork, and micro-retail kiosks (subject to partial In-Kind fee waivers for improvements that exceed required Project improvements pursuant to the Planning Code).*

Have access to drinking water and toilets if feasible.

*The open space would be adjacent to retail space envisioned to become a restaurant / café. Patrons of the restaurant / café would have access to toilets and water. SFMTA also operates two public toilets which are located at the concourse level of the MUNI/Van Ness station, which is directly adjacent to the public plaza.*

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

*Ground floor retail space in the C-3 Districts that is less than 5,000 sq. ft. is excluded from gross floor area and is therefore not required to provide the associated publicly accessible open space. The Project includes approximately 4,110 square feet of ground floor retail space, and thus the provision of public open space is not required. However, the Project proposes to provide approximately 1,438 square feet of privately owned public open space within the front setback, and furthermore intends to provide approximately 3,058 square feet (or 22 percent of its open space requirements), off-site within the Oak Street public right-of-way as described under item C., "Residential Open Space" above.*

- E. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District and is on a lot that is greater than half an acre in area and contains 250 feet of total lot frontage pedestrian elements in conformance with the Better Streets Plan shall be required.

*The Project is located on an assemblage of five lots that measure 18,219 square feet, approximately 0.42 acres and contains approximately 434.33 linear feet of frontage. Due to planned improvements within the Van Ness Avenue and Market Street rights-of-way, physical widenings along these two frontages are not possible. However, the Project proposes streetscape improvements that include sidewalk widenings, landscaping and seating elements along both the northern and southern portions of Oak Street. Therefore, the Project complies with Planning Code Section 138.1.*

- F. **Exposure.** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The proposed Special Use District caps the horizontal dimension to which the open space must expand at each subsequent floor to 65 feet.

*Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140. Therefore, a variance from dwelling unit exposure is required and being sought as part of the Project for a total of 18 units that do not comply with the exposure requirements of the Code.*

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

*The Project includes a single entrance for both parking and off-street loading. Vehicular access is not provided along the Project's Van Ness Avenue or Market Street frontages. Rather all vehicular parking and loading is directed to Oak Street where a combined off-street parking and loading entrance of 24-feet is provided. The project sponsor's traffic engineer and valet consultant have indicated that an entrance narrower than 24' would likely lead to automobile queuing outside of the drop-off area, potentially contributing to automobile, bicycle and pedestrian conflicts on the proposed sidewalk and shared public way/plaza. Since this dimension exceeds the 20-feet permitted by the Planning Code, a variance is required.*

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

*The ground floor space along the Van Ness Avenue, Market Street, and Oak Street have active uses with direct access to the sidewalk within the first 25 feet of building depth, except for space allowed for parking and loading access, building egress, and access to mechanical systems, which are specifically exempt from the active use requirement. Therefore, the Project complies with Section 145.1(c)(3).*

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

*The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 78.0 percent of the Project's frontage on Market Street, and 84.1 percent of the Project's frontage along Oak Street are fenestrated with transparent windows and doorways. Therefore, the Project complies with Section 145.1(c)(6). Note that due to the curvature of the façade, the Van Ness Avenue frontage is incorporated within the Market Street and Oak Street transparency calculations because there is no definitive building frontage on Van Ness Avenue.*

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

*The shadow analysis determined that the Project would not cast shadow on any public plazas or other publicly accessible open spaces other than those protected under Section 295. Therefore, the requirements of Section 147 do not apply to the Project.*

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

*Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.*

*Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.*

*The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted pursuant to Section 309. Taken as a whole, the Project does not substantially change wind conditions. The proposed tower was re-designed through a lengthy process of iterative wind testing. After nearly two years of wind sculpting, the Planning Department and the Project Sponsor concluded that the 400-foot-tall tower cannot be sculpted in a manner that would eliminate all 37 existing comfort exceedances or the 8 new comfort exceedances caused by the Project without unduly restricting the site's high-rise development potential or causing new hazardous conditions. On the other hand, the Project's redesign would reduce three wind hazard hours compared to existing conditions. The Project will include wind canopies in the public right of way at the proposed Oak plaza and the corner of Market and Polk Streets to lessen the wind conditions in the vicinity. (See Section 7, below, for 309 findings.)*

- L. **Parking.** Planning Section 151.1 principally permits up to one car for each four dwelling units (0.25 ratio) and up to one car for each two dwelling units (0.5 ratio) as a Conditional Use in

the Van Ness & Market Downtown Residential Special Use District. Parking for the proposed retail use shall not exceed 7% of gross floor area for that use.

*The Project contains 304 dwelling units. Thus, a total of 76 spaces are principally permitted ( $304 \times 0.25 = 76$ ) for the dwelling units and a maximum of 152 spaces ( $304 \times 0.5 = 152$ ) may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces for the residential use, requiring a Conditional Use Authorization for the 60 ( $136 - 76 = 60$ ) spaces in excess of the principally permitted 76 parking spaces. An additional space would be principally permitted for the 4,110 square foot retail space, but the Project proposes no parking for this commercial use.*

- M. Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include between 200,001 and 500,000 square feet of residential development must provide two off-street freight loading spaces. Pursuant to Section 153, two service vehicles may be substituted for each off-street freight loading space provided that a minimum of 50 percent of the required number of spaces are provided for freight loading.

*The Project includes 499,539 square feet of development (432,746 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street freight loading space is provided and the second required loading space is substituted with two service vehicle spaces as permitted by Section 153 of the Planning Code. Accordingly, the Project complies with Section 152.1 of the Planning Code. Access to all freight loading spaces is from Oak Street.*

- N. Bicycle Parking.** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For Eating and Drinking uses, 1 Class 1 space is required for every 7,500 square feet of Occupied Floor Area and one Class 2 space is required for every 750 square feet of Occupied Floor Area.

*The Planning Code would require the Project to provide 151 Class 1 ( $100 \text{ units} \times 1 \text{ stall} = 100 + 204 \times 1 \text{ stall} / 4 \text{ units} = 151 \text{ stalls for Residential Uses, and } 1 \text{ stall} / 7,500 \text{ square feet of Occupied Floor Area} = 0 \text{ spaces for Retail Uses}$ ). In addition, the Project would require 20 Class 2 spaces ( $304 \text{ units} \times 1 \text{ stall} / 20 \text{ units} = 15 \text{ stalls for Residential Uses, plus } 4,110 \text{ square feet} \times 1 \text{ stall} / 750 \text{ square feet} = 5 \text{ stalls for Retail Eating and Drinking Uses}$ ). The Project complies with Section 155.2 because it provides 304 Class 1 and 62 Class 2 bicycle parking spaces, significantly exceeding the Code requirements. All Class 1 spaces would be located at the second level, accessible from a dedicated bike elevator, and the Class 2 spaces would be located on sidewalks adjacent to the Project, and on the north side of Oak Street.*

- O. Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with 201 dwelling units plus an additional parking space for every 200 dwelling units over 200. The required car share parking spaces may be provided on the building site or on another off-street site within 800 feet of the building site.

*The Project requires a total of two car share spaces, which are to be provided off-site at the 110 Franklin Street parking lot within 180 feet of the Project. Should the 110 Franklin Street property be developed, the Project Sponsor shall be responsible for relocating the car share spaces on-site or off-site*

*within 800 feet of the Project Site without disrupting continuity of the available of the car share spaces. Therefore, the Project complies with Planning Code Section 166.*

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, any development project resulting in 10 or more dwelling units, or 10,000 occupied square feet or more of any use other than residential shall be required to comply with the City's TDM Program, and shall be required to finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Development projects with a development application filed or an environmental application deemed complete on or before September 1, 2016 shall be subject to 50% of the applicable target, as defined in the TDM Program Standards.

*The Project would include 304 residential units with total of 136 vehicle parking spaces (0.45 spaces per unit), and 4,110 gross square feet of ground-floor retail/restaurant use. Because less than 10,000 gross square feet of retail/restaurant uses are proposed, the retail/restaurant use is not subject to the TDM Program. Therefore, the 136 residential parking spaces are used to calculate the TDM Program target points. The target points take into account the proposed parking rate compared to the neighborhood parking rate, and are calculated as follows: base target of 13 points, plus an additional 12 points for each additional 10 parking spaces over 20 parking spaces (thus, 136 minus 20 = 116 spaces, divided by 10 = 12 points), for a total of 25 points. Because the proposed Project's development and environmental applications were completed before September 4, 2016, it is only required to meet 50 percent of its applicable target, or 13 points. The project sponsor has preliminarily identified the following TDM measures from TDM Program Standards: Appendix A to meet the 13 target points.*

- *Parking-1: Unbundled Parking, Location D – 4 points (residential neighborhood parking rate less than or equal to 0.65, and all spaces leased or sold separately from the retail or purchase fee).*
- *Parking-4: Parking Supply, Option D – 4 points (residential parking less than or equal to 70 percent, and greater than 60 percent of the neighborhood parking rate).*
- *Active-1: Improve Walking Conditions, Option A – 1 point (streetscape improvements consistent with Better Streets Plan).*
- *Active-2: Bicycle Parking, Option B – 2 points (exceeding Planning Code required Class 1 and Class 2 bicycle parking).*

*Active 5A: Bicycle Repair Station – 1 point (bicycle repair station within a designated, secure area within the building, where bicycle maintenance tools and supplies are readily available on a permanent basis).*

- *Delivery-1: Delivery Supportive Services – 1 point (provide staffed reception area for receipt of deliveries and temporary parcel storage, including clothes lockers and refrigerated storage).*

*In addition to the TDM measures identified above, the Project Sponsor has voluntarily offered to provide an additional 12 points of TDM measures, for a total of 25 points, if the Conditional Use authorization for 136 parking spaces is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces.*

- **Active-4: Bike Share Membership – 2 points** (offer bike share membership to each unit and/or employee, at least once annually, for the life of the Project or a shorter period should a bike sharing program cease to exist. 2 points are achieved since the project is located within 1,000 feet of a bike share station.).
- **Active-5B: Bicycle Maintenance Services – 1 point** (provide bicycle maintenance services to each unit and/or employee, at least once annually, for 40 years).
- **CShare-1C: Car-Share Parking, Option C – 3 points** (provide car-share memberships to each unit, and provide car-share parking as required by the Planning Code).
- **Family-1: Family TDM Amenities – 1 point** (provide amenities that address particular challenges that families face in making trips without a private vehicle).
- **Info-1: Multimodal Wayfinding Signage – 1 point** (provide multimodal wayfinding signage in key location to support access to transportation services and infrastructure).
- **Info-2: Real Time Transportation Display – 1 point** (provide real time transportation information screen in a prominent location on-site).
- **Info-3C: Tailored Transportation Services, Option C – 3 points** (provide individualized, tailored marketing and communication campaigns to encourage alternative transportation modes).

*The Project Sponsor could choose to revise the selected TDM measures to exceed the target points prior to issuance of a Site Permit, or to further reduce the parking supply to meet or exceed the target point requirement, but would not be required to do so.*

- Q. **Height and Bulk.** The Project falls within the 120/400-R-2, 120-R-2 Height and Bulk Districts. In such Districts, no bulk limitations exist below 120 feet in height, with maximum height of 400 feet in height for any tower in the 120/400-R-2 Height and Bulk District. However, portions of buildings above 120 feet and between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. Additionally, floors may not exceed a maximum average floor area of 10,000 square feet.

*The Project proposes a tower of 400 feet in height, with various features such as mechanical structures, and parapets extending above the 400-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b). The tower would also include a 26-foot elevator penthouse which would be required to meet state or federal laws and regulations, and which would require an elevator penthouse height exemption from the Zoning Administrator per Planning Code Section 260(b)(1)(B). The Project would necessitate approval of legislative map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. However, the Height and Bulk Districts within which the Project exists remains the same. The maximum diagonal dimension for the project is 144 feet whereas the maximum plan length is 90 feet, 4 inches. The average floor area of the tower is 9,637 square feet, therefore the Project complies Sections 260 and 270 of the Planning Code.*

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

*Section 146(a) does not apply to construction on Oak Street, Van Ness Avenue, or the north side of Market Street, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace a surface commercial parking lot and underutilized commercial buildings with a 40-story residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.*

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

*A technical memorandum was prepared by Prevision Design dated April 19, 2017, analyzing the potential shadow impacts of the project to properties under the jurisdiction of the Recreation and Parks Department.*

Patricia's Green

*A shadow analysis was conducted and determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and be gone prior to 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on Patricia's Green will not be adverse to the use of that park.*

Page and Laguna Mini Park

*It is anticipated that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21<sup>st</sup>, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on Page and Laguna Mini Park will not be adverse to the use of that park.*

*Proposed Park at 11<sup>th</sup> and Natoma Street*

*The new shadow on the proposed park at 11<sup>th</sup> and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11<sup>th</sup> and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11<sup>th</sup> and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on the proposed park at 11<sup>th</sup> Street and Natoma Street will not be adverse to the use of that park.*

- T. **Anti-Discriminatory Housing Policy (Administrative Code Section 1.61).** Projects proposing ten dwelling units or more must complete an Anti-Discriminatory Housing Affidavit indicating that the Project Sponsor will adhere to anti-discriminatory practices.

*The Project Sponsor has completed and submitted an Anti-Discriminatory Housing Policy affidavit confirming compliance with anti-discriminatory practices.*

- U. **Inclusionary Affordable Housing Program (Section 415).** **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was first submitted on February 26, 2009 and subsequently revised on August 27, 2012; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site

requirement of 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

*The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on February 26, 2009 and subsequently revised on August 27, 2012; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.*

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

*The Project would comply with this Section by dedicating one percent of the Project's construction cost to a kinetic wind sculpture located in the proposed plaza that is being developed by two NASA-based scientists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.*

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

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

- a. **Section 249.33: Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements do not apply pursuant to Planning Code Section 249.33. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration

assure adequate light and air to windows within the residential units and to the usable open space provided.”

*The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street – two of the widest streets in the entire City. Furthermore, units oriented toward Van Ness Avenue are set back an additional 28 feet or more from the public right-of-way. Units also benefit from the curved building shape and projecting bay windows that allow the majority of units to have exposures in multiple directions with views along the street frontage, rather than harshly perpendicular to the opposing buildings. Similarly, ground floor and podium rooftop open spaces benefit significantly from the curved façade of the tower which reduces shadow on streets, sidewalks and open space throughout the day as the sun moves around the building. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.*

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

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

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

*Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 57 test points throughout public areas in the general vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by BMT Fluid Mechanics, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.*

Comfort Criterion

*Under existing conditions, 37 of the 57 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured close to 11.8 mph.*

*With the Project, 45 of 57 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds, increased by 1.3 mph to approximately 13.9 mph from 12.6 mph. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 14.4 mph, with 46 of 57 points that exceed comfort criterion.*

*In conclusion, the Project does not result in substantial change to the wind conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. The tower has been substantially reshaped through a rigorous and iterative series of wind tests and wind canopies have been added to further diffuse pedestrian-level winds in the surrounding area. The Project could not be designed in a manner that could eliminate all 37 of the existing comfort exceedances or the 8 comfort exceedances caused by the Project, without unduly restricting the site's development potential, resulting in an ungainly building form or creating new hazard exceedances.*

Hazard Criterion

*The Wind Study indicated that the project does not cause any net new hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. Overall, the Project would decrease the total duration of existing hazardous wind conditions from 83 hours to 80 hours with the Project, an improvement of three fewer hours of hazardous wind conditions.*

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

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.8**

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

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.*

*The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR 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.

*The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on*

*Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.*

**OBJECTIVE 5:**

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

**Policy 5.4**

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

*The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.*

**OBJECTIVE 7:**

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

*In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review of the "Octavia BMR Project", will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable*

*Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

*The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, and kiosks within the Plaza (subject to the approval of an In-Kind Fee Waiver Agreement). The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**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 1.3**

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

**OBJECTIVE 3:**

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

**Policy 3.1**

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

**Policy 3.6**

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

*The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.*

*The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.*

*The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement). The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.*

*The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.*

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1

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

#### Policy 1.2

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

#### Policy 1.3

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

*The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement) within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown-General District, and is thus consistent with activities in the commercial land use plan.*

## TRANSPORTATION ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.2:

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular*

*speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.*

**Policy 1.3:**

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

**Policy 1.6:**

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

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

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

**Policy 11.3:**

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

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.*

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

*The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the*

*immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

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

*The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement) within the proposed plaza, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

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

*The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.*

**OBJECTIVE 18:**

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

**Policy 18.3:**

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

**Policy 18.5:**

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

*The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.*

**MARKET AND OCTAVIA PLAN**

**Objectives and Policies**

**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.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. *Additionally, subject to the approval of an In-Kind Fee Waiver Agreement, the proposed streetscape improvements would also include several retail kiosks on the north side of Oak Street, as well as movable seating and sidewalk replacement along Van Ness Avenue.* Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

**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 1.2.5:**

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

*The Project is located within an existing high- density urban context and would transform underutilized retail/ office buildings and parking lot into high- density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.*

**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.

*The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix the following dwelling unit mix: 54 studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%), which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.*

**OBJECTIVE 2.3:**

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

*The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.*

**OBJECTIVE 4.1:**

**PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.**

**Policy 4.1.1:**

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

*The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

**OBJECTIVE 5.1:**

**IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.**

**Policy 5.1.2:**

Restrict curb cuts on transit- preferential streets.

**OBJECTIVE 5.2:**

**DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.**

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

**OBJECTIVE 5.3:**

**ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.**

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.*

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

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

*The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.*

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

*The Project would improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.*

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

*There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH. This represents approximately 24% of*

*the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.*

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

*The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.*

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

*The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on-site.*

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

*The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely*

*used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.*

*In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.*

10. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
11. 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.
12. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014-000362ENVGPAMAPDNXCUAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2017 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

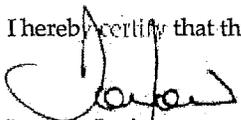
The Planning Commission has reviewed and considered the FEIR and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. 19939 and MMRP, included as Attachment B. All required mitigation and improvement measures identified in Attachment B of Motion No. 19939 are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

**AYES:** Commissioners Hillis, Johnson, Melgar, Moore, Richards

**NAYS:** Commissioner Koppel

Motion No. 19943  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCUAVARK  
1540 Market Street

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to Planning Code Sections 309, 134, 249.33(b)(5), and 148, on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. 2009-0159EGPAMAPDNXCUIAVARK and subject to conditions of approval reviewed and approved by the Commission on June 15, 2017 under Motion No. 19943. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. 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 June 15, 2017 under Motion No. 19943.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19943 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 the Downtown Project Authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

## CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.  
*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 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. **Floor Area Ratio.** Pursuant to the Floor Area Ratio limits (FAR) per Sections 123, 249.33(b)(6)(B), and 424, the Project is required to make a payment to the Van Ness and Market Residential Special Use District Affordable Housing Fund for floor area that exceeds the base FAR of 6.0:1 and up to a maximum FAR of 9.0:1. For portions of the Project that exceed an FAR of 9.0:1, the Project must contribute to the Van Ness and Market Neighborhood Infrastructure Fee; provided, however, that the Project Sponsor may elect to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver from the payment of the Van Ness and Market Neighborhood Infrastructure Fee from the Planning Commission, subject to the rules and requirements set forth in Section 424.3.  
*For information about compliance, contact the Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
7. **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. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of these fees to off-set certain improvements within the Plaza.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Market Octavia Affordable Housing Fee.** The Project is subject to the Market and Octavia Affordable Housing Fee, as applicable, pursuant to Planning Code Section 416.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Market and Octavia – Van Ness & Market Street Affordable Housing and Neighborhood Infrastructure Fee.** The Project is subject to the Market and Octavia – Van Ness & Market Affordable Housing Fee and Neighborhood Infrastructure Fee, as applicable, pursuant to Planning Code Section 424.3. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of the Neighborhood Infrastructure fees to off-set certain improvements within the Plaza.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as Attachment B of the CEQA Findings contained in Motion No. 19939 associated with the Subject Project are necessary to avoid potential significant impacts and further reduce less-than-significant impacts of the Project and have been agreed to by the Project Sponsor. Implementation of the Improvement and Mitigation measures 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).*

## **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 at a hearing held for the project on November 1, 2016. These conditions state:

11. **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 and 5AM. Notice shall be made in person, written or electronic form.
12. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
13. **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.
14. **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.
15. **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**

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,*

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

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

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

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

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

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

20. **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)*

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

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

22. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for

building management. The plaques shall be plainly visible from the public sidewalks on Market, Van Ness Avenue and Oak Streets and shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

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

23. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

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

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

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

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

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

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

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

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfaph.org](http://www.sfaph.org)*

27. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

28. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade 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)*

#### **PARKING AND TRAFFIC**

29. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.25 parking spaces per dwelling unit, as principally permitted parking. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, which was authorized under Motion No. 19944. However, if the Project changes from an ownership project to a rental project, the Project shall reduce the accessory parking amount to no more than the 0.25 ratio to dwelling units that is principally permitted. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

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

30. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide 1 off-street loading space, and spaces for two service vehicles, which may be used to substitute an off-street loading space.

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

31. **Car Share.** Pursuant to Planning Code Section 166, no less than two car share spaces 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. The car share spaces will be located off-site on a surface parking lot at 110 Franklin Street. Should the property at 110 Franklin Street no longer be available for such use, the Project Sponsor shall relocate the car share spaces on-site or at an off-site location within 800 feet of the Project Site without disrupting continuity of service, pursuant to Planning Code Section 166.

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

32. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 151 Class 1 spaces (151 stalls for Residential Use, 0 stalls for Retail Use) and 20 Class 2 spaces (15 stalls for Residential Use, 5 stalls for Retail Use).

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

33. **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)*

34. **Transportation Demand Management (TDM).** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

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

## PROVISIONS

35. **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)*

36. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring

Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

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

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

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

38. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. Portions of the Market Octavia and Van Ness Market Community Improvements Funds allocated to Child Care paid by the Project would be credited toward payment of the Child Care Fee.

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

**Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

39. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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

40. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the

Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

## OPERATION

41. **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>*
42. **Sidewalk & Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property, and the shared street that will be provided as part of the Project, 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>*

43. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

44. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

45. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

46. **Lighting.** All Project lighting shall be directed onto the Project site, including the proposed Oak Plaza, 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)*

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

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

#### MONITORING - AFTER ENTITLEMENT

48. **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)*

49. **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)*

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Transit Impact Dev't Fee (Sec. 411)
- Childcare Fee (Sec. 414)
- First Source Hiring (Admin. Code)
- Better Streets Plan (Sec. 138.1)
- Public Art (Sec. 429)

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## Planning Commission Motion No. 19944 HEARING DATE: JUNE 15, 2017

Case No.: 2009.0159EGPAMAPDNXCUAVARK  
 Project Address: 1540 Market Street (a.k.a. One Oak)  
 Zoning: C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District  
 Block/Lot: 0836, Lots 001, 002, 003, 004 and 005  
 Project Sponsor: Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102  
 Staff Contact: Tina Chang, AICP, LEED AP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197  
 Reviewed by: Mark Luellen, Northeast Team Manager  
[mark.luellen@sfov.org](mailto:mark.luellen@sfov.org), 415-558-6697

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 151.1 TO ALLOW ACCESSORY OFF-STREET PARKING EXCEEDING PRINCIPALLY PERMITTED AMOUNTS, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied Assessor's Block 0836, Lots 002, 003, 004, and 005, but did not include the easternmost lot on the block (Lot 1) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159GPAMAPDNXCUAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

**MOVED**, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2009.0159GPAMAPDNXCUAVARK, 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 is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

- 3. Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor research and development space and offices on the upper floors. The building also houses the San Francisco New Conservatory Theater. Further north along the west side of

Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way (Oak Plaza); construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it. Some of the streetscape improvements for Oak Plaza are included within the Project being approved pursuant to Motion No. 19940, 19943, and 19944. At a later date, the Project Sponsor will additionally seek approval of an In-Kind Fee Waiver

Agreement pursuant to Planning Code Sections 421.3(d) and 424.3(c), to provide certain additional public realm improvements within Oak Plaza. Additional improvements subject to the In-Kind Fee Waiver Agreement include: (a) improvements within the existing Oak Street sidewalk along the northern side, including retail kiosks, above ground planters, street lighting, movable seating, waterproofing at the 25 Van Ness basement, and new sidewalk paving; (b) pavers and improvements within the Oak Street roadway; and (c) specialty electrical connections and fixtures for the theatrical lighting, audio/visual, and power for the performance area and the public wireless services in the Plaza. These additional public realm improvements are subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 88 meetings and outreach discussions, including roughly 340 participants, between January 2015 and June 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

**General Community Engagement:** The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over

time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

**Arts and Culture Stakeholder Engagement:** In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of

the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

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. **Parking.** Pursuant to Section 151.1, residential uses in the Van Ness and Market Special Use District may provide up to 0.25 spaces per dwelling unit as a principally permitted accessory use, and up to 0.5 spaces per dwelling unit with a Conditional Use authorization. In addition, under Section 151.1, commercial parking is principally permitted in an area equivalent to 7% of the gross floor area of the Project's non-residential uses.

*The Project contains 304 dwelling units. Thus, a total of 76 spaces would be principally permitted and up to 152 spaces may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces (which equates to a 0.45 parking ratio) for the residential use which exceeds the principally permitted amount. The Project would not provide any parking for the proposed 4,110-sf retail/restaurant use. Therefore, a Conditional Use Authorization would be required to provide the 60 parking spaces in excess of the 76 spaces principally permitted for the Project, if the Project is developed as a for-sale condominium project after final entitlements. In the event the Project Sponsor elects to construct a condominium project utilizing the additional spaces authorized by this Conditional Use Authorization, the Project Sponsor will voluntarily provide an additional 12 TDM points in its TDM program, as set forth in the Project Section 309 Authorization pursuant to Motion No. 19943. If the proposed Project is developed as a multi-family rental project after entitlements, the maximum parking in the project will be provided at a ratio of 0.25 spaces per dwelling unit, and the Project shall only be required to provide TDM measures consistent with applicable law.*

7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The Proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project will replace an existing 47-space commercial surface parking lot and 19 publicly owned on-street parking spaces (a total of 66 existing surface parking spaces) with a residential high rise tower with 3 underground levels of residential parking for 136 cars and 2 van loading spaces.*

*Accordingly, if the Project is approved, there would be a net increase of 70 new parking spaces within the Project area, equivalent to a 0.23 "net" parking ratio, well within the 0.25 ratio otherwise principally permitted for new residential uses. The replacement of 66 surface level parking spaces available to general users with 136 underground residential parking spaces limited solely to project residents will bring the site into greater conformity with the Planning Code and would greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. In addition, because the proposed 136 spaces would be located on three underground levels and only be accessed by valet operators using two car elevators, retrieval times will be substantially longer than valet operations at a conventional ramped garage, effectively discouraging daily use. Since future residents will have extraordinary walking, bicycling and high-frequency public transit access to local, Central Business District and regional jobs and services, there is reason to assume that residents will not use cars for daily commuting purposes.*

*The Project Sponsor has stated that it is requesting this Conditional Use Authorization to provide up to 136 spaces in order to ensure the Project's financial viability as a for-sale, high-rise condominium with over 50% two-, three-, and four bedroom units. The Project's 0.45 parking ratio would be the lowest ratio ever proposed or built for a high-rise condominium project greater than 25 stories in San Francisco, with almost half as much parking as the lowest comparable condominium tower. According to a survey prepared by the Mark Company, a leading condominium market research company, of all San Francisco residential high-rise condominium developments greater than 25-floors in height (built or approved over the past ten years) provide an average 1.04 parking ratio. Shorter condominium buildings including 13 to 25 story high-rises and under 13 story low-rise and mid-rise buildings have average parking ratios of 0.92 and 0.78, respectively. Institutional real estate investors and commercial lenders for condominium projects of this size require detailed, independent and professional market studies to substantiate a developer's financial underwriting and ultimately, their own decision whether to invest in a high-rise condominium project. They rely on these studies as part of their fiduciary obligations to their own investors. As described in a letter from the Mark Company, the lowest parking ratio that the current market can support for high-rise condominium projects in San Francisco is not less than one space for every 2-bedroom or larger unit. Anything lower than this ratio could adversely impact sales and absorption rates, undermining the financial returns necessary to attract private capital for this project. The proposed 0.45 ratio only provides parking for 88% of the 2-, 3- and 4-bedroom units included in the Project. According to the Project Sponsor, they are willing to accept this risk, but they cannot reduce the ratio further without jeopardizing their ability to attract the investors and lenders necessary to provide capital and construction loans for the proposed condominium Project, thereby making the Project infeasible to build.*

*Since this market constraint is limited to the financing of high-rise condominiums, the Project Sponsor has agreed to restrict the Project's parking ratio to no more than 0.25 spaces per dwelling unit in the event the Project is financed and built as a high-rise rental project. For this reason, the Planning Department's support for this Conditional Use Authorization to provide parking more than the principally permitted 0.25 ratio would not set a precedent for other high-rise rental towers within the Van Ness and Market SUD to receive similar increases above the 0.25 ratio.*

*In further support of the Project Sponsor's concerns regarding the financial viability of its high-rise condominium project, the Project is targeted in part to families, with over 50% two bedroom, three bedroom and four bedroom units, and includes a children's playroom, among many other family-friendly amenities. Families with children generally have a greater need for parking because they require flexibility due to dual commutes, school, child care, urgent care, grocery shopping and other trips with small children, babies and their attendant equipment (required car seats, strollers, diaper bags, and the like). Marketing data for condominiums support a minimum parking ratio of 1 parking space for each 2 bedroom or larger unit due to family needs. As noted above, the requested 136 parking spaces could serve, at most, only 88% of the large units (2+ bedrooms), below the likely demand from families residing within the Project. Thus, the requested 136 parking spaces do not represent an excessive amount of off-street parking necessary to support the Project's family-oriented residential units.*

*The provision of adequate on-site parking is consistent with the concerns of neighboring businesses and institutions. Adjacent arts and educational institutions, such as the French American International School, Conservatory of Music, and the New Conservatory Theater, have all expressed concern that an under-supply of on-site resident parking at the Project will force residents to compete with their patrons, staff and students for a dwindling supply of publicly accessible parking in the immediate vicinity, thereby threatening the operation and survival of their institutions.*

*The Project as a whole is desirable because it would replace the existing 47 space surface parking lot and underdeveloped commercial structures on the site with a residential high-rise tower, ground floor retail, and a public plaza that are more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and commercial buildings and replacing them with a beautifully designed residential building.*

*Thus, the proposed uses are desirable and compatible with the neighborhood, and strongly encouraged by the Market and Octavia Area Plan. Accordingly, parking in excess of principally permitted amounts would be compatible with the existing zoning of the Project, as well as the character of the neighborhood, because, unlike the existing surface parking lot on the Project site, it would be located entirely underground, freeing the ground floor of the building for occupation by active uses. All parking and loading would be accessed by a single service entrance from Oak Street. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project, and to the contrary, the Project will include substantial streetscape improvements including a public plaza.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements

or potential development in the vicinity, with respect to aspects including but not limited to the following:

*Other than passenger drop-offs at the Conservatory of Music, the only reason for passenger vehicles to drive down this section of Oak Street today is to access the abundant commercial surface parking currently available on this block, which currently includes 40 metered public street spaces and 3 commercial parking lots providing 183 spaces. The nature of this type of commercial parking is generally short-term occupancy with high turnover rates. However, future residential projects such as 1554 Market Street (currently under construction), the proposed Project, and the French American School's proposed project at 98 Franklin are likely to remove most, if not all, of the existing commercial parking lot spaces on this block of Oak Street and replace them with hundreds of new residences, and additional retail and institutional uses. Furthermore, the Planning and Public Works Departments are proposing additional street parking reductions on this block as part of the HUB Area Plan. The transition from commercial surface parking lots and public metered spaces to underground residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis that found the existing metered spaces average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours – this estimated trip generation is irrespective of the amount of parking provided on-site. Moreover, the CEQA Transportation Analysis for the proposed Project concluded that on-site parking of up to 155 spaces would have no significant environmental impact. The proposed parking has since been reduced to 136 spaces.*

*Notably, permanent residents are also more likely to know the roadways and efficient vehicular routes to and from their building, and are generally more safety conscious when driving through their neighborhood, whereas visitors seeking public parking in the neighborhood often circulate around multiple blocks due to unfamiliarity with the one-way street patterns, and/or the absence of available parking at or near their destination.*

*Lastly, but perhaps most importantly, the One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, a proposed widening of the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. As a result, the proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

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

*Planning and SFMTA restrictions prohibit curb cuts or parking along the Van Ness Avenue and Market Street frontages. Therefore, all parking, passenger loading, move-ins, freight loading and deliveries are required to be located on or accessed from Oak Street. Due to the awkward size and shape of the site, it is impractical to provide a ramp to access below-grade parking without eliminating most of the ground floor lobby and retail space. Therefore, the 136 underground parking spaces proposed by the Project Sponsor would be accessed via two car elevators, which would be the only access points for vehicle storage. Safety and insurance requirements dictate that the car elevators be operated solely by trained valet personnel. Wait times for valet service, particularly during peak hours, will be inconvenient. This inconvenience will serve as a strong disincentive for residents to frequently use private vehicles. Furthermore, the location of the proposed parking underground would further allow the Project to provide an active pedestrian ground floor with significant streetscape improvements which would calm traffic and minimize conflicts with pedestrians in the surrounding area.*

*Additionally, the proposed size, shape and arrangement of the Project is consistent with the existing site-layout and the character of the surrounding neighborhood. The Project site is trapezoidal in shape and relatively small (18,219 square feet), with only 39 feet of frontage on Van Ness Avenue. By design, the building has been shifted roughly 28 feet west from the Van Ness Avenue property line to create a generous public plaza and pedestrian thoroughfare fronting the building at this important transit-rich corner. Accordingly, the proposed Project would likely promote, rather than impede, development potential in the vicinity by increasing the housing supply and customer base, and creating an attractive residential tower with neighborhood-serving public plaza and ground floor retail uses which would continue the pattern of active ground floor retail along the Market and Van Ness Street frontages.*

- D. 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;

*In general, the Project would provide a sufficient, but not excessive, amount of off-street parking. The Project would provide 136 off-street parking spaces in an underground garage, which exceeds the number of spaces principally permitted and therefore is the subject of this Conditional Use authorization. Because all of the Project's on-site parking is accessible exclusively by valet (other than one space for vehicles designed exclusively for use by disabled drivers which a valet cannot operate), the Project will provide 2 required car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. The proposed on-site parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will prioritize walking, bicycle travel, or transit use over private automobile travel.*

*Oak Street is a unique roadway on the Project block, running one-way westbound for only one block between Van Ness Avenue and Franklin Street. Inbound vehicular traffic can only enter Oak Street from southbound Van Ness Avenue. Outbound trips must travel westbound on Oak Street, with a forced right turn at Franklin Street heading northbound. Buyers who intend to regularly commute by car to and from the South Bay would be better served by alternative residential choices in SOMA, Transbay or other freeway accessible areas with more convenient vehicular access and greater parking*

supply. In addition, the vehicles will only be accessible by valet via two car elevators, which will further discourage frequent use of vehicles for shorter trips. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide an adequate, but not excessive amount of parking to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.

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

The additional parking requested pursuant to this Conditional Use request will not generate noxious or offensive noise, glare, or dust. Since all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. As required by building, health and safety codes, the underground parking garage area will include a Carbon Monoxide exhaust system to expel potentially noxious vehicle emissions from the building. Garage exhaust would be discharged in compliance with all Building Code requirements and will meet or exceed all code required separation clearances between garage exhaust and exterior and interior uses. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application would include air cleaning or odor control equipment details and manufacturer specifications on the plans. Additionally, plans submitted with the building permit application for the approved project would incorporate acoustical insulation and other sound proofing measures to control noise.

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

All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Oak Street. To create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating (subject to the approval of an In-Kind Fee Waiver Agreement), performance spaces, and quality materials. Uplights would highlight the art canopies and street trees, and foot-lighting would surround the base of the precast planters. The landscaping would consist of decorative, drought and wind-tolerant, native trees and shrubs.

With respect to the design of the proposed garage, substantial effort has been expended to ensure that the parking entrance and the valet reception area are as attractive as the main residential lobby. In-lieu of a typical roll-down utility/security door, a decorative custom steel lattice screen is proposed to enclose and secure the parking entrance. The decorative screen would secure the garage, while maintaining the valet staff's 24-hour surveillance of the public realm. At the rear of the Valet reception area, matching door enclosures at the two car elevators and the on-site freight loading bay would conceal those elements and reduce noise emanating from the Valet reception area. Signage would be tasteful and attractive, and would be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

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

*The additional 60 underground parking spaces proposed under this Conditional Use would comply with the applicable provisions of the Planning Code and would not adversely affect the General Plan. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and easily reach amenities and jobs by walking, transit, and bicycling. The Project would provide a merely sufficient, rather than excessive, amount of parking to accommodate the parking needs of the future residents of the Project, without unduly burdening the neighborhood parking supply, while still supporting and encouraging walking, bicycle travel and public transit use. Overall, the proposed Project will promote many General Plan objectives, as described in further detail below.*

8. **Planning Code Section 151.1** establishes criteria for the Commission to consider when reviewing any request for accessory parking in excess of what is permitted by right. On balance, the Project complies with the criteria of Section 151.1, in that:

- a. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

*The residential parking proposed does not exceed 0.5 space per unit, thus this requirement is not applicable. Nonetheless, all parking is below grade (with the exception of one van-accessible space for persons with disabilities) and accessed by mandatory valet via two car elevators to discourage use of vehicles for commuting or daily errands and one level will have mechanical stackers.*

- b. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

*The requested parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. The parking spaces will be accessed from a single curb cut on Oak Street and vehicle movement associated with the underground garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity. The CEQA transportation analysis completed for the Project confirmed that the proposed on-site parking would have no significant environmental impact. Furthermore, in order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along Oak Street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating (subject to the approval of an In-Kind Fee Waiver Agreement), performance spaces, and quality materials. Given the proximity of the Project site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the parking will be accessible only by valet via two car elevators, thus discouraging frequent use of vehicles for shorter trips. Furthermore, Oak Street is a lightly travelled local service street and there are no transit routes or bicycles routes on this block of Oak*

*Street. The Project will also eliminate a 47-space surface commercial parking lot and 19 public street parking spaces. The transition from public parking to residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis at the existing Oak Street metered parking spaces and found that they average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours, irrespective of the amount of parking provided on-site.*

- c. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

*The Project design is not degraded by the proposed parking because all parking is below grade (with the exception of one van-accessible space for persons with disabilities), the single parking entrance is integrated into the architectural design of the Project, and the more prominent Market Street and Van Ness Avenue frontages have no curb cuts or parking entrances. Thus, the ground floor will be occupied by active uses, as anticipated by the Code. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project.*

- d. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*All proposed parking will be below grade, thus permitting active uses and streetscape improvements to be located on the ground floor. Furthermore, the planned streetscape enhancements are primarily located on Market Street and in Oak Plaza, which is located to the east of the garage entrance, such that the parking does not diminish the quality and viability of the planned streetscape enhancements.*

- e. All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

*All parking for the Project will meet the active use and architectural screening requirements in Section 145.1.*

- f. In granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the following findings are made by the Commission:

- i. That the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood.

- ii. That these localized transportation impacts may be lessened for the neighborhood by the provision of car-share memberships to residents.

*The Project includes the construction of residential condominiums and includes the provision of 2 car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot located at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. Should this off-site location no longer be available, the Project Sponsor shall relocate the car-share spaces on-site or at an off-site location within 800 feet of the Project Site, pursuant to Section 166 of the Planning Code. The Project would not encourage additional private automobile use, nor create localized transportation impacts for the neighborhood, given that 66 existing high-trip-generating publicly accessible parking spaces are being removed from the block by the Project. Moreover, the Project Sponsor has proposed voluntary TDM measures to be implemented if the Project Sponsor elects to construct the additional spaces authorized by this Conditional Use Authorization, exceeding Planning Code requirements, that would include payment of annual membership fees to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the Project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.8**

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

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.*

*The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals including independent environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR 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.

*The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private*

*automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.*

**OBJECTIVE 5:**

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

**Policy 5.4**

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

*The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.*

**OBJECTIVE 7:**

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

*In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review under CEQA, will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

*The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, and kiosks within the Plaza (subject to the approval of an In-Kind Fee Waiver Agreement). The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**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 1.3**

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

**OBJECTIVE 3:**

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

**Policy 3.1**

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

**Policy 3.6**

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

*The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.*

*The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.*

*The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement). The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.*

*The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.*

**COMMERCE AND INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

**Policy 1.2**

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

**Policy 1.3**

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

*The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza (subject to the approval of an In-Kind Fee Waiver Agreement). Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help*

*create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.*

**Policy 1.3:**

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

**Policy 1.6:**

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

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

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

**Policy 11.3:**

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

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.*

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

*The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

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

*The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza (subject to the approval of an In-Kind Fee Waiver Agreement), which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

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

*The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.*

**OBJECTIVE 18:**

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

**Policy 18.3:**

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

**Policy 18.5:**

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

*The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.*

## MARKET AND OCTAVIA PLAN

### Objectives and Policies

#### 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.

*The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Additionally, subject to the approval of an In-Kind Fee Waiver Agreement, the proposed streetscape improvements would also include several retail kiosks on the north side of Oak Street, as well as movable seating and sidewalk replacement along Van Ness Avenue. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.*

#### 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 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

*The Project is located within an existing high- density urban context and would transform underutilized retail/ office buildings and parking lot into high- density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.*

#### 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.

*The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix of one-, two-, three-, and 4-bedroom units, which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.*

**OBJECTIVE 2.3:**

**PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.**

*The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.*

**OBJECTIVE 4.1:**

**PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.**

**Policy 4.1.1:**

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

*The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

**OBJECTIVE 5.1:**

IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.

**Policy 5.1.2:**

Restrict curb cuts on transit- preferential streets.

**OBJECTIVE 5.2:**

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

**OBJECTIVE 5.3:**

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*Market Street and Van Ness Avenue are considered transit- preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street- level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.*

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

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

*The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net-new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.*

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

*The Project would improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.*

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

*There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH, including independent environmental review under CEQA. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

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

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high-quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.*

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

*The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.*

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

*The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on-site.*

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

*The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.*

*In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.*

11. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

Motion No. 19944  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCUAVARK  
1540 Market Street

13. The Commission hereby finds that approval of Conditional Use Authorization would promote the health, safety and welfare of the City.

**DECISION**

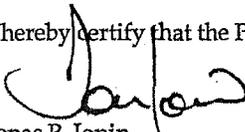
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2009.0159EGPAMAPDNXCUAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion if not appealed (After the 30- day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554- 5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYS: Commissioner Koppel

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to **Planning Code Sections 303 and 151.1** on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXCUAVARK** and subject to conditions of approval reviewed and approved by the Commission on June 15, 2017 under Motion No. 19944. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. 19943, Case No. **2009-0159EGPAMAPDNXCUAVARK** (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances that require approval from the Zoning Administrator from Sections 140, for units that do not meet exposure requirements, and Section 145.1, for a combined parking / loading entrance exceeding 20-feet in width.

### 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 June 15, 2017 under Motion No. 19944.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19944 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not

affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

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

### PARKING MAXIMUM

Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.25 parking spaces per dwelling unit, as principally permitted parking. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, as authorized under Motion No. 19944. However, if the Project changes from an ownership project to a rental project, the Project shall reduce the accessory parking amount to no more than the 0.25 ratio to dwelling units, which is principally permitted. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

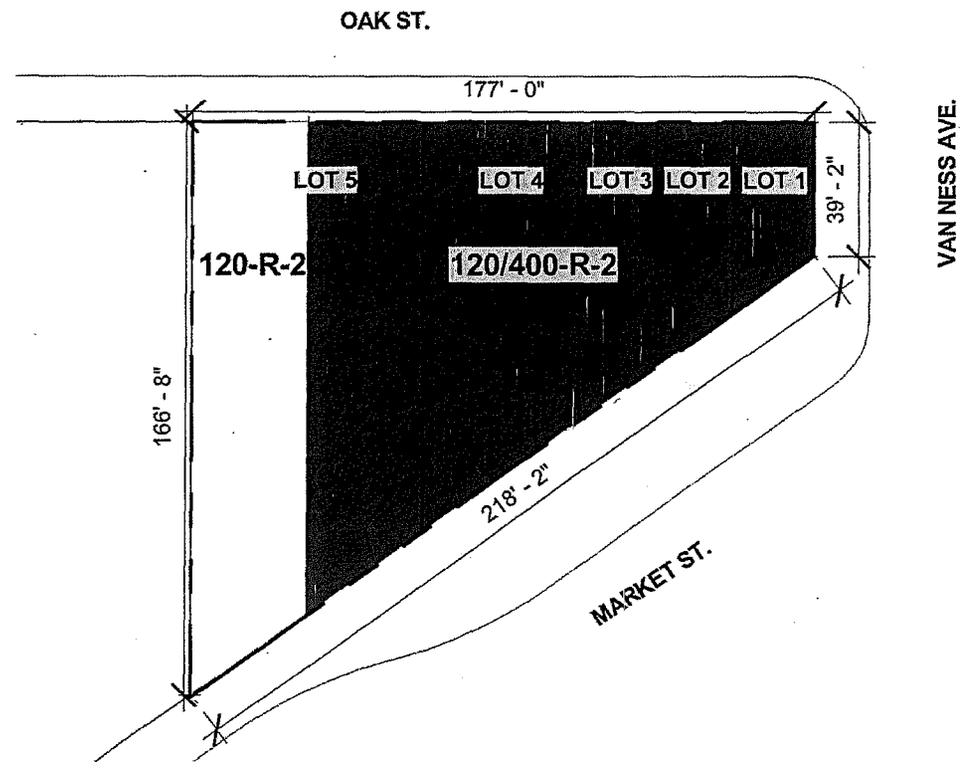
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# General Plan & Zoning Map Amendment – One Oak Project

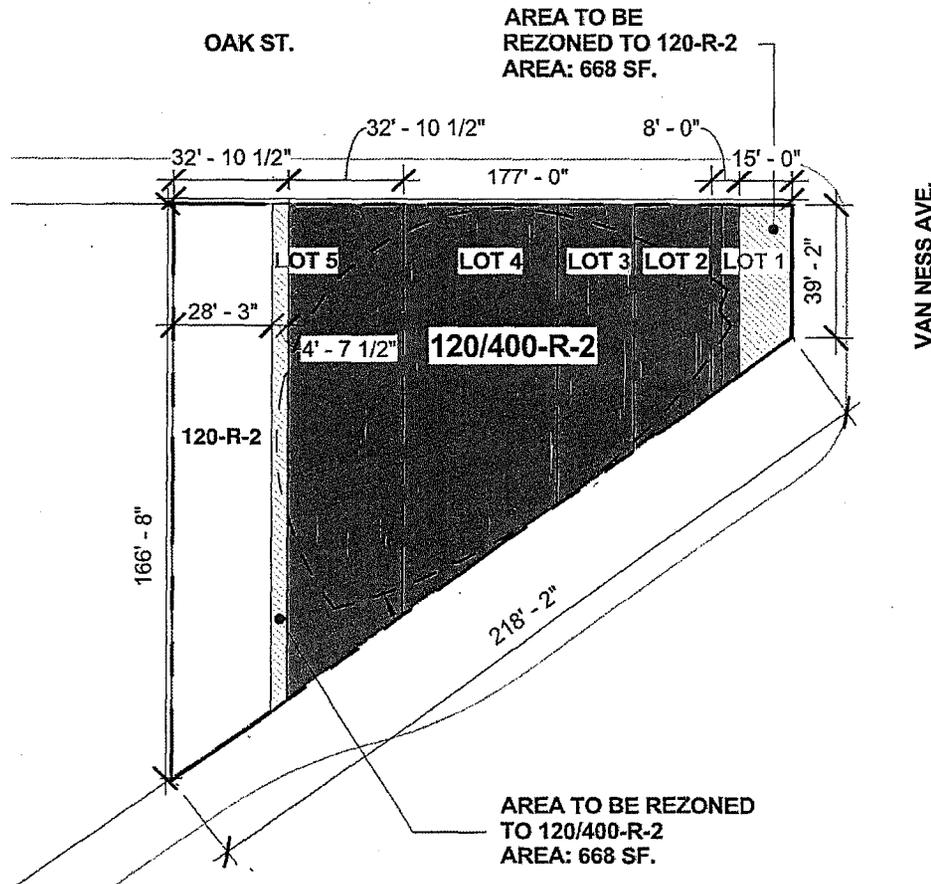
San Francisco BOS Land Use Committee Presentation, July 24, 2017

170750  
170751  
SUBMITTAL  
APPENDIX  
7/19/17

# Current Height & Bulk Map

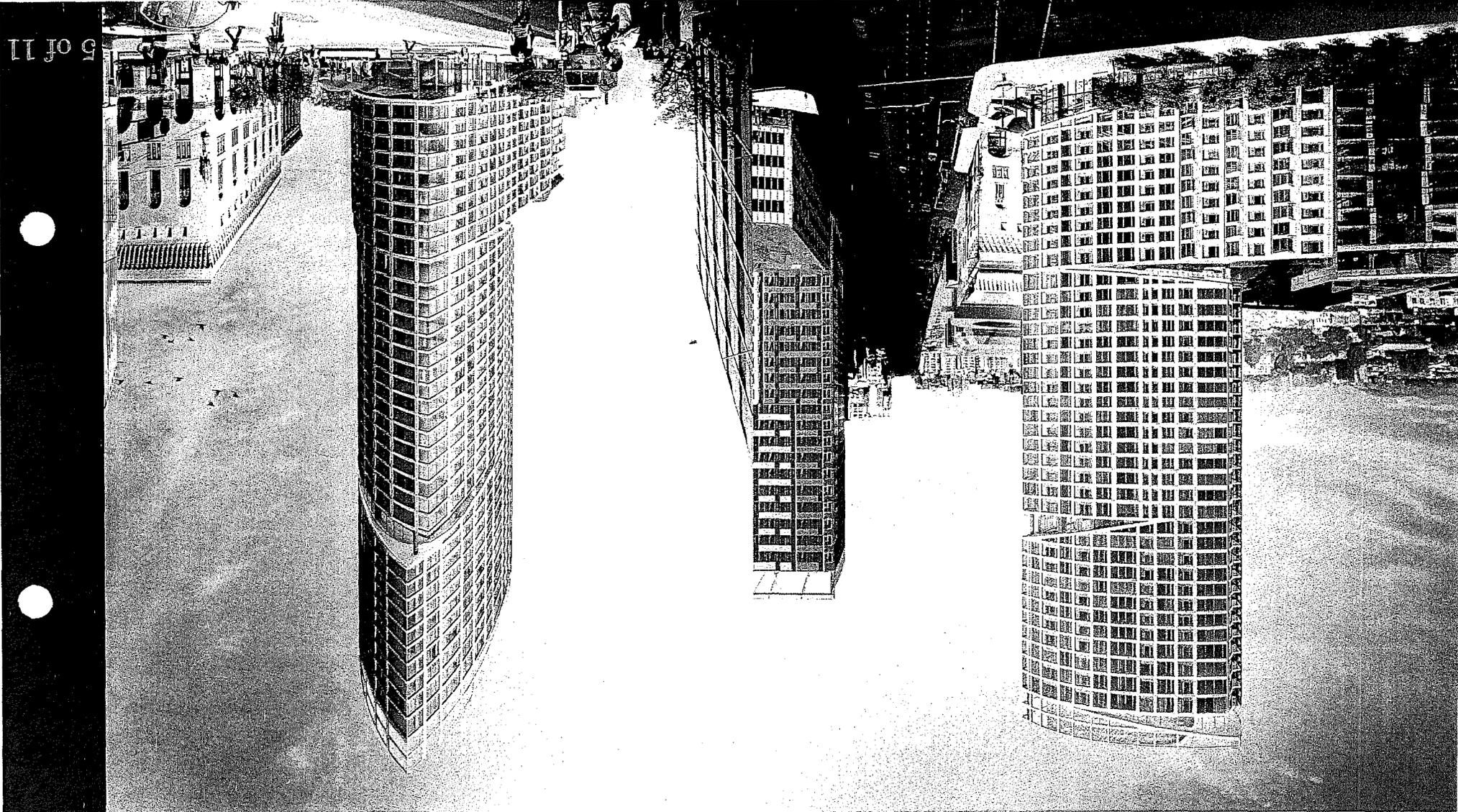


# Proposed General Plan & Zoning Map Amendment

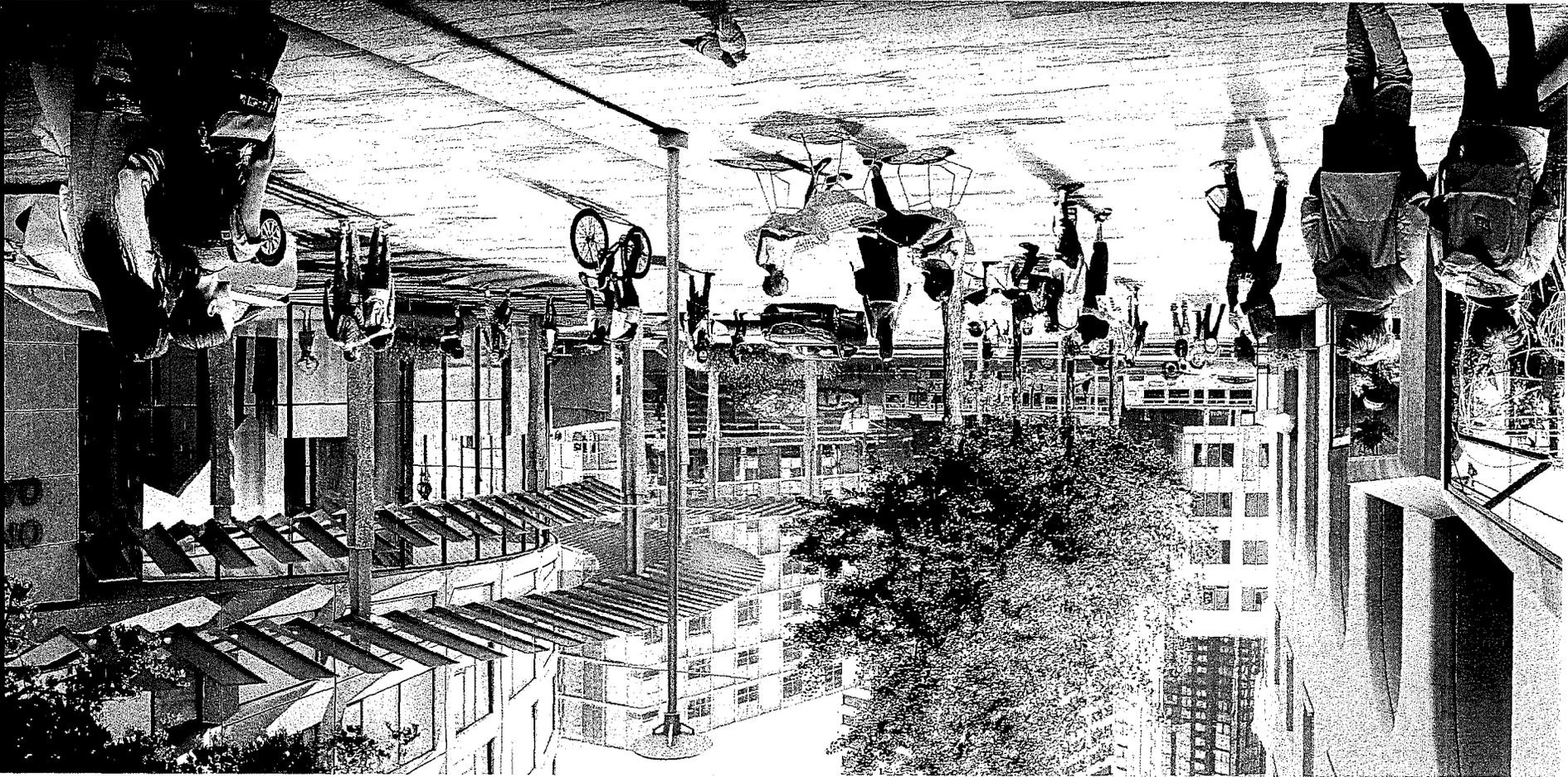


# Key Facts

- 304 Homes (over 50% 2BR units)
- 23% off-site BMR units (72 units) at Octavia Parcels R, S, & U through Directed Fee Agreement with MOHCD
- 4,000 square foot Café Restaurant
- A 16,000 square foot public plaza (Oak Plaza) for local cultural events and performances with small vendor kiosks
- Kinetic Wind Sculptures in Oak Plaza
- \$40,941,810 in Total Impact Fees
- \$134,677 in Total Impact Fees per Unit







170750 | 170751

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**From:** Murphy, Mary G. <MGMurphy@gibsondunn.com>  
**Sent:** Tuesday, July 25, 2017 4:15 PM  
**To:** Major, Erica (BOS)  
**Subject:** FW: PLS Submit Power Point - 7/24/2017 Land Use and Transportation Committee  
**Attachments:** 20170724 One Oak BOS Land Use Presentation\_(FINAL).pdf

Good afternoon Erica,

As promised, here is the powerpoint presentation the One Oak Project team showed at the July 24, 2017 Land Use and Transportation Committee of the Board of Supervisors regarding Items 5 and 6 (the One Oak Project; File Nos. 170750 and 170751). As I said in my earlier email, the powerpoint (slide 4) included an estimated figure of \$134,677 Total Impact Fees per unit. Unfortunately, when I was testifying, I could not see that entire slide from my vantage point at the podium and from memory I incorrectly stated that the total estimated impact fees per unit were slightly over \$136,000. The correct number of \$134, 677 was on the powerpoint and visible to the Board members and public as I spoke. I write to correct my incorrect verbal statement for the record. Thank you for this opportunity to correct the record.

Best, Mary

Mary G. Murphy

GIBSON DUNN

Gibson, Dunn & Crutcher LLP  
555 Mission Street, San Francisco, CA 94105-0921  
Tel +1 415.393.8257 • Fax +1 415.374.8480  
MGMurphy@gibsondunn.com • www.gibsondunn.com

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

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170750  
170751

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**To:** Somera, Alisa (BOS); BOS Legislation, (BOS)  
**Subject:** RE: One Oak Street Land Use hearing BEFORE EIR final

**From:** Sue Hestor [mailto:[hestor@earthlink.net](mailto:hestor@earthlink.net)]  
**Sent:** Saturday, July 22, 2017 3:13 PM  
**To:** Gibson, Lisa (CPC) <[lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>  
**Cc:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Jason Henderson <[jhenderson@sonic.net](mailto:jhenderson@sonic.net)>  
**Subject:** One Oak Street Land Use hearing BEFORE EIR final

July 22, 2017

**TO:** LISA GIBSON, Environmental Review Officer  
ANGELA CALVILLO, Clerk of the Board of Supervisors

**FROM:** SUE HESTOR, Attorney

**RE:** PENDING ONE OAK STREET EIR APPEAL - EIR not final because of appeal

Monday's meeting 7/24/17 of BOS Land Use committee has 2 items listed on the One Oak Street Project -

#5 General Plan Amendments - 170750

#6 Planning Code Zoning Map Amendments - 170751

Last Monday 7/17/17 I filed an appeal of Planning Commission's certification of the One Oak EIR. It was submitted on behalf of Jason Henderson, an individual who had publicly commented at DEIR hearing, as well as submitted letters to Environmental Review and the Commission on One Oak EIR in conjunction with Hayes Valley Neighborhood Association.

The Planning Commission resolution was provided.

The written comments were provided.

Mr Henderson's appeal letter was provided setting out his actions in opposition, including giving oral testimony at the hearing. (Oral testimony is transcribed and set out in the FEIR.)

My own check for the appeal fee was provided to clerk, made out to the Planning Department.

In response to inquiries when I filed, I made it clear that appellant was not HVNA. Mr. Henderson had also testified as an individual.

Although I ran into a slight problem serving Ms. Gibson (2:37pm email submission of entire appeal came back "out of office" with referral to Jessica Range, who also had "out of office" reply, sent 3d time to Joy Navarrete - it did NOT bounce back), service was SAME DAY.

Planning Commission motions on both the General Plan Amendments and Planning Code Zoning Map Amendments, both rely on certification of the One Oak FEIR by Planning Commission.

The One Oak EIR certification has been appealed to the Board of Supervisors. It is not final at this point. When I filed appeal, I was informed that the earliest it will be heard is September 5, 2017.

The Board must follow California law, and San Francisco law implementing CEQA, and defer any hearing or action on both of the above matters until AFTER the EIR appeal is resolved.

If there is any doubt in this regard, please consult the City Attorney.

Sue Hestor

PLEASE PRINT OUT THIS EMAIL AND PLACE IN FILES OF BOTH BOARD ITEMS.

if there are any questions, please email me at [hestor@earthlink.net](mailto:hestor@earthlink.net)



170750 1170751

**History. Culture.  
Government.**  
It all happens  
in Civic Center.

January 4, 2017

Lily Langlois  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Langlois:

The Civic Center Community Benefit District (CBD) Board of Directors supports BUILD's proposed in-kind waiver agreement to help pay for the extraordinary public realm improvements that they have voluntarily proposed as part of their One Oak project as consistent with the public interest and our broader vision for the area. Here is our detailed position.

The Civic Center CBD, chartered by the City in January 2011, covers some thirty blocks around Civic Center. These blocks contain more than 12,000 employees, performance and cultural venues with a capacity of nearly 20,000 seats and several thousand and growing units of housing. Two principal transit corridors serve the area - Grove Street starting at the Civic Center BART/MUNI Station and Van Ness Avenue centered on the Van Ness MUNI Metro Station.

The Market/Van Ness intersection should be one of the most prominent in the City. Instead it consists of older buildings with few street level amenities making the intersection unpleasant. However, at this time several key properties around the intersection are being prepared for ambitious development plans that could transform the area. We need to simultaneously transform the public streetscape and the Metro station so that the intersection will become welcoming and safe. This will require coordinated planning among the projects.

We realize that what we are asking for may require the property owner/developers to provide improvements beyond their properties or financial abilities. These extraordinary improvements will of course benefit not only the public but also the developers. We are aware that under various City policies and regulations, developers are required to pay fees or extractions to the City for transportation, open space and other amenities. The City then spends these fees, via its capital planning process, on various physical improvements. We are also aware that on occasion, developers can offer to design and build public realm improvements in lieu of paying some or all of these fees to the City. Such an arrangement is called an "in-kind fee waiver agreement". We think such an arrangement would be suitable for the development of the properties at the intersection.

Our CBD has followed the potential development of the parcels at the foot of Oak Street and Van Ness Avenue for years since this corner is particularly unattractive and unsafe. We were pleased when BUILD took over the project and incorporated the "donut shop" parcel into it to round out that corner. To fully develop the public realm around their project, they have prepared elaborate plans to convert the eastern end of Oak Street into a shared public way for pedestrians with a performance plaza, seating and retail kiosks installed next to the historic 25 Van Ness building. We understand that they are negotiating with the SFMTA to improve the entrance to the transit station and the general ambiance within the station, which should make it more welcoming to transit users. These improvements are well beyond what is normally expected of developers for the public areas of their project but are essential to the upgrade of the Van Ness Market intersection.

We would appreciate your passing this support letter to the Market Octavia Citizens Advisory Committee and to the Planning Commission.

Very truly yours.

A handwritten signature in black ink that reads "Donald W. Savoie".

Donald W. Savoie, Executive Director  
Civic Center Community Benefit District

170750  
170751

1305-11  
Leg Clerk  
LUCIEEK



August 1, 2017

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 AUG - 4 PM 2:44  
BY [Signature]

RE: One Oak Project – 1500-1540 Market Street (Case No. 2009.0159)

Dear Planning Commissioners,

I am the manager of the Blue Bottle Coffee in Hayes Valley writing to express my strong support for the One Oak project and related Oak Plaza improvements. I am extremely proud to endorse such a thoughtful, well-designed and civic-minded project. Few projects provide such a grand vision for positive transformation and could add so much to the Hayes Valley neighborhood.

The Project implements the General Plan and the City's Vision Zero policy, creating a generous 16,000 sq. ft. public pedestrian plaza that will dramatically transform this important civic intersection and enhance public safety with slow-street improvements, widened sidewalks, generous public seating, new landscaping, abundant bike parking, and flexible performance space, along with improved access to the new Van Ness BRT and the existing MUNI Metro Station.

One Oak has earned the first Platinum GreenTrips Certification from Transform, only the 3<sup>rd</sup> project of 34 applicants to meet the requirements, and the only condominium project to do so. In addition, BUILD has voluntarily doubled the required Transportation Demand Management measures for the Project.

One Oak will pay nearly \$41 million in City Impact Fees (\$135,000 per unit), possibly the highest per unit contribution of any San Francisco project to date, including over \$26 million for affordable housing that will fund the creation of 72 to 102 BMR units at Octavia Parcels R, S & U, including 16 residences for homeless youth.

In addition, BUILD will create a Community Facilities District that would fund \$300,000 per year, from One Oak residents, for maintenance, security and repairs of the Plaza for 100 years – a \$30 million gift to this long-neglected intersection.

In sum, BUILD's vision for this site represents a long overdue reinvestment at this crucial San Francisco intersection. We hope that the City moves expeditiously to uphold the Project approvals.

Sincerely

[Signature]  
Vanessa Mowell  
Blue Bottle Coffee

BUS-4  
Leg Clerk KK  
LU Clerk KK  
**m**

August 02, 2017

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**RE: One Oak Project — 1500-1540 Market Street (Case No. 2009.0159)**

Dear Planning Commissioners,

I am a Bay Area native and business owner located on Fell Street in San Francisco. I am writing to express my strong support for the One Oak project and related Oak Plaza improvements. I am extremely proud to endorse such a thoughtful, well-designed and civic-minded project. Few projects provide such a grand vision for positive transformation.

The Project implements the General Plan and the City's Vision Zero policy, creating a generous 16,000 sq. ft. public pedestrian plaza that will dramatically transform this important civic intersection and enhance public safety with slow-street improvements, widened sidewalks, generous public seating, new landscaping, abundant bike parking, and flexible performance space, along with improved access to the new Van Ness BRT and the existing MUNI Metro Station.

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In sum, BUILD's vision for this site represents a long overdue reinvestment at this crucial San Francisco intersection. We hope that the City moves expeditiously to uphold the Project approvals.

As a developer, BUILD consistently puts the best interest of the city and community first in their plans. I urge the City to uphold the One Oak approvals and allow this beneficial development to go forward now.

Sincerely,

Kelly Macy  
Macy Office of Design

cc: Lou Vasquez, BUILD Inc.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 AUG -4 PM 2:44  
MK

BOS-11  
leg clerk  
20 clerk



July 31, 2017

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: One Oak Project -- 1500-1540 Market Street (Case No. 2009.0159)

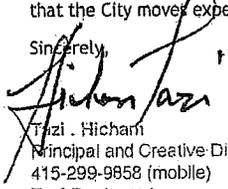
Dear Planning Commissioners,

I am a business owner in Hayes Valley writing to express my strong support for the One Oak project and related Oak Plaza improvements. I am extremely proud to endorse such a thoughtful, well-designed and civic-minded project. Few projects provide such a grand vision for positive transformation.

The Project implements the General Plan and the City's Vision Zero policy, creating a generous 16,000 sq. ft. public pedestrian plaza that will dramatically transform this important civic intersection and enhance public safety with slow-street improvements, widened sidewalks, generous public seating, new landscaping, abundant bike parking, and flexible performance space, along with improved access to the new Van Ness BRT and the existing MUNI Metro Station.

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BUILD's vision for this site represents a long overdue reinvestment at this crucial San Francisco intersection. We hope that the City moves expeditiously to uphold the Project approvals.

Sincerely,  


Tazi Hicham  
Principal and Creative Director  
415-299-9858 (mobile)  
Tazi Designs, Inc.  
333 Linden St. San Francisco, CA 94102  
Tel: 415-503-0013

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 AUG -4 PM 2:44  


BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, July 24, 2017

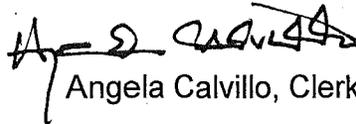
**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** **File No. 170750.** Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340.

**File No. 170751.** Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, July 21, 2017.



Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: July 14, 2017

President, District 5  
BOARD of SUPERVISORS



BOS-11, COB, Land Use Clerk  
Deputing, Dep City Atty,  
City Hall Mayor's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

**PRESIDENTIAL ACTION**

Date: July 10, 2017

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 170751 \_\_\_\_\_  
(Primary Sponsor)

Title. Planning Code, Zoning Map - One Oak Street Project

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President  
Board of Supervisors

2017 JUL 10 PM 4:15  
BOARD OF SUPERVISORS



# SAN FRANCISCO PLANNING DEPARTMENT

June 16, 2017

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Transmittal of Planning Department  
Case Number 2009.0159GPAMAP:  
1540 Market Street General Plan and Zoning Map Amendments

BOS File No:     (pending)     Planning Code, Zoning Map – 1540 Market Street  
Planning Commission Recommendation: Approval of Planning Code Text and Zoning Map  
Amendments

BOS File No:     (pending)     General Plan Amendment  
Planning Commission Recommendation: Approval of General Plan Amendment

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JUN 16 PM 4:43

Dear Ms. Calvillo,

On February 23, 2017 the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan"; and (2) "Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2."

On June 15, 2017 the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the adoption of the proposed Planning Code, Zoning Map Amendment Ordinance and the related General Plan Amendment Ordinance, which were initiated by the Planning Commission.

The Proposed General Plan Amendment Ordinance, would amend Map 3, "Height Districts" of the Market and Octavia Area Plan, and Map 5, "Proposed Height and Bulk Districts" of the Downtown Area Plan of the General Plan. On Map 3 of the Market and Octavia Area Plan, the height of said parcels would change 688 square feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and 688 square feet of Block 0836, Lot 005 from 120' to 400' tower/120' podium. On Map 5 of the Downtown Area

Plan, the height and bulk of the same area of Lot 001 would change from 150-S to 120-R-2 and Lot 005 would change from 120-F to 120/400-R-2.

The Proposed Zoning Map Amendment Ordinance would reclassify the height and bulk of the same portion of Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and Block 0836, Lot 005 from 120-R-2 to 120/400-R-2.

At the June 15, 2017 hearing, the Commission voted to recommend **approval** of the proposed General Plan and Zoning Map Amendment Ordinances. Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron Starr

Manager of Legislative Affairs

cc:

Mayor's Office, Nicole Elliot

Supervisor London Breed

District 5 Legislative Aide, Samantha Roxas

Deputy City Attorney, Andrea Ruiz-Esquide

Deputy City Attorney, Jon Givner

Attachments (one copy of the following):

Planning Commission Motion No. 19938 – Final EIR Certification

Planning Commission Motion No. 19939 – Adoption of CEQA Findings

Planning Commission Resolution No. 19941 – Adoption approval recommendation for the Ordinance entitled, "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan"

Planning Commission Resolution No. 19942 – Adoption of approval recommendation of Ordinance entitled, "Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for he One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2."

Planning Commission Motion No. 19943 – Downtown Project Authorization

Planning Commission Motion No. 19944 – Conditional Use Authorization

Planning Commission Motion No. 19940 – Shadow Study

Planning Commission Resolution No. 19860 – Initiation of General Plan Amendments

Planning Commission Resolution No. 19861 – Initiation of Zoning Map Amendments