



# SAN FRANCISCO PLANNING DEPARTMENT

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## Conditional Use Authorization Appeal 3333 California Street Mixed-Use Project

**DATE:** November 4, 2019

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** John Rahaim, Planning Director – Planning Department (415) 558-6411  
Nicholas Foster, Case Planner – Planning Department (415) 575-9167

**RE:** **Board File No. 191039, Planning Record No. 2015-014028CUA**  
Appeal of the approval of Conditional Use Authorization for  
3333 California Street Mixed-Use Project

**HEARING DATE:** November 5, 2019

**ATTACHMENTS:**

- A. Resolution No. 20514 (CPC Recommendation of the Planning Code Text and Map Amendments)
- B. Ordinance No. 190844 (Planning Code Text and Map Amendments)
- C. Motion No. 20516 (Conditional Use Authorization/Planned Unit Development)
- D. 3333 California Preliminary Project Assessment (PPA) Letter (July 14, 2016)
- E. Conditional Use Authorization Appeal Letter (October 7, 2019)

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**PROJECT SPONSOR:** Laurel Heights Partners, LLC, c/o PSKS,  
150 Post Street, Suite 320, San Francisco, CA 94108

**APPELLANT:** Laurel Heights Improvement Association of San Francisco, Inc., c/o Kathryn Devincenzi, 22 Iris Avenue, San Francisco, CA 94118

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### INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (“Board”) regarding the Planning Commission’s (“Commission”) approval of the application for Conditional Use Authorization, pursuant to Planning Code Sections 253, 303, and 304 to allow structures to exceed 40 feet in a RM Zoning District, a change of use for an existing child care facility (to be replaced at a different location on the Project Site), and a Planned Unit Development (“PUD”) with modifications from the requirements of the Planning Code. The request for Conditional Use Authorization is in service of a proposed mixed-use project (“Project”) located at 3333 California Street.

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This response addresses the appeal (“Appeal Letter”) to the Board filed on October 7, 2019 by Kathryn Devincenzi, on behalf of the Laurel Heights Improvement Association of San Francisco, Inc. The Appeal Letter referenced the proposed project in Record No. 2015-014028CUA.

The decision before the Board is whether to uphold or overturn the Planning Commission’s approval of Conditional Use Authorization.

### **SITE DESCRIPTION & PRESENT USE**

The Project Site (“Site”) is 447,361-square-foot, or 10.25-acre, single parcel located on Lot 003 on Assessor’s Block 1032. The irregularly shaped parcel is bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west. The two-story building that houses the SF Fire Credit Union, located on a triangular-shaped lot at the northeast corner of Assessor’s Block 1032 (corner of California Street and Presidio Avenue), is on a separate parcel and is not part of the Site.

The Site, which serves as the University of California, San Francisco (UCSF) Laurel Heights Campus, is developed with a four-story, 455,000 gross-square-foot (gsf) office building (including a 93,000 gsf, three-level, partially below-grade parking garage) at the center of the Site; a one-story, 14,000 gsf annex building at the corner of California and Laurel Streets; three surface parking lots; and landscaping or landscaped open space. Approximately 63 percent of the Site is covered by buildings or other impermeable surfaces (e.g., internal roadways and surface parking lots) and 37 percent is landscaping or landscaped open space. Current uses on the Site are office, research, laboratory, child care, and parking. UCSF is in the process of shifting its uses to other campus locations in the city.

The Site has been identified as being individually eligible for listing in the California Register of Historical Resources under Criterion 1 (events), and Criterion 3 (design/construction). The Site is eligible under Criterion 1 for its association with the broad pattern of development in San Francisco as a corporate campus adapted to an urban environment. The subject property represents an important and new approach to corporate office planning as a unique adaptation of the suburban corporate campus property type. The Site is also eligible under Criterion 3 for its overall Midcentury Modern architecture designed by Edward B. Page, set within a Midcentury Modern landscape designed by Eckbo, Royston & Williams.

### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Site is located within the Laurel Heights area of San Francisco’s Presidio Heights neighborhood. It is adjacent to the Pacific Heights and Western Addition neighborhoods (to the east) and just north of the Anza Vista area of the Inner Richmond neighborhood. The parcel is located within an RM-1 Zoning District and a 40-X Height and Bulk District. Low- to mid-rise residential uses surround the Site to the north, east, south, and west across California Street, Presidio Avenue, Euclid Avenue, and Laurel Street. Other land uses near the Site include the SF Fire Credit Union, at the southwest corner of California Street and Presidio Avenue, adjacent to the Site; the Jewish Community Center of San Francisco (JCCSF), at the northwest corner of California Street and Presidio Avenue, across the street from the Site; San Francisco Fire Station No. 10, across Masonic Avenue southeast of the Site; the San Francisco Municipal Railway’s (Muni) Presidio Division and Yard at 875 Presidio Avenue (a bus storage, maintenance depot, and administration building,

across Euclid and Masonic avenues south of the Site); and the Laurel Village Shopping Center along California Street, across Laurel Street west of the Site.

## **PROJECT DESCRIPTION**

The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gsf annex building, surface parking lots and ramp structures would be demolished. The existing 455,000 gsf office building (“Center Office Building”), would be partially demolished and adaptively reused for residential uses (as two separate buildings, “Center Building A” and “Center Building B”) with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings. Some would be residential-only buildings (“Masonic”; “Euclid”; “Mayfair”; and the seven “Laurel Duplex” buildings), while other would be mixed-use buildings (“Plaza A”; “Plaza B”; and “Walnut”) containing non-residential uses on the ground and second floors.

Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf child care facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with no more than 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

A total of 25% of the Project's dwelling units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units would be in the proposed Walnut Building on California Street and consist of 185 studio and 1-bedroom units for seniors plus one on-site manager's unit.

The Project would provide 52 percent of the overall lot area (approximately 233,000 square feet) as grade-level public and private open space. The Project would include approximately 125,000 square feet (or roughly 2.88 acres) of publicly-accessible landscaped open space with multipurpose plazas, lawns, and pathways. New public pedestrian walkways would cross the property in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approximately along the line of Walnut Street, and in an east-west direction between Laurel Street and Presidio Avenue along the line of Mayfair Drive. The Project would also include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site. These physical improvements to the Site are in service of meeting the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk expansion; enhanced paving; installation of new street trees and street lighting on various public rights-of-way.

## **BACKGROUND**

On June 30, 2017, Don Bragg on behalf of Laurel Heights Partners, LLC (hereinafter “Project Sponsor”) filed a Conditional Use Authorization application with the San Francisco Planning Department (hereinafter “Department”) for the 3333 California Street Mixed-Use Project (hereinafter “Project”).

On August 19, 2019, the Project Sponsor submitted a letter revising its application for the Project to request authorization to construct a variant to the proposed Project, which included additional units, and no office use, in the proposed Walnut Building. Review of the variant was included in the project EIR.

On September 5, 2019, the Commission heard the Project under Conditional Use Authorization application No. 2015-014028CUA and voted (+7/-0) on a motion to approve the Project with conditions (Conditional Use Authorization under Motion No. 20516). This approval is now before the Board on appeal.

### **CONDITIONAL USE AUTHORIZATION REQUIREMENTS**

**Planning Code Section 303** establishes criteria for the Commission to consider when reviewing all applications for Conditional Use approval. To approve the project, the Commission must find that these criteria have been met:

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed 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:
  - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - b. 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;
  - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan;
4. That such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District;

In addition, Planning Code Section 303(g) establishes criteria for the Commission to consider when reviewing applications for a change of use from a Child Care Facility to another use, in addition to the criteria established by Section 303(c). Those additional findings include:

5. Any findings by the Office of Early Care and Education regarding the capacity of the existing Child Care Facility Use, the population served, and the nature and quality of services provided;
6. The impact of the change of use on the neighborhood and community;
7. Whether there are sufficient licensed child care slots available within a one-mile radius of the site; and
8. Whether the Child Care Facility Use to be converted will be relocated or replaced.

**Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated

units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

1. **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code: Rear Yard (Section 134); Permitted Obstructions (Section 136); Dwelling Unit Exposure (Section 140); General Standards of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155); Dwelling Unit Density (Sections 207, 209.3); and Measurement of Height (Section 260).
2. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:
  - a) Affirmatively promotes applicable objectives and policies of the General Plan;
  - b) Provides off-street parking adequate for the occupancy proposes
  - c) Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
  - d) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;
  - e) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include commercial uses only according to the provisions of Section 230 of this Code;
  - f) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.
  - g) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of the Code;
  - h) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code;
  - i) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation;
  - j) Provide street trees as per the requirements of Section 138.1 of the Code; and
  - k) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

## **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

**ISSUE #1:** The Appellant contends that Board should overturn or modify the Conditional Use Authorization because the Project, at the size and intensity contemplated, is not necessary or desirable for, and compatible with, the neighborhood or the community.

**RESPONSE #1:** In approving Planning Commission Motion No. 20516, the Commission granted Conditional Use Authorization pursuant to Sections 253 and 303 of the Planning Code to allow structures to exceed 40 feet in height within an RM Zoning District, for a change of use of an existing child care facility to residential use, and for modifications from the following Planning Code Sections as a Planned Unit Development, pursuant to Sections 303 and 304: rear yard requirements (Section 134); permitted obstructions (Section 136), dwelling unit exposure (Section 140); general standards for off-street parking, freight loading, and service vehicle facilities (Section 155); dwelling unit density (Section 207); and measurement of height (Section 260). The Commission reviewed substantial information, including a thorough discussion of the proposed Project and found the Project to be necessary and desirable for, and compatible with, the neighborhood and the community.

Under the Conditional Use Authorization for this Project, the Commission was required to find that the proposed Project was necessary and/or desirable and compatible with the surrounding neighborhood and community, considering the proposed size and intensity; health, safety, and convenience factors; the nature of the proposed site, including the project size, shape and arrangement; accessibility, traffic, and adequacy of off-street parking and loading; and any relevant design guidelines, area plans, or elements of the General Plan.

The Commission concluded that the Project is both necessary and desirable in that it will create a new mixed-used infill development within the Laurel Heights neighborhood at a scale that appropriately preserves the diversity and vitality of the neighborhood. The project does this while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities with no displacement of any existing residential uses. The Commission found that the size and intensity of the proposed development is, on balance, consistent with the policies and objectives of the General Plan. The project is necessary and/or desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities. These amenities include privately-owned, publicly-accessible open space, retail uses, and a child care facility, that will contribute to the character of the surrounding neighborhood. Above all, housing is a top priority for the City and the Project would maximize residential density on the Site through the Conditional Use Authorization for a Planned Unit Development.

Several General Plan policies encourage the retention of existing housing, but also encourage the production of new housing and commerce. Objectives 1, 4, 11, 12, and 13 of the Housing Element, Objectives 1 and 3 of the Commerce and Industry Element, and Objectives 2 and 23 of the Transportation Element of the General Plan encourage development that increases housing production and employment opportunities near public transit. The Commission, in Motion No. 20516, found the Project to be, on balance, consistent with numerous Housing, Commerce and Industry, and Transportation Element policies that encourage residential and mixed-use development near transit (see Motion No. 20516, p. 26-30.) The

Project would add a significant amount of housing (744 units) to a site that is currently underutilized. The Site is appropriate for housing because it is well-served by existing and future transit (including Muni lines No. 1, 2, 3, 33, 38, and 43) and is within walking distance of substantial goods and services. The Project would create appropriate residential density, similar to the densities in the surrounding neighborhood. It would include substantial (70,756 sf) new privately-owned, publicly-accessible open space to support and activate the new residential and active ground floor uses in the proposed Project. The Project balances significant housing production, with new and improved infrastructure and related public benefits, including an on-site child care facility.

The attached motion (Motion No. 20516) includes all the approved findings and may be used as reference. In supporting Finding No. 10 of Motion No. 20516, the Commission found that, for the reasons set forth in the motion, the proposed Project would be consistent with the following General Plan policies of the Housing, Commerce and Industry, Transportation, Urban Design, and Recreation and Open Space Elements:

**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 1.1**

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

**Policy 1.8**

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

**Policy 1.10**

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

**OBJECTIVE 4:**

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

**Policy 4.1**

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

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

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

**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.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

**Policy 12.1**

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

**Policy 12.2**



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

**Policy 12.3**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

**OBJECTIVE 13**

**PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.**

**Policy 13.1**

Support "smart" regional growth that located new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**OBJECTIVE 1**

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

**Policy 1.1**

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

**OBJECTIVE 3**

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

**Policy 3.2**

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

**GENERAL PLAN: TRANSPORTATION**

**OBJECTIVE 2**

**USE THE EXISTING TRANSPORTATION INFRASTRUCTURE AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

**Policy 2.1**

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

**Policy 2.5**

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

**OBJECTIVE 23**

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

**Policy 23.1**

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

**GENERAL PLAN: 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 1.2**

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

**Policy 1.3**

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

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**GENERAL PLAN: RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

Parking is not required as part of the project under the Planning Code. The Project would provide a total 754 off-street accessory parking spaces, within the maximum allowance permitted pursuant to Planning Code Section 151.1, and the requirements of the Special Use District. While the total amount of accessory off-street parking provided is within the limits permitted by Code, the Draft Environmental Impact Report (DEIR) identified a required Mitigation Measure ("M-TR-2: Reduce Retail Parking Supply") to limit the number of parking spaces for Retail Sales and Service Uses to 2.14 spaces per 1,000 gross square feet, or, a

total of 74 spaces (DEIR p. 4.C.80). For additional information on the Mitigation Measure M-TR-2, see the Planning Department's response to the CEQA appeal, filed November 4, 2019, and incorporated here by reference.

The Planning Commission determined that the number of parking spaces was adequate for the uses provided within the project. The number of auto-trips per day would not cause an increase in the Vehicle Miles Travelled.

**Issue #2:** The Appellant requests that the Board "modify the Conditional Use Authorization/Planned Unit Development to recommend that NC-1 Controls be used in the Special Use District rather than the more intensive NC-S Controls."

**Response #2: Motion 20516 for the Conditional Use Authorization/Planned Unit Development requires the approval of the Planning Code Text and Map Ordinance (Board File No. 190844) creating the 3333 California Street Special Use District. That SUD would, among other actions, allow certain non-residential uses as principally permitted within the first and second floor of all buildings with frontage along California Street subject to the controls of the NC-S Zoning District, including Flexible Retail Use; Social Service or Philanthropic Facilities Use; and non-residential uses.**

Because the Conditional Use Authorization/Planned Unit Development relies on the provisions of the SUD, the Appellant's request that the Board modify the Conditional Use Authorization/Planned Unit Development to recommend amendments to the SUD to include NC-1 controls, not NC-S controls, is misplaced; amendments to the SUD would be part of a different approval at the Board.

Although Planning Code section 304 limits commercial uses in R Districts to the limitations in NC-1 Districts, the SUD establishes NC-S Zoning District non-residential use controls for the first and second stories of all building on the Site with frontage on California Street. The 3333 California Street SUD, is consistent with the same non-residential use controls (NC-S Zoning District) as Laurel Village, a commercial retail cluster located immediately to the west of the Project Site. Moreover, with the introduction of ground- and second-floor retail and non-retail uses within buildings fronting California Street, the Project will create a more continuous linear commercial corridor, connecting Laurel Village (NC-S Zoning District) to the west, with the smaller cluster of commercial retail and non-retail uses to the east of the Project Site, centered around the intersection of California Street at Presidio Avenue (NC-2 Zoning District).

**Issue #3:** The Appellant contends that the Board should limit the permitted hours of operation to 6 a.m. to 11 p.m.

**Response #3: In approving Motion No. 20516 for the Conditional Use Authorization/Planned Unit Development and Resolution No. 20514 for the Planning Code Text and Map Ordinance, the Planning Commission approved the proposed land use controls for the Project Site. The Ordinance would, among other actions, allow certain non-residential uses as principally permitted within the first and**

**second floor of all buildings with frontage along California Street subject to the controls of the NC-S zoning, including permitted hours of operation.**

With the creation of the 3333 California Street SUD, the Project Site is subject to specific land use controls regulating hours of operation for non-residential uses. Laurel Village, a commercial retail cluster located immediately to the west of the Project Site is within the NC-S Zoning District, while a small cluster of commercial retail and non-retail uses to the east of the Project Site, centered around the intersection of California Street at Presidio Avenue, is within the NC-2 Zoning District. Within both the NC-S and NC-2 Zoning Districts, the principally permitted hours of operation for non-residential uses is 6 a.m. to 2 a.m., with Conditional Use Authorization required for operation between 2 a.m. and 6 a.m. On the other hand, NC-1 Zoning District, the hours of operation for non-residential uses are limited to 6 a.m. to 11 p.m., with Conditional Use Authorization required for operation between 11 p.m. and 6 a.m. By imposing the NC-S controls in the SUD, including hours of operation, the Project Site would be consistent with the controls regulating hours of operation for non-residential uses in the adjacent NC-S and NC-2 Zoning Districts, and would allow consistency in hours of operation throughout the neighborhood.

As amended by Supervisor Stefani at the Board of Supervisors Land Use and Transportation Committee on October 21, 2019, the principally permitted hours of operation within the 3333 California Street SUD would be from 6.a.m. to 12 a.m.

**Issue #4:** The Appellant contends that the Board should eliminate Flexible Retail Use and Social Service or Philanthropic Facilities Use from the Special Use District because they were not disclosed in the EIR and are not necessary for or compatible with the neighborhood.

**Response #4: Planning Code Section 249.86 establishes the 3333 California Street Special Use District (SUD) to allow certain non-residential uses as principally permitted within the first and second floor of all buildings with frontage along California Street subject to the controls of the NC-S Zoning District, including Flexible Retail Use and Social Service or Philanthropic Facilities Use.**

The Appellant's request that the Board amend the SUD to eliminate flexible retail and social service and philanthropic facility uses is misplaced in this appeal of the Conditional Use Authorization/Planned Unit Development.

With the creation of the 3333 California Street SUD, the Project Site will benefit from the same non-residential use controls (NC-S Zoning District) as Laurel Village, a commercial retail cluster located immediately to the west of the Project Site. The Planning Code Text and Map Ordinance (Board File No. 190844) would also permit Flexible Retail Use and Social or Philanthropic Facilities Use within boundaries of the Project Site.

Flexible Retail Use is defined in Section 102 of the Planning Code as a Retail Sales and Service Use in Neighborhood Commercial Districts that combines a minimum of two of the following distinct uses within a space that may be operated by one or more business operators: Arts Activities; Limited Restaurant; General Retail Sales and Services; Personal Service; Retail Professional Service; and Trade Shop. A Flexible

Retail Use must operate with at least two of the uses at any given time and each such use must be principally permitted in the underlying zoning district. If a use requires Conditional Use Authorization in the underlying zoning district, then Conditional Use Authorization must be obtained before such use may be permitted as part of a Flexible Retail Use. Planning Code Section 713 establishes non-residential use controls for the NC-S Zoning Districts. Of the six use categories constituting Flexible Retail Use, only Limited Restaurant, General Retail Sales and Services, and Personal Service uses are permitted. Therefore, the Project would only be permitted to operate Limited Restaurant, General Retail Sales and Services, and Personal Service uses as part of a Flexible Retail Use. Flexible Retail Use provides greater flexibility to business owners/operators to share commercial tenant space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. The Flexible Retail legislation (Board File No. 180806) was created to serve as one tool to address the issue of storefront vacancies in San Francisco's commercial corridors.

Social Service or Philanthropic Facilities use are defined in Planning Code Section 102 as an Institutional Community Use providing assistance of a charitable or public service nature, and not of a profit-making or commercial nature. Pursuant to Planning Code Section 713, Institutional Uses are principally permitted on the first and second floors NC-S Zoning Districts. The SUD would also specifically allow social service and philanthropic facility uses in the first and second floors of the buildings fronting California Street. For reference, Social Service or Philanthropic Facilities use is a principally permitted use within the California Street and Presidio Avenue - Community Center Special Use District (Planning Code Section 249.21), the SUD governing use controls for the Jewish Community Center of San Francisco, located directly across the street from the Project Site. Thus, allowing additional Social Service or Philanthropic Facilities in the SUD would be consistent with adjacent neighborhood controls.

For a response to appellant's concerns about the adequacy of the analysis in the FEIR related to flexible retail and social service or philanthropic facility uses, please see the Department's November 4, 2019 response to appellant's appeal of the certification of the EIR, and incorporated here by reference.

**Issue #5:** The Appellant contends that the Board should modify the Project to limit the proposed rooftop addition to the main building to one story, to conform with the historical resource design guidelines.

**Response #5:** In approving Motion No. 20516 for the Conditional Use Authorization/Planned Unit Development and Resolution No. 20514 for the Planning Code Text and Map Ordinance, the Planning Commission approved the proposed height and bulk designations for the Project Site, allowing 2 or 3 additional stories to the height of the existing building.

The Project would partially demolish and adaptively reuse the existing office building ("Center Office Building"), creating two separate residential buildings ("Center Building A" and "Center Building B"). The Project would then add two new floors to "Center Building A" and three floors to "Center Building B", adding a total 41 dwelling units within the new floors. The new floors will accommodate larger, family-sized units, including 5 three-bedroom units and 15 four-bedroom units. Thus, the new floors would accommodate residential floor area devoted to larger, family-sized units, and the Project would support

the policy goals of the Housing Element of the General Plan by increasing production of family-sized units. Together, Center Building “A” and “B” would provide a total of 190 dwelling units.

The Planning Commission found the overall scale and form, including the height, of the modified Center Buildings “A” and “B” appropriate given their placement within the center of the Site, set back significantly from public rights-of-way. The Commission also found the proposed buildings with lower heights, located along the perimeter of the Site and ranging from 40 to 65 feet in height, compatible with that of the surrounding buildings within the neighborhood. The buildings along the perimeter of the Site create an additional visual buffer from public rights-of-way to the taller Center Buildings “A” and “B.” A reduction in height of either Center Building “A” or “B” would result in either an overall reduction in dwelling unit count or unit size, or, to keep the unit count consistent, would likely necessitate an increase in height and/or bulk to one of the other proposed new buildings along the perimeter of the Site, thereby undermining the compatibility with the surrounding buildings within the neighborhood.

In addition, as noted in the Response to Comments document at 5.K.11, the topography of the Site and nearby areas affects how building heights are perceived in relation to the existing neighborhood and the heights of surrounding buildings. Due to the approximately 60-foot change in elevation from the southwest portion of the Site to south and northeast portion of the Site, the proposed height of the buildings within the Project Site would not be out of character with the surrounding buildings, particularly to the south and west.

For a response to appellant’s concerns about the additions to the Center Building “A” and “B” and the impact on historic resources, please see the Department’s November 4, 2019 response to appellant’s appeal of the certification of the EIR, and incorporated here by reference.

**Issue #6:** The Appellant contends that the Board should order the Project modified to remove new construction from the green spaces at the top of Laurel Street and along Euclid Avenue.

**Response #6:** In approving Motion No. 20516 for the Conditional Use Authorization/Planned Unit Development and Resolution No. 20514 for the Planning Code Text and Map Ordinance, the Planning Commission approved the proposed site plan for the proposed Project, including seven duplexes fronting Laurel Street.

The Project approvals included Conditional Use Authorization for a Planned Unit Development in conjunction with companion legislation that extinguishes City Planning Commission Resolution 4109 (“Resolution 4109”), a development restriction that prohibits development in the existing area located at the southwest corner of the Project Site, near the intersection of Laurel Street and Euclid Avenue, as identified by the Appellant. The Project would develop a total of seven 4-story duplex townhouses (“Laurel Duplexes”) fronting Laurel Street, closely mirroring the individual building forms (predominately single-family houses) located along the western frontage of Laurel Street, across the street from the Site. The townhomes are set back from the intersection of Laurel Street and Euclid Avenue by approximately 70 feet to retain a portion of the existing green space. As a result of the setback, the Project would retain an

approximately 18,000 square foot area of privately-owned, publicly-accessible open space (“Euclid Green”) along Euclid Avenue, near the intersection of Laurel Street and Euclid Avenue.

The Appellant has suggested a modification to the Project, setting back the Euclid Building by 30 feet and removing two of the Laurel Duplexes to preserve more of the existing open space along Euclid Avenue, near the intersection of Laurel Street and Euclid Avenue. The Commission heard a similar request at the September 5, 2019 Planning Commission hearing and considered the modification in the context of the overall impact to the Project’s residential programming. In total, Department staff estimate a loss of 30 dwelling units (4 dwelling units in the Laurel Duplexes and 26 dwelling units the Euclid Building) would result from the requested modifications. The Planning Commission did not entertain any of the requested modifications at the September 5, 2019 Planning Commission hearing and determined that the subject buildings are set back from the public rights-of-way in a sufficient manner to accommodate the approximately 18,000 square foot area of privately-owned, publicly-accessible open space (“Euclid Green”), and any further reduction in building envelopes would necessarily result in an overall loss of dwelling units.

**Issue #7:** The Appellant contends that the Board should order a portal cut through the first two floors of the main building with a light well on top, rather than an approximate 40-foot cut through to the top of the main building.

**Response #7:** The Project provides an approximately 40-foot wide pathway through the existing “Center Office Building,” creating two separate residential buildings (“Center Building A” and “Center Building B”). The introduction of the pathway was in response to the Planning Department’s design comments aimed at enhancing both physical and visual access through the Site. As stated in the July, 14 2016 Preliminary Project Assessment (PPA) letter (“PPA Letter”):

“The Planning Department requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the Site along the Walnut Street alignment, connecting to the intersection of Masonic and Euclid Avenues. This north/south pathway may meander through the Site and does not need to be a straight axial pathway. Consider accommodating a portal through ‘Building A’ to support north-south public access. The entirety of the pathway should be accessible to all users. Done successfully, the major north/south connection should be clearly legible and inviting.” (PPA letter, pp. 24-25).

The PPA Letter stated, “connecting the site to the existing street network is of paramount importance for three reasons: (1) to moderate the scale of development in a manner that harmonizes with the neighboring contexts; (2) to provide a legible urban pattern; and, (3) to provide an open and welcoming public open space network as a means of avoiding the internal open space network from feeling private.” (PPA letter, p. 24).

The Project’s pathway through the Center Building, at approximately 40 feet wide and open to the sky (except for a narrow pedestrian bridge on level 4), constitutes a clear and inviting opening, and responds to the Department’s specific request to provide a “single, clear, and primary north-south connection that

both allows and encourages members of the public to traverse the site.” A narrow portal through only the first two floors of the main building with a light well on top would not meet the preference for a larger opening, because the underlying intent of the opening was to maximize both the physical and visual access through the Site, along a north/south axial pathway. While a portal at grade may technically allow physical access, visual access would be significantly impaired due to the building’s imposing massing, from floors 3 and above. This is especially true from the vantage point nearest the intersection of Masonic and Euclid Avenues, where the grade is lower than the center of the Site. From that vantage point (looking north through the Site), an at-grade portal would not be visible due to the significant grade differential between the center of the Site and the southern boundary of the Site.

For additional an additional response related to historic resources under CEQA, see the Departments Response to the CEQA appeal, dated November 4, 2019, and incorporated here by reference.

**Issue #8:** The Appellant contends that the Board should overturn the Conditional Use/Planned Unit Development Authorization because the commercial uses, height limit increases and shaded open spaces are not necessary or desirable for the neighborhood.

**Response #8:** **The Project approvals include Conditional Use Authorization for a Planned Unit Development in conjunction with companion legislation addressing related Code amendments. In approving Motion No. 20516 for the Conditional Use Authorization/Planned Unit Development and Resolution No. 20514 for the Planning Code Text and Map Ordinance, the Planning Commission accepted the proposed site plan, proposed massing of existing and new buildings, and proposed height and bulk designations for the Project Site.**

Related to non-residential uses, the Project would establish the 3333 California Street Special Use District (Board File No. 190844) to allow certain non-residential uses as principally permitted within the ground and second floor of all buildings with frontage along California Street, including Flexible Retail Use; Social Service or Philanthropic Facilities Use; and non-residential uses, subject to the use controls of the NC-S Zoning District. The Commission found that the inclusion of ground-floor retail uses along California Street that would enliven the streetscape and serve both on-site future residents as well as residents within the neighborhood and was thus necessary and desirable for the neighborhood.

Related to heights, the Project includes proposed amendments to the underlying Height and Bulk Districts of 40-X, 45-X, 67-X, 80-X, and 92-X, as amended in the Zoning Map Ordinance (Board File No. 190844). The Project proposes both new structures and alterations to an existing nonconforming building that would otherwise exceed the heights established by the underlying Height and Bulk District. As such, the Project seeks minor deviations from the provisions for measurement of height in Sections 260 and 261 for each of the proposed new and adapted buildings on the Site. The Commission found this modification warranted given the Site’s unique configuration and the Project’s primary goal of maximizing residential density at the Project Site. With the proposed height and bulk district amendments in Board File No. 190844, and the deviations from the provisions for measuring height, the Commission found that the Project would maximize residential density on the Site, providing a significant number of new market-rate and senior



affordable housing units, including family size units of 3 bedrooms or more, thus contributing to the City's housing goals—a top priority for the City and County of San Francisco.

Related to potential shading of private and privately-owned, publicly-accessible open space, areas of the privately-owned, publicly-accessible open space would be shaded by new buildings on the Project Site. However, the shadows would be similar in scope and scale to shadow cast by other new buildings found in dense, urban areas. The Planning Code does not otherwise restrict the shading of private open space, regardless of the degree of shading onto private open spaces. Planning Code Section 135 governs the amount of required useable open space for projects with dwelling units in specific zoning districts. Section 135 also includes minimum dimensional requirements and general location for qualifying private or common useable space. However, the Code only requires such areas make the best practical use of available sun and other climatic advantages. Moreover, the Project Site does not currently contain public parks or open spaces, and the Project would include major new privately-owned, publicly-accessible open spaces.

The Project would not affect any of the City's existing parks or open space or their access to sunlight and vistas. The shadow diagrams, prepared as part of the Project's CEQA review, demonstrate that the Project would not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. The location, orientation and massing of structures on the Site has been designed to maximize solar access to the Project's open spaces, including the major new privately-owned, publicly-accessible open space. The provision of useable open space exceeds what is required by the Planning Code. The current open space at the corner of Euclid Avenue and Laurel Street will remain as part of the Project. On balance, the Commission found that the Project provides a considerable amount of privately-owned, publicly-accessible landscaped open space contained within multi-purpose plazas, lawns, pathways and streetscape improvements.

**Issue #9:** The Appellant contends that if the Board overturns the Planning Commission's Certification of the Final EIR, the Board must also overturn the approval of the tentative Conditional Use/Planned Unit Development Authorization by the Planning Commission.

**Response #9: As stated in Administrative Code Chapter 31.16(b)(1), "[i]f the Board reverses the CEQA decision, the prior CEQA decision and any actions approving the project in reliance on the reversed CEQA decision, shall be deemed void."**

**Issue #10:** The Appellant contends approval of the Conditional Use/Planned Unit Development authorization must be overturned if the Board of Supervisors does not approve the zoning changes required to allow the proposed Project to be built.

**Response #10: Conditional Use Authorization Condition 6 - Additional Project Authorization" states "[t]he Project Sponsor must obtain an approval of the Planning Code Text and Map Ordinance (Board File No 190844) giving effect to the 33333 California Street Mixed-Use Project."**

If the Planning Code Text Amendment and Map ordinance are not approved, the Conditional Use authorization would be of no effect.

**CONCLUSION**

The Planning Commission approved the Conditional Use Authorization, pursuant to Planning Code Sections 253, 303, and 304 to allow structures to exceed 40 feet in a RM Zoning District, a change of use for an existing child care facility (to be replaced at a different location on the Project Site), and a Planned Unit Development (“PUD”) with modifications from the requirements of the Planning Code, finding the Project to be necessary and desirable and compatible with the neighborhood. The Board should uphold the Commission’s decision.

**ATTACHMENT A:**  
**RESOLUTION NO. 20514**



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20514

HEARING DATE: SEPTEMBER 5, 2019

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*Case No.:* **2015-014028MAP/PCA**  
*Project Name:* **3333 California Street (aka 3333 California Street  
Mixed-Use Project)**  
*Existing Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District  
40-X Height and Bulk District  
*Proposed Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District;  
3333 California Street Special Use District  
40-X, 45-X, 67-X, 80-X and 92-X Height and Bulk Districts  
*Block/Lot:* 1032/003  
*Project Sponsor:* Laurel Heights Partners LLC  
Don Bragg – (415) 395-0880  
*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
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**RESOLUTION APPROVING A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE PLANNING CODE TO ESTABLISH THE 3333 CALIFORNIA STREET SPECIAL USE DISTRICT, TO SPECIFY USE CONTROLS THAT APPLY TO THE SUD, TO SPECIFY DIRECTOR DETERMINATION AND DISCRETIONARY REVIEW CONTROLS; TO EXTINGUISH PLANNING COMMISSION RESOLUTION 4109, TO AMEND HEIGHT AND BULK DISTRICT MAP NO. HT03 TO INCREASE THE HEIGHT LIMIT FOR ASSESSOR'S BLOCK 1032 LOT 003 FROM 40-X TO 40-X, 45-X, 67-X, 80-X AND 92-X AS DEPICTED IN THE BOARD OF SUPERVISORS FILE NO. 190844, AND TO AMEND SPECIAL USE DISTRICT MAP NO. SU03 TO INCLUDE THE NEW 3333 CALIFORNIA STREET SPECIAL USE DISTRICT; AND MAKING VARIOUS FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302; THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on July 30, 2019, pursuant to Planning Code section 302(b), Supervisor Catherine Stefani introduced an ordinance amending the Planning Code to add section 249.86 to establish the 3333 California Street Special Use District (herein "3333 California Street SUD"), amending Height and Bulk District Map No. HT03 and Special Use District Map No. SU03, to implement the 3333 California Street Mixed-Use Project ("Project"), and extinguishing Planning Commission Resolution No. 4109 ("Ordinance").

WHEREAS, on September 3, 2019, pursuant to Planning Code section 302(b), Supervisor Catherine Stefani introduced a substitute ordinance, amending the previous ordinance introduced on July 30, 2019.

WHEREAS, the Ordinance would enable the Project. The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing

455,000 gsf office building (“Center Office Building”), would be partially demolished and adaptively reused for residential uses (as two separate buildings, “Center Building A” and “Center Building B”) with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings (“Masonic”; “Euclid”; “Mayfair”; and the seven “Laurel Duplex” buildings), and mixed-use buildings (“Plaza A”; “Plaza B”; and “Walnut”) containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 774 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces. A total of 25% of the Project’s dwelling units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studio and 1-bedroom units for seniors plus 1 on-site manager’s unit.

WHEREAS, the Ordinance would add Planning Code section 249.86 to establish the 3333 California Street SUD, which: 1) allows certain non-residential uses as principally permitted within the first and second floor of all buildings with frontage along California Street subject to the controls of the NC-S zoning, including Flexible Retail Uses; Social Service or Philanthropic Facilities; and non-residential uses; 2) specifies requirements for usable open space; 3) specifies off-street parking requirements for child care facilities; 4) specifies affordable housing and child care requirements applicable to the Project; 5) specifies director determination and discretionary review controls for the project; and 6) extinguishes City Planning Commission Resolution 4109; WHEREAS, the Ordinance would amend the Zoning Map, specifically Height & Bulk District Map No. HT03 to increase the height limit for Block 1032, Lot 003 from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X, as depicted in Board of Supervisors File No. 190844, and Special Use District Map No. SU03 to include the new 3333 California Street Special Use District.

WHEREAS, the Ordinance would extinguish City Planning Commission Resolution 4109.

WHEREAS, this Resolution recommending the approval of the Ordinance is a companion to other legislative approvals relating to the Project, including recommendation for approval of the Development Agreement for the 3333 California Street Mixed-Use Project (Board File No. 190845) and the Conditional Use Authorization to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility, and to allow a Planned Unit Development with the requested modifications from the requirements of the Planning Code (Motion No. 20516).

WHEREAS, On September 5, 2019, the commission reviewed and considered the information contained in the Final Environmental Impact Report (“FEIR”) for the 3333 California Street Mixed-Use Project, Planning Department Case No. 2015-014028ENV, consisting of the Draft EIR and the responses to comments document, 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, and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the responses to comments document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section



15088.5, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in Motion No. 20512; and

WHEREAS, On September 5, 2019, by Motion No. 20513, the Commission adopted findings, including a statement of overriding considerations and a mitigation monitoring and reporting program (MMRP), pursuant to CEQA;

WHEREAS the Planning Department, Jonas Ionin, Commission Secretary, is the Custodian of Records, located in Case No. 2015-014028ENV, at 1650 Mission Street, Fourth Floor, San Francisco,

WHEREAS, on September 5, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the proposed Ordinance.

**NOW THEREFORE BE IT RESOLVED**, that the Commission has reviewed and considered the FEIR certified in Motion No. 20512, and the adopts and incorporates by reference as though fully set forth herein, the findings, including the statement of overriding considerations, adopted by the Commission in Motion No. 20513 on September 5, 2019;

**AND BE IT FURTHER RESOLVED** that pursuant to Planning Code section 302, the Planning Commission hereby finds that the Ordinance promotes the public welfare, convenience and necessity for the following reasons:

1. The Ordinance would give effect to the 3333 California Street Mixed-Use Project, thereby facilitating the development of currently under-utilized land for much-needed housing, commercial space, and open space.
2. The Ordinance would give effect to the 3333 California Street Mixed-Use Project, which in turn will provide employment opportunities for local residents during construction and post-occupancy, as well as a new open space for new and existing residents.
3. The Ordinance would give effect to the 3333 California Street Mixed-Use Project by enabling the creation of a new mixed-use development. This new development would integrate with the surrounding City fabric and the existing neighborhood and would constitute a beneficial development.
4. The Ordinance would enable the construction of a new vibrant, safe, and connected neighborhood, including a new publicly-accessible open space. The Ordinance would help ensure a vibrant neighborhood with active streets and open spaces, high quality and well-designed buildings, and thoughtful relationships between buildings and the public realm.
5. The Ordinance would enable construction of new housing, including new on-site affordable senior housing. These new uses would create a new mixed-use development that would strengthen and complement nearby neighborhoods.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Ordinance is in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20514.

## **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 1.1**

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

**Policy 1.8**

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

**Policy 1.10**

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

**OBJECTIVE 4:**

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

**Policy 4.1**

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

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

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

**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.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

**Policy 12.1**

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

**Policy 12.2**

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

**Policy 12.3**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

Support "smart" regional growth that located new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

**GENERAL PLAN: COMMERCE AND INDUSTRY**



**OBJECTIVE 1**

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

**Policy 1.1**

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

**OBJECTIVE 3**

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

**Policy 3.2**

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

**GENERAL PLAN: TRANSPORTATION**

**OBJECTIVE 2**

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

**Policy 2.1**

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

**Policy 2.5**

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

**OBJECTIVE 23**

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

**Policy 23.1**

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

**GENERAL PLAN: 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 1.2**

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

**Policy 1.3**

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

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**GENERAL PLAN: RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

*The Project would provide a mixed-used development with residential (including substantial new affordable housing), retail, and open space uses, leveraging the Site's location along transit corridors and allowing people to work and live within close proximity to transit, consistent with numerous Housing Element and Transportation Element policies that encourage residential and mixed-use development near transit. Furthermore, as detailed in the Development Agreement (Board File No. 190845), the Project exceeds the Planning Code's inclusionary affordable housing requirements, and will provide a 25% level of on-site affordable housing at Project buildout, fulfilling the Housing Element's objective of encouraging affordable housing.*

*The Site is located in a transit-rich location, within close proximity to various bus lines. Future residents can walk, bike, or access MUNI, or regional bus service from the Site. The Project includes a detailed, TDM program tailored to the Project uses, with various performance measures, monitoring and enforcement measures designed to incentivize use of transit and other alternatives to single occupancy vehicle trips. In addition, the Project's streetscape design would enhance vehicular, bicycle, and pedestrian access and connectivity through the site. The Project would be easily accessed by bicyclists and pedestrians. These Project attributes are consistent with numerous General Plan policies encouraging development that includes environmentally sustainable patterns of movement.*

*The Project would remove portions of—and re-develop the remainder of—a large-scale building and rest of the site with a series of smaller state-of-the-art buildings designed to be consistent with the neighborhood character and scale. The Project's high-quality architectural and landscape design encourages variety, compatibility with the surrounding context, and strong urban design with prominent corners. The Project would incorporate varying heights, massing, and scale, creating a strong, consistent streetwall along the various street frontages, consistent with the Urban Design Element's objective to emphasize the characteristic pattern which gives to the City and its neighborhoods an image, a sense of purpose, and a means of orientation. The Project has been designed*

*to promote community interaction, both within the Project through common residential open space and with the broader community, through access to the privately-owned, publicly-accessible open space on the Site. The Project would also create new connections to the surrounding street grid, including new pedestrian connections, and other street and streetscape improvements.*

*The Project is located in an area that is well-served by retail and other neighborhood services, and would provide additional neighborhood-serving retail space along California Street. The Project would help meet the job creation goals, consistent with the Commerce and Industry Element, and as established in the City's Economic Development Strategy by generating new employment opportunities, and by providing expanded employment opportunities for City residents at varying employment levels both during and after construction. The Development Agreement's community benefit programs include commitments to construction and operations workforce first source hiring, as well as local business enterprise requirements for construction and end use jobs.*

*The Project would include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site including Presidio, Masonic, and Euclid Avenues, as well as Laurel Street, and Mayfair Drive, consistent with the Urban Design Element's goal to recognize, protect and reinforce the existing street pattern. These physical improvements also meet the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk widening; enhanced paving; installation of new street trees and street lighting on various adjacent public rights-of-way. These improvements require a major encroachment permit from the Department of Public Works that is subject to Board of Supervisors approval. The encroachment permit imposes long-term maintenance responsibility and liability for these improvements on the Project Sponsor.*

*On the whole, the Project would add a significant amount of housing to a site that is currently underutilized, well-served by existing and future transit, and is within walking distance of substantial goods and services. The Project would create appropriate residential density at a location that is well served by transit and would include substantial new on-site open space to support and activate the new active ground floor and open space uses in the proposed Project and to serve the broader neighborhood. The Project balances significant housing production with new and improved infrastructure and related public benefits, including an on-site child care facility.*

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Ordinance is in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20514.

- 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 would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail.*

- 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 not negatively affect the existing housing and neighborhood character. The Project would not displace any housing given the existing building contains only non-residential uses (primarily*



*office use). Like the neighborhoods surrounding the Site, which includes a variety of uses, such as single family homes, multi-unit apartment buildings, the Jewish Community Center, the Laurel Village Shopping Center, and the Muni bus storage yard, the Project is mixed-use and mixed-income, and would provide a range of improvements, housing, and services that would preserve the neighborhood's cultural and economic diversity. It would include approximately 744 units, 185 units of which would be affordable units for seniors with 1 on-site manager's unit. The remaining (market rate) units would consist of a range of unit sizes to accommodate a diverse set of residents.*

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

*The Project would enhance the City's supply of affordable housing through its affordable housing commitments in the Development Agreement (Board File No. 190845), which will result in a total of 25% on-site affordable housing units.*

- 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 streets and neighborhood parking. The Project is at a location well-served by transit and future residents and employees of the Project could access the Site via existing MUNI transit service. The Project does not include any commercial office uses that would generate commuter traffic, and the Project includes sufficient off-street parking and a robust transportation program with an on-site Transportation Demand Management (TDM) program.*

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

*The Project does not include commercial office development, and does not displace any industrial or service uses. In addition, the proposed retail uses and other non-residential uses would provide future opportunities for resident employment and ownership in the service sector.*

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

*The Project includes substantial investment in upgrades to an existing building and construction of new buildings to comply with all current structure and seismic requirements under the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*There are no existing landmarked buildings on the Site. However, the Site, which is considered an historic resource for CEQA purposes and is listed in the California Register of Historic Resources, will be re-developed to include reuse of the existing Center Building and construction of 13 new buildings to accommodate 744 dwelling units, retail, child-care and parking along with significant landscaping and open space. The Project will comply with Mitigation Measure M-CR-1a, Documentation of Historical*

*Resource, which requires the documenting and presenting of the site's history and character. In addition, the Project will comply with Mitigation Measure M-CR-1b, Interpretation of the Historical Resource, which requires the sponsor to develop an interpretive program focused on the history of the Site.*

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

*The Site does not currently contain public parks or open spaces, and the Project would create major new privately-owned, publicly-accessible open spaces. The Project would not affect any of the City's existing parks or open space or their access to sunlight and vistas. The shadow diagrams prepared as part of the Project's CEQA review demonstrate that the Project would not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. The location, orientation and massing of structures on the Site has been designed to maximize solar access to the Project's open spaces, including the major new privately-owned, publicly-accessible open space. The current open space at the corner of Euclid Avenue and Mayfair Street will remain as part of the Project.*

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

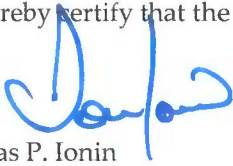
- 1) Amend the SUD to establish applicable Childcare requirements under Planning Code 414A to conform to the terms in the Development Agreement.
- 2) Update the open space plan map in the SUD to conform to the open space square footages to updated plans, dated August 20, 2019 (Exhibit B).
- 3) Amend the SUD to update text changes to Section 2, Subsection (C)(1) of the Ordinance, regarding the development controls applicable to the SUD.

**AND BE IT FURTHER RESOLVED**, that the Commission authorizes the Planning Director to take such actions and make such changes as deemed necessary and appropriate to implement this Commission's recommendation of approval and to incorporate recommendations from other City agencies and/or the Board, provided that such changes do not materially modify the proposed legislation approved by the Commission.

Resolution No. 20514  
September 5, 2019

Case No. 2015-014028MAP/PCA  
3333 California Street Mixed-Use Project

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 5, 2019.



Jonas P. Ionin  
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: September 5, 2019

**ATTACHMENT B:**  
**ORDIANCE NO. 190844**

1 [Planning Code, Zoning Map - 3333 California Street Special Use District]

2

3 **Ordinance amending the Planning Code and Zoning Map to create the 3333 California**  
4 **Street Special Use District; and making environmental findings, findings of consistency**  
5 **with the General Plan and the eight priority policies of Planning Code, Section 101.1,**  
6 **and findings of public convenience, necessity, and welfare under Planning Code,**  
7 **Section 302.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

12

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

14

15 Section 1. Environmental and Land Use Findings.

16 (a) On \_\_\_\_\_, the Planning Commission conducted a duly noticed public hearing on  
17 the proposed 3333 California Street Project (“Project”), including the proposed Planning Code  
18 and Zoning Map amendments, and by Resolution No. \_\_\_\_\_ recommended the proposed  
19 amendments for approval. At its hearing on \_\_\_\_\_, and prior to recommending the proposed  
20 Planning Code and Zoning Map amendments for approval, the Planning Commission certified  
21 a Final Environmental Impact Report (FEIR) for the Project pursuant to the California  
22 Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et  
23 seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.) and Chapter 31 of  
24 the Administrative Code. In accordance with the actions contemplated in this ordinance, the  
25 Board of Supervisors has reviewed the FEIR and concurs with its conclusions, and finds that



1 the actions contemplated in this ordinance are within the scope of the Project described and  
2 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully  
3 set forth herein the Commission's CEQA approval findings, including a statement of overriding  
4 considerations, adopted by the Planning Commission on \_\_\_\_\_ in Motion No. \_\_\_\_\_. This  
5 Board also adopts and incorporates by reference as though fully set forth herein the Project's  
6 Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP are on file  
7 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

8 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
9 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
10 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
11 Board of Supervisors adopts these findings as its own. A copy of said Resolution is on file  
12 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein  
13 by reference.

14 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
15 Planning Code and Zoning Map amendments will serve the public necessity, convenience,  
16 and welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and  
17 the Board incorporates such reasons herein by reference.

18  
19 Section 2. Article 2 of the Planning Code is hereby amended by adding Section  
20 249.86, to read as follows:

21 **SEC. 249.86. 3333 CALIFORNIA STREET SPECIAL USE DISTRICT.**

22 (a) Location. A Special Use District entitled the 3333 California Special Use District  
23 ("SUD"), the general boundaries of which are California Street to the north, Presidio Avenue to the  
24 east, Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to

1 the west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County  
2 of San Francisco, is hereby established for the purpose set forth below.

3 (b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in  
4 a transit-rich location with residential, non-residential, child care, open space, and related uses, and to  
5 give effect to the Development Agreement for the 3333 California Street Mixed-Use Development  
6 Project, as approved by the Board of Supervisors in the ordinance in File No. \_\_\_\_\_ . The SUD will  
7 provide benefits to the City including but not limited to: replacement of a large-scale office building  
8 with a series of smaller buildings designed to be consistent with the scale and character of the  
9 neighborhood; construction of hundreds of new housing units, including family-sized units and on-site  
10 senior housing with affordability levels exceeding on-site City requirements; an on-site child care  
11 facility; and construction and maintenance of new, publicly accessible open spaces and new  
12 connections to the surrounding street grid, including new pedestrian connections, and other street and  
13 streetscape improvements.

14 (c) Development Controls. Applicable provisions of the Planning Code shall apply to the SUD  
15 except as otherwise provided in this Section 249.86. In the event of a conflict between other provisions  
16 of the Planning Code and this Section, the provisions of this Section shall control.

17 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning  
18 district, the following uses are principally permitted within the first and second story of all buildings  
19 with frontage on California Street, and shall be subject to the controls of the NC-S zoning applicable to  
20 such uses, except for any prohibition on such use:

21 (A) Flexible Retail Uses;

22 (B) Social Service or Philanthropic Facilities; and,

23 (C) Other non-residential uses.

24 (2) Uses Not Permitted. Notwithstanding any other provision in this Code, the  
25 following uses shall not be permitted in the SUD:

1                   (A) Automotive Service;

2                   (B) Drive-Up Facility; and,

3                   (C) Mortuary.

4                   (3) Notwithstanding any other provision of this Code, the following uses shall  
5 require conditional use authorization pursuant to the provisions of Section 303:

6                   (A) Liquor Store;

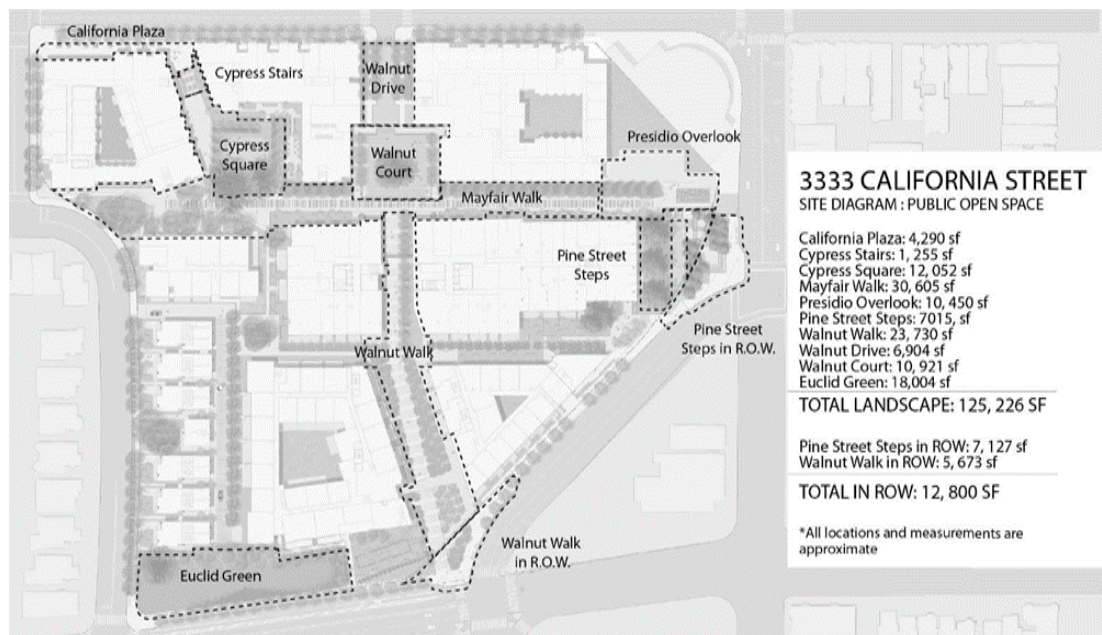
7                   (B) Massage, Chair/Foot; and,

8                   (C) Neighborhood Agriculture.

9                   (4) In addition to the restrictions set forth in this subsection (c), the hours of  
10 operation for commercial uses within the SUD shall be from 6:00am to 12:00am.

11                   ~~(2)~~ (5) Usable Open Space Requirements. Usable open space required under Section  
12 135 has been designed on an SUD-wide basis. The open space requirement shall be met through a  
13 combination of private and common usable open spaces, as defined in Section 135, that will be  
14 associated with individual buildings as well as approximately 56,000 square feet of privately owned,  
15 publicly accessible parks and plazas that will be counted as common usable open space, provided such  
16 space is otherwise compliant with Section 135(g) and developed in accordance with the Development  
17 Agreement for the project, including without limitation, Schedule 1 (Community Benefits Linkages and  
18 impact Fee Schedule) thereof. The open space plan depicted below in this subsection (c)(2) generally  
19 sets forth the approximate location and size of such privately owned, publicly accessible open space.  
20 Accordingly, compliance with usable open space requirements for any building in the SUD shall be  
21 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.  
22 Upon expiration or termination of the Development Agreement, the then-applicable open space  
23 requirements of the Planning Code shall apply to any future development, provided however, that any  
24 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior  
25 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open

1 space requirements and shall not constitute a noncomplying structure or nonconforming use under the  
2 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.



14  
15 (3) (6) Off-Street Parking. Article 1.5 of this Code shall apply to this SUD, except as  
16 follows:

17 (A) Child Care Facility Parking. Off-street parking spaces for any child care  
18 facility shall be permitted at a rate of 1.5 parking spaces for each nine children who could be  
19 accommodated in the child care facility under the applicable child care licensing requirements.

20 (B) Affordable Housing Parking. Off-street parking spaces for any  
21 building containing residential uses, all of which are 100% affordable housing units (with the  
22 exception of the manager's unit), shall be permitted at a rate of no more than 0.5 parking  
23 spaces per unit.

24 (4) (7) Inclusionary Housing. For so long as the Development Agreement is in effect,  
25 the affordable housing requirements of the Development Agreement shall govern. Upon expiration or

1 termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing  
2 requirements set forth in Planning Code Sections 415 et seq., as amended from time to time, shall apply  
3 to any future development, without reference to the date of any earlier development application.

4 (5) (8) Child Care Requirements. For so long as the Development Agreement is in  
5 effect, the Child Care requirements of the Development Agreement shall govern. Upon expiration or  
6 termination of the Development Agreement, the then-applicable Child Care requirements set forth in  
7 Planning Code Sections 414 and 414A et seq., as amended from time to time, shall apply to any future  
8 development, without reference to the date of any earlier development application.

9 (6) (9) Director Determination. During the term of the Development Agreement, all  
10 site and/or building permit applications for construction of new buildings or alterations of, or additions  
11 to existing structures (“Applications”) submitted to the Department of Building Inspection shall be  
12 forwarded to the Planning Department for consistency review. For purposes of this subsection (c)(6),  
13 Applications do not include any interior modifications or alterations, provided however, that any such  
14 modification or alteration shall otherwise comply with the applicable requirements of the Planning  
15 Code. In no event may the Planning Director or Planning Commission approve an Application that is  
16 not in substantial conformance with this Section 249.86, the Development Agreement, or any  
17 conditional use authorization and planned unit development authorization.

18 (7) (10) Discretionary Review. No requests for discretionary review shall be accepted  
19 or heard for projects within the SUD.

20  
21 Section 3. City Planning Commission Resolution 4109, November 13, 1952. Effective  
22 as of the effective date of this ordinance, City Planning Commission Resolution No. 4109, and  
23 all related conditions, stipulations, special restrictions, and other limitations imposed in  
24 connection with the 1952 re-classification of the property (Assessor’s Block 1032, Lot A) (the  
25

1 “Property”) from a First Residential District to a Commercial District shall no longer apply to  
 2 the Property and is hereby extinguished.

3  
 4 Section 4. The Planning Code is hereby amended by revising Special Use District Map  
 5 SU03 of the Zoning Map of the City and County of San Francisco, as follows:

| Description of Property          | Special Use District Hereby Approved        |
|----------------------------------|---|
| Assessor’s Block/Lot<br>1032/033 | 3333 California Street Special Use District |

6  
 7  
 8  
 9  
 10  
 11 Section 5. The San Francisco Planning Code is hereby amended by revising Sectional  
 12 Map HT03 of the Zoning Map of the City and County of San Francisco, based on Assessor’s  
 13 Parcel Maps on the effective date of this ordinance, as follows:

| Description of Property   | Height and Bulk<br>Districts to be<br>Superseded | Height and Bulk Districts Hereby<br>Approved |
|---|--|--|
| Assessor's Parcel Block No. 1032,<br>Lot 003 (an approximately 2.13 acre<br>area of the northwestern portion of<br>Lot 003 from California Street south<br>approximately 215' and from Laurel<br>Street east approximately 451.75') | 40-X   | 45-X   |
| Assessor's Parcel Block No. 1032,<br>Lot 003 (an approximately 1.64 acre  | 40-X   | 67-X   |

|                                  |   |      |      |
|----------------------------------|---|------|------|
| 1<br>2<br>3<br>4<br>5<br>6       | area of the northeastern portion of Lot 003 from California Street south approximately 197' and approximately 270.63' west of the northeastern most property corner along the California Street frontage) |      |      |
| 7<br>8<br>9<br>10<br>11<br>12    | Assessor's Parcel Block No. 1032, Lot 003 (an approximately 0.69 acre area measuring approximately 190.25' by 158.39' centrally located within Lot 003 197' south of California Street)                   | 40-X | 80-X |
| 13<br>14<br>15<br>16<br>17<br>18 | Assessor's Parcel Block No. 1032, Lot 003 (an approximately 1.54 acre area measuring approximately 190.25' by 182.72' centrally located on the eastern side of Lot 003 197' south of California Street)   | 40-X | 92-X |

19  
20 A pictorial representation of the above height and bulk districts on Assessor's Parcel  
21 Block 1032, Lot 3 is contained in Board of Supervisors File No. \_\_\_\_\_.

22 Section 6. Effective Date and Operative Date.

23 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
25

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
2 Mayor's veto of the ordinance.

3 (b) This ordinance shall become operative only on (and no rights or duties are affected  
4 until) the later of (1) its effective date, as stated in subsection (a) above, or (2) the effective  
5 date of the ordinance approving the Development Agreement for the Project. A copy of said  
6 ordinance is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

7

8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

9

10 By: \_\_\_\_\_  
11 AUDREY WILLIAMS PEARSON  
Deputy City Attorney

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**ATTACHMENT C:  
MOTION NO. 20516**



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 20516

HEARING DATE: SEPTEMBER 5, 2019

*Record No.:* 2015-014028CUA  
*Project Address:* 3333 California Street  
*Zoning:* RM-1 (Residential – Mixed, Low Density)  
3333 California Street Special Use District  
40-X, 67-X, 80-X, and 92-X Height and Bulk Districts  
*Block/Lot:* 1032 / 003  
*Project Sponsor:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Property Owner:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION AND PLANNED UNIT DEVELOPMENT THAT WOULD ALLOW STRUCTURES TO EXCEED 40 FEET IN HEIGHT WITHIN AN RM ZONING DISTRICT AND 3333 CALIFORNIA STREET SPECIAL USE DISTRICT AND FOR AN EXISTING CHILD CARE FACILITY TO CHANGE OF USE TO RESIDENTIAL USE, PURSUANT TO SECTIONS 253, 303, AND 304 OF THE PLANNING CODE MODIFICATIONS TO THE REAR YARD REQUIREMENTS (SECTION 134), PERMITTED OBSTRUCTIONS (SECTION 136), DWELLING UNIT EXPOSURE (SECTION 140), GENERAL STANDARDS FOR OFF-STREET PARKING, FREIGHT LOADING, AND SERVICE VEHICLE FACILITIES (SECTION 155); DWELLING UNIT DENSITY (SECTION 207), AND MEASUREMENT OF HEIGHT (SECTION 260) AT 3333 CALIFORNIA STREET (ASSESSOR'S BLOCK 1032, LOT 003) WITHIN THE RM-1 ZONING DISTRICT AND A 40-X, 67-X, 80-X, AND 92-X HEIGHT AND BULK DISTRICT, AND TO MAKE FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

On March 29, 2016, Don Bragg on behalf of Laurel Heights Partners, LLC (hereinafter "Project Sponsor") filed an Environmental Evaluation Application with the San Francisco Planning Department (hereinafter "Department") for the 3333 California Street Mixed-Use Project (hereinafter "Project") located at 3333 California Street within the RM-1 (Residential – Mixed, Low Density) and 40-X Height and Bulk District. On June 30, 2017, the Project Sponsor filed an application for Conditional Use Authorization and Planned Unit Development.

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. Code. Regs. Title 14, section 15000 *et seq.*, (hereinafter "CEQA Guidelines")), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

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 September 20, 2017. The Department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project's environmental review.

On April 25, 2018, the Department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this 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 April 25, 2018.

On November 7, 2018, the Department published the draft EIR (hereinafter "DEIR") 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 Commission public hearing on the DEIR; this 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 7, 2018. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Site on November 7, 2018.

On November 7, 2018, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on November 7, 2018.

The Historic Preservation Commission held a duly advertised hearing on said DEIR on December 5, 2018 at which the Historic Preservation Commission formulated its comments on the DEIR.

The Commission held a duly advertised public hearing on said DEIR on December 13, 2018 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 8, 2019.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-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 response to comments document, published on August 22, 2019, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Department prepared a final EIR (hereinafter "FEIR") consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document, all as required by law.

On July 30, 2019, Supervisor Catherine Stefani introduced at the Board of Supervisors: (1) the Planning Code and Zoning Map amendments in Board File No. 190844, which amends the Planning Code to create the 3333 California Street Special Use District and amend the Height and Bulk Districts applicable to the Site; and (2) the Development Agreement in Board File No. 190845.

On August 19, 2019, the Project Sponsor submitted a letter amending its application for Conditional Use Authorization and Planned Unit Development to request authorization to construct the Variant to the proposed Project.

On September 5, 2019, 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.

On September 5, 2019, in Motion No. 20513, the Commission approved findings required by CEQA, including a statement of overriding considerations and adoption of a Mitigation Monitoring and Reporting Program (MMRP), under Case No. 2015-014028CUA, for approval of the Project, which findings are found in Attachment X to this Resolution No. 20516 and incorporated by reference as though fully set forth herein.

On September 5, 2019, the Commission conducted a duly notice public hearing at a regularly scheduled meeting and adopted: (1) Resolution No. 20514, recommending that the Board of Supervisors approve the requested Planning Code Text and Map Amendments set forth in Board File No. 190844; and (2) Resolution No. 20515 recommending that the Board of Supervisors approve the draft Development Agreement in Board File No. 190845.

The Planning Department Commission Secretary is the Custodian of Records, located in the File for Case No. 2015-014028CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 5, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-014028CUA.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-014028CUA, 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. **Project Description.** The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building ("Center Office Building"), would be partially demolished and adaptively reused for residential uses (as two separate buildings, "Center Building A" and "Center Building B") with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings ("Masonic"; "Euclid"; "Mayfair"; and the seven "Laurel Duplex" buildings), and mixed-use buildings ("Plaza A"; "Plaza B"; and "Walnut") containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

A total of 25% of the Project's dwelling units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studio and 1-bedroom units for seniors plus 1 on-site manager's unit.

The Project would provide 52 percent of the overall lot area (approximately 233,000 square feet) as grade-level open area, some of which would be public open space and some of which would be private open space exclusively for residents. The Project would include a total of approximately 125,000 square feet (or roughly 2.88 acres) of publicly-accessible landscaped open space with multi-purpose plazas, lawns, and pathways. New public pedestrian walkways would cross the property in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approximately along the line of Walnut Street and in an east-west direction between Laurel Street and Presidio Avenue along the line of Mayfair Drive. The Project would also include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site. These physical improvements to the Site are in service of meeting the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk expansion; enhanced paving; installation of new street trees and street lighting on various public rights-of-way. Some of these improvements require a major encroachment permit from the Department of Public Works and are subject to Board of Supervisors approval.

The proposed scope of work before the Commission was analyzed in the EIR as the "Project Variant" (or just "Variant"). The primary difference between the base project and the Variant is that the Variant includes 185 senior affordable dwelling units plus 1 on-site manager's unit instead

of office use within the Walnut Building. Under the Variant, the Walnut Building would also contain four additional floors (22 feet taller) to accommodate the residential uses. On August 19, 2019, the Project Sponsor submitted a letter to the Department requesting Conditional Use Authorization of the Variant.

3. **Site Description and Present Use.** The Project Site ("Site") is 447,361-square-foot, or 10.25-acre, single parcel located on Lot 003 on Assessor's Block 1032. The irregularly shaped parcel is bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west. The two-story building that houses the SF Fire Credit Union, located on a triangular-shaped lot at the northeast corner of Assessor's Block 1032 (corner of California Street and Presidio Avenue), is on a separate parcel and is not part of the Site. The Site, which serves as the University of California, San Francisco (UCSF) Laurel Heights Campus, is developed with a four-story, 455,000 gsf office building (including a 93,000 gsf, three-level, partially below-grade parking garage) at the center of the site; a one-story, 14,000 gsf annex building at the corner of California and Laurel Streets; three surface parking lots; and landscaping or landscaped open space. Approximately 63 percent of the Site is covered by buildings or other impermeable surfaces (e.g., internal roadways and surface parking lots) and 37 percent is landscaping or landscaped open space. Current uses on the Site are office, research, laboratory, child care, and parking. UCSF is in the process of shifting its uses to other campus locations in the city. The Site has been identified as being individually eligible for listing in the California Register of Historical Resources under Criterion 1 (events), and Criterion 3 (design/construction). The Site is eligible under Criterion 1 for its association with the broad pattern of development in San Francisco as a corporate campus adapted to an urban environment. The subject property represents an important and new approach to corporate office planning as a unique adaptation of the suburban corporate campus property type. The Site is also eligible under Criterion 3 for its overall Midcentury Modern architecture designed by Edward B. Page, set within a Midcentury Modern landscape designed by Eckbo, Royston & Williams.
  
4. **Surrounding Properties and Neighborhood.** The Site is located within the Laurel Heights area of San Francisco's Presidio Heights neighborhood. It is adjacent to the Pacific Heights and Western Addition neighborhoods (to the east) and just north of the Anza Vista area of the Inner Richmond neighborhood. The parcel is located within an RM-1 Zoning District and a 40-X Height and Bulk District. Low- to mid-rise residential uses surround the Site to the north, east, south, and west across California Street, Presidio Avenue, Euclid Avenue, and Laurel Street. Other land uses near the Site include the SF Fire Credit Union, at the southwest corner of California Street and Presidio Avenue, adjacent to the Site; the Jewish Community Center of San Francisco (JCCSF), at the northwest corner of California Street and Presidio Avenue, across the street from the Site; San Francisco Fire Station No. 10, across Masonic Avenue southeast of the Site; the San Francisco Municipal Railway's (Muni) Presidio Division and Yard at 875 Presidio Avenue (a bus storage, maintenance depot, and administration building, across Euclid and Masonic avenues south of the Site); and the Laurel Village Shopping Center along California Street, across Laurel Street west of the Site.

5. **Public Outreach and Comments.** To date, the Department has received one letter in opposition to the proposed Project prior to the official 20-day neighborhood notification period. The Project Sponsor held over 150 community meetings since 2015.
6. **CEQA Findings.** On September 5, 2019, by Motion No. 20512, the Commission certified as adequate, accurate and complete the FEIR for the 3333 California Mixed-Use Project. A copy of Commission Motion No. 20512 is in the file for Case No. 2015-014028ENV. Also, on September 5, 2019, by Motion No. 20513, in Attachment A to said Motion, the Commission adopted findings, including a statement of overriding considerations and an MMRP, pursuant to CEQA. In accordance with the actions contemplated herein, the Commission has reviewed the FEIR and adopts and incorporates by reference as though fully set forth herein the findings, including the statement of overriding considerations, pursuant to CEQA, adopted by the Commission on September 5, 2019 in Motion No. 20513. Attachment A.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use (Sections 202.2(f)(1), 209.2, 249.86, and 713).** Planning Code Sections 209.2 (RM-1), 249.86 (3333 California Street SUD), and 713 (NC-S) list allowable land uses, including residential and non-residential uses as either principally permitted, conditionally permitted, or not permitted.

*The Project proposes residential uses throughout the Site, and both residential and non-residential uses within buildings with frontage on California Street. The underlying zoning district (RM-1) permits residential uses, including Senior Housing, and the 3333 California Street SUD (Planning Code section 249.86 (Board File No. 190844) allows certain non-residential uses as principally permitted within the ground and second floor of all buildings with frontage along California Street, including Flexible Retail Uses; Social Service or Philanthropic Facilities; and non-residential uses, subject to the use controls of the NC-S Zoning District. In addition to residential uses, the Project also includes a replacement Child Care Facility, which, is a principally permitted use in the RM-1 and 3333 California Street SUD Zoning Districts. Therefore, the uses at the Project would comply with the Planning Code.*

- B. **Use Size (Sections 121.2, 713).** The Planning Code permits non-residential uses up to 5,999 square feet and requires Conditional Use Authorization for 6,000 square feet or above within the NC-S Zoning District.

*The Project proposes non-residential uses within buildings with frontage on California Street, as allowed in the 3333 California Street Special Use District (Planning Code Text and Map Amendment Ordinance (Board File No. 190884). At the time of entitlement, specific sizes for non-residential uses are unknown. However, under the 3333 California Street SUD, (Planning Code Text Amendment and Map Ordinance in Board File No. 190844), use size controls for non-residential uses would be subject to the use controls of the NC-S Zoning District, with conditional use authorization required to establish any non-residential use above 6,000 square feet.*



- C. **Floor Area Ratio (Sections 123, 124, and 713).** The Planning Code establishes a basic floor area ratio (FAR) of 1.8:1 for non-residential uses within the NC-S Zoning District.

*The Site is 447,361 square feet in size. Therefore, up to 805,250 gsf of non-residential uses is permitted under the basic FAR limit. The Project proposes 34,496 gsf of non-residential uses within buildings with frontage on California Street, resulting in an FAR of 0.08:1, well below the maximum allowable FAR of 1.8:1. Therefore, the Project complies with Sections 123, 124 and 713.*

- D. **Front Setback Areas (Section 132).** The Planning Code requires that new developments in RM-1 Districts provide front setbacks where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley. If situated on a corner lot, the owner may elect which street or alley to designate as the front of the property.

*As a corner lot, as defined by the Code, the Project Sponsor elects Laurel Street as the front of the Site, for purposes of establishing the Front Setback Area. (Of the Site's five street frontages, Laurel Street represents the longest linear frontage.) Given there are no adjacent buildings along the Laurel Street frontage separated from the subject lot, the Project is therefore not subject to the Front Setback requirements of the Code.*

- E. **Rear Yard (Section 134(a)(2)).** The Planning Code requires that the Project provide a rear yard equal to 45 percent of the lot depth, or, the average of adjacent properties. If averaged, no less than 25 percent of lot depth or 15 feet, whichever is greater.

*The Project does not provide a rear yard conforming to the strict requirements specified in the Code, and is therefore seeking a modification of section 134(a)(2) through the Planned Unit Development (PUD) process, pursuant to Section 304 (see Section No. 8 for additional findings).*

- F. **Useable Open Space (Section 135).** The Planning Code requires that a minimum of 100 square feet of private usable open space, or 133 square feet of common usable open space be provided for Dwelling Units in RM-1 Zoning Districts. The area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

*In the 3333 California Street SUD, Planning Code Section 249.86, useable open space has been designated on an SUD-wide basis (Planning Code Text and Map Ordinance (Board File No. 190844).) Accordingly, compliance with usable open space requirements for any building in the SUD shall be evaluated on a project-wide basis and for consistency with the terms of the Development Agreement (Board File No. 190845).*

*The Project would provide private useable open space for 117 of the 744 Dwelling Units, therefore 11,700 square feet (sf) of private open space and 83,391 sf of common open space would be required. The Project satisfies this requirement by providing 11,700 sf of private usable open and 29,570 sf of common useable open space within the eight of the proposed buildings. The Project provides 54,470 sf of additional*



*common useable open space: Cypress Square + Eastern Mayfair Walk (24,780 sf); Lower Walnut Walk (14,950 sf); California Plaza (4,290 sf); and The Overlook (10,450 sf). This additional common useable open space fully satisfies the total amount of common usable open space required by Code. Additionally, the Project provides 70,756 sf of privately-owned, publicly-accessible open space that provides a benefit to both future residents of the Project as well as the General Public. On the whole, the Project provides a combination of private and common useable open space that meets the requirements of the Code, Therefore, the Project complies with Sections 135 and 249.86.*

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

*The Project includes bay windows that exceed the dimensional limits allowed per Code and is therefore seeking a modification of section 136 through the Planned Unit Development (PUD) process, pursuant to Section 304 (see Section No. 8 for additional findings).*

- H. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires that additions of Gross Floor Area equal to 20 percent or more to an existing building provide streetscape improvements consistent with the Better Streets Plan.

*The Project would include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site including Presidio, Masonic, and Euclid Avenues, as well as Laurel Street, and Mayfair Drive. These physical improvements meet the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk widening; enhanced paving; installation of new street trees and street lighting on various adjacent public rights-of-way.*

*A key element of the Project's public improvements includes the reconfiguration of existing traffic slip lanes at the intersections of Presidio Avenue and Pine Street/Masonic Avenue and at Masonic and Euclid Avenues. These public improvements consist of bulb outs and other sidewalk improvements where two separate slip lanes are currently located. With the public improvements, the slip lane areas will remain publicly accessible, but will no longer be accessible to motorized vehicles. The Project public improvements that would be constructed in the expanded public sidewalk would require a sidewalk width change approval from the Department of Public Works. Installation of both the slip lane reconfiguration and the sidewalk expansion would be subject to a Street Improvement Permit issued by the Department of Public Works, all of these actions would be implemented through the major encroachment permit described below*

*Certain Project streetscape improvements include enhanced paving and landscaping where the Project's pedestrian pathways meet the public sidewalk. These improvements require a major encroachment permit from the Department of Public Works that is subject to Board of Supervisors approval. The encroachment permit imposes long-term maintenance responsibility and liability for these improvements on the Project Sponsor.*

*Related to encroachments onto or over sidewalks, the Project proposes a total of 6 curb cuts, or vehicular access points (ingress and/or egress) to the Site (5 driveways accessing the Site from public rights-of-way and the privately-owned Walnut Street extension, extending southerly from California Street). The vehicular access plan was carefully reviewed by City staff, including, but not limited to, representatives from Planning, Public Works, and the Municipal Transportation Agency. All of the off-street parking and freight loading locations are completely enclosed and the driveway widths were reduced to minimum amounts required to accommodate safe and efficient vehicle circulation so as to preserve the pedestrian character of the district. Therefore, the Project is consistent with the Better Streets Plan and complies with Section 138.1*

- I. **Standards for Bird-Safe Buildings (Section 139).** The Planning Code outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The Site is not located in close proximity to an Urban Bird Refuge as defined in Section 139. As such, the Project will include feature-related standards. Therefore, the Project complies with Section 139.*

- J. **Dwelling Unit Exposure (Section 140).** The Planning Code requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Project includes Dwelling Units that do not face onto an open area as defined by the Code, and is therefore seeking a modification through the Planned Unit Development (PUD) process, pursuant to Section 304 (see Section No. 8 for additional findings).*

- K. **Street Frontages (Section 144).** The Planning Code restricts entrances to off-street parking to no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line; but in no case less than 10 feet or more than 20 feet. Where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet.

*The Project proposes a total of seven entrances to off-street parking, with entrances ranging between 12-feet and 20-feet wide, as allowed by Code. Along the Presidio Avenue frontage, the Project provides a 15-foot entrance for off-street parking, and a 20-foot entrance for off-street freight loading, separated by seven feet, as allowed by Code. Therefore, the Project complies with Section 144.*

- L. **Moderation of Street Fronts (Section 144.1).** The Planning Code requires that new dwellings within the RM-1 and RM-2 Districts be compatible with the established mixture of houses and apartment buildings in terms of apparent building width, requiring that on wider lots the front of the building be divided visually into narrower segments, according to the predominant existing scale in such areas.

*As a corner lot, as defined by the Code, the Project Sponsor elects Laurel Street as the front of the Site. As such, the Project's Laurel Street frontage is subject to the provisions of Section 144.1. The Project includes three sets of buildings fronting Laurel Street: The Plaza A building, the Mayfair building, and the seven Laurel Duplex buildings. Each of the three sets of buildings provide variations in the horizontal depth of the front building walls by creating an organized rhythm of projections and notches ranging between 2 feet and 13 feet along the front building walls of each of the buildings, at intervals of not more than 35 feet. Therefore, the Project complies with Section 144.1.*

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

*The Project would provide a total 847 off-street accessory parking spaces. For residential uses, up to 1.5 spaces per Dwelling Unit is permitted as accessory. With 744 Dwelling Units, up to 1,116 parking spaces would be allowed per Code. The Project proposes 744 parking spaces (a ratio of 1 parking space per Dwelling Unit), which, is within the maximum amount permitted by Code. For non-residential uses, the Planning Code permits off-street parking as accessory in the following amounts: up to 53 spaces would for Retail Sales and Service Uses; 78 spaces for Eating and Drinking Uses (food and beverage retail uses); and 11 spaces for Child Care Facility Use.*

*The DEIR (p. 4.C.80) identifies a required Mitigation Measure ("M-TR-2: Reduce Retail Parking Supply") to lessen the impact of the proposed Project's or Project Variant's parking supply for retail uses to less-than-significant levels. The Mitigation Measure limits parking for Retail Sales and Service Uses to 2.14 spaces per 1,000 gross square feet. Pursuant to Mitigation Measure M-TR-2, the Project is limited to a total of 74 off-street parking spaces for all retail uses. The Project proposes a total of 74 spaces for all retail uses.*

*For Child Care Facility Use, the Project proposes 29 spaces where 11 are permitted by Code as accessory. Therefore, the Project requires legislation to permit parking for Child Care Facility Use in an amount greater than is otherwise permitted by Code. Through a Planning Code Text and Map Ordinance (Board File No. 190844), the Planning Code would be amended to add Section 249.86, creating the 3333 California Street Special Use District. The Ordinance would allow off-street parking for any Child Care Facility Use at a rate of 1.5 spaces for each 9 children who could be accommodated in the Child Care Facility under the applicable child care licensing requirements at any one time. The Project proposes 29 off-street spaces for the Child Care Facility where 29 would be allowed under the Ordinance. Therefore, the Project complies with Section 151.1.*

- N. Off-Street Freight Loading (Section 152).** The Planning Code requires certain amounts of off-street freight loading space based on the type and size of uses in a project.

*The Project would provide a total of six off-street loading spaces where five are required by Code (the additional space provide as accessory). Three of the loading spaces would be located within the Walnut*

*Building (accessible from Presidio Avenue), and the other three loading spaces would be located within the Masonic Building (accessible from Masonic Avenue). Therefore, the Project complies with Section 152.*

- O. **General Standards of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155).** The Planning Code establishes general standards as to location and arrangement for required off-street parking and freight loading facilities.

*The Project would include both off-street parking and freight loading spaces not necessarily on the same lot as the use served after the proposed subdivisions of the Site, and is therefore seeking a modification through the Planned Unit Development (PUD) process, pursuant to Section 304 (see Section No. 8 for additional findings).*

- P. **Bicycle Parking (Sections 155.1, 155.2).** The Planning Code establishes bicycle parking requirements for new developments, depending on use. A Class 1 space is located in a secure, weather-protected facility and intended for long-term use by residents and employees. A Class 2 space is located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

*The Project includes 762 Class 1 and 77 Class 2 bicycle parking spaces (where 274 Class 1 and 69 Class 2 spaces are required by Code). The Class 1 bicycle parking spaces will be provided within each building, located within a secure, weather-projected facility, with independent access meeting the dimensional requirements of the Code. The Class 2 bicycle parking spaces would be located along each of the five street frontages encompassing the Site, near all main pedestrian entries to the uses (residential or non-residential) to which they are accessory. Therefore, the Project complies with Sections 155.1 and 155.2.*

- Q. **Shower Facilities and Lockers (Section 155.4).** The Planning Code requires shower facilities and lockers for Non-Retail Sales and Service Uses in the following amounts: two showers and 12 clothes lockers where the Occupied Floor Area exceeds 20,000 square feet but is no greater than 50,000 square feet, and four showers and 24 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.

*The Project includes less than 50,000 square feet of non-residential uses and thus a total of 2 showers 12 lockers are required per Code. The Project would provide one shower and six lockers within each of the Plaza B and Walnut buildings. Therefore, the Project complies with Section 155.4.*

- R. **Car Sharing (Section 166).** The Planning Code establishes requirements for new developments to provide off-street parking spaces for car-sharing services. The number of spaces depends on the amount and type of residential or office use. The car-share spaces must be made available to a certified car-share organization at the building site or within 800 feet.

*The Project includes 10 car share spaces on the Site for both the residential and non-residential uses where 10 are required by Code. Therefore, the Project complies with Section 166.*



- S. **Unbundled Parking (Section 167).** The Planning Code requires all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more, or in new conversions of non-residential buildings to residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.

*The Project will lease or sell all accessory off-street parking spaces separately from the rental or purchase fees for dwelling units for the life of the Dwelling Units. Therefore, the Project complies with Section 167.*

- T. **Transportation Demand Management (TDM) Plan (Section 169).** The Planning Code requires applicable projects to finalize a TDM Plan prior Planning Department approval of the first building permit or site permit.

*The Project Sponsor submitted a completed Environmental Evaluation Application prior to July 14, 2016. Therefore, under Planning Code section 169, the Project must achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 39 points (50% of 78).*

*The Developer shall implement a site-specific Transportation Demand Management Plan included as part of a Development Agreement (Board File No. 190845). While the Project would be subject to Planning Code Section 169.3(e)(1) and required to implement a minimum of 50% of the applicable target points, the Project Sponsor commits through the Development Agreement, to be subject to Planning Code Section 169.3(e)(2) and to implement 75% of applicable target points, resulting in a target of 59 points (75% of 78). Otherwise, the Project remains subject to all of the provisions of Planning Code Section 169 et seq. Therefore, the Project complies with Section 169.*

*As currently proposed, the Project will achieve 59 points through the following TDM measures:*

- Improve Walking Conditions (Option A)
- Bicycle Parking (Option C)
- Showers and Lockers
- Bicycle Repair Station
- Bicycle Maintenance Services
- Fleet of Bicycles
- Car Share Parking (Option B)
- Delivery Supportive Amenities
- Provide Delivery Services
- Family TDM Amenities (Options A + B)
- On-site Childcare
- Multimodal Wayfinding Signage
- Real Time Transportation Information Displays
- Tailored Transportation Marketing Services (Option C)
- On-site Affordable Housing (Option B)
- Unbundled Parking (Option D)

- Parking Pricing

- U. **Compliance with Special Restrictions (Section 174).** In 1952, the Commission adopted Resolution 4109 which approved a rezoning of the subject property to a First Residential District and included additional stipulations subject to future development of the Site. The Site has subsequently undergone additional rezoning, as it is now within an RM-1 District. However, the stipulations of future development as outlined in Resolution 4109 continue to apply, absent modification per Planning Code Section 174.

*Through a proposed Planning Code Text and Map Ordinance (Board File No. 190844), Commission Resolution No. 4109, and all related conditions, stipulations, special restrictions, and other limitations imposed in connection with Resolution No. 4109 will no longer apply and will be extinguished effective the date of the Ordinance.*

- V. **Residential Density (Sections 207, 209.2, 304).** The Planning Code regulates residential density by zoning district. Within the RM-1 Zoning District, up to 3 units per lot or up to one dwelling unit per 800 square feet of lot area is permitted.

*The Project proposes a residential density that exceeds what is permitted within the RM-1 Zoning District. Therefore, the Project seeks a modification through the Planned Unit Development (PUD) process, pursuant to Section 304 (see Section No. 8 for additional findings).*

- W. **Dwelling Unit Mix (Section 207.7).** The Planning Code requires that no less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms and that no less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three-bedroom requirement may also count towards the requirement for units with two or more bedrooms

*The Project would meet the dwelling unit mix requirement on a site-wide basis, as opposed to an individual building basis, with one-bedroom, two-bedroom, and three-bedroom units distributed across the Site, while the Plaza A building would contain the majority of the studio units, and the Laurel Duplexes would contain the majority of the four-bedroom units. The Project will provide the following dwelling unit mix: 27 studio units (3%); 392 one-bedroom units (53%), 195 two-bedroom units (26%), 103 three-bedroom units (14%); and 27 four-bedroom units (4%). With 44% of the dwelling units containing at least two bedrooms, the Project exceeds the dwelling unit mix requirement. Therefore, the Project complies with Section 207.7.*

- X. **Height (Sections 260 and 261).** Planning Code requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height.

*Given the Project proposes both new structures and alterations to an existing legal, nonconforming building that would otherwise exceed the heights established by the underlying Height and Bulk District, the Project requires relief from the Code. Through a proposed Planning Code Text and Map Ordinance (Board File No. 190844), the Site's underlying Height and Bulk District is 40-X, 45-X, 67-X, 80-X, and 92-X, accommodating the maximum height of each of the 13 buildings, as proposed by the Project. The Project seeks a modification through the Planned Unit Development (PUD) process, pursuant to Section 304, for minor deviations from the provisions for measurement of height in Sections 260 and 261 (see Section No. 8 for additional findings).*

- Y. Shadows on Parks (Section 295).** The Planning Code requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

*The Planning Department prepared an initial shadow fan that indicated the proposed Project may cast a shadow on either Laurel Hill Playground, or Presidio Heights Playground, both of which are properties under the jurisdiction of the San Francisco Recreation and Park Department ("Recreation and Park Department"). A detailed shadow analysis was performed by a qualified consultant that indicated the Project would not cast any new shadow on either Laurel Hill Playground or Presidio Heights Playground, nor any other open space under the jurisdiction of Section 295. As such, a No Impact Letter was issued on August 7, 2019.*

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

*The Project will comply with Section 411A.*

- AA. Jobs Housing Linkage Fee (Section 413).** Section 413 shall apply to any project that increases by 25,000 or more gross square feet the total amount of any combination of the following uses; entertainment, hotel, Integrated PDR, office, research and development, retail, and/or Small Enterprise Workspace.

*The Project will comply with Section 413.*

- BB. Child Care Requirement for Residential Projects (Section 414A).** Section 414A shall apply to any residential development project that results in at least one net new residential unit.

*Under the requirements of section 249.86 (3333 California Street Special Use District, Board File No. 190844), the provisions of Section 414A do not apply to the Project so long as the Development Agreement is in effect. Instead, the Development Agreement (Board File No. 190845) stipulates that the Project provide a 14,665 square-foot child care facility, including an outdoor activity area, capable*

*of accommodating at least 175 children, with 10% of the maximum number of permitted slots to be provided to children in low-income households.*

**CC. Inclusionary Affordable Housing Program (Section 415).** The Planning Code sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units.

*Under the provisions of Planning Code Section 249.86, (3333 California Street Special Use District, Board File No. 190844), the provisions of Section 415 do not apply to the Project for as long as the Development Agreement is in effect. The Development Agreement (Board File No. 190845) outlines terms for the Project's affordable inclusionary housing provisions. At buildout, 25% of the Project's units will be deed-restricted, on-site affordable units designated for low-income senior households with incomes below 80% of Area Median Income (AMI), with an overall average of not more than 59% of AMI, as established by the Mayor's Office of Housing and Community Development (MOHCD). These affordable units will be located within the Walnut Building and consist of 185 studio and 1-bedroom units for seniors plus 1 on-site manager's unit.*

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

*The Project is necessary and desirable in that it will create a new mixed-used infill development within the Laurel Heights neighborhood at a scale that appropriately preserves the diversity and vitality of the neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities with no displacement of any existing residential uses. The size and intensity of the proposed development is consistent with the policies and objectives of the General Plan and is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities, including privately-owned, publicly-accessible open space, retail uses, and a child care facility, that will contribute to the character of the surrounding neighborhood. The pedestrian pathways (Mayfair and Walnut Walk) will open and connect the Site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the Site. The Project would revitalize an underutilized development lot that is predominately occupied by surface parking lots, driveways, and a large, existing legal nonconforming structure containing existing non-complying non-residential uses (office use). The Project would introduce new residential uses across the entirety of the Site, with retail and childcare uses contained within structures fronting California Street. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses.*



*Above all, housing is a top priority for the City and County of San Francisco and the Project would maximize residential density on the Site through approvals as a Planned Unit Development (PUD).*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

*The Project is an infill development that replaces existing buildings and surface parking lots with a new mixed-use development that is on balance consistent with the General Plan. The Site is substantial in size at approximately 447,000 square feet (or roughly 10.25 acres). The Project maximizes residential density while also introducing new pedestrian connections, hard- and soft-scape open space, and allowing for a scale of development that is consistent with existing and proposed development in the area. The overall site plan, along with the design of each building, has been carefully crafted to allow for a consistent street wall and active ground floor spaces along California Street, with an appropriate variation in building design, texture and scale. The arrangement and sculpting of buildings is also designed to frame the network of pedestrian and visual pathways through the site and to its major open spaces, creating a sense of permeability and connectivity with the surrounding neighborhood.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Project has been designed to provide improved pedestrian and vehicular connections to the Site, as well as new pedestrian connections through the Site. Sufficient off-street parking, including for both the retail uses and child care facility, would be provided in underground parking garages, which would be appropriately accessed from the Walnut Street extension, Presidio Avenue, and Laurel Street.*

*The Project includes a total of six off-street loading spaces, two on-street commercial loading zones (on California Street), three on-street passenger loading zones (on Masonic Avenue, Euclid Avenue, and Laurel Street), and approximately 74 on-street public parking spaces. On-street freight and passenger loading zones are strategically placed nearest building entrances, with freight loading supporting the retail and non-residential uses along California Street.*

*The proposed Project also includes a TDM program in compliance with the TDM Ordinance and TDM Program Standards, and includes 10 car share parking spaces as required by Planning Code Section 166, as well as ample bicycle parking. Accessibility and traffic patterns, the type and volume of traffic, and the proposed off-street parking and loading are all discussed in additional detail in*

*Project's Transportation Impact Study and other Project CEQA documents on file with the Planning Department. The Project is in close proximity to numerous public transit options, with various bus routes along California Street, and nearby along both the Geary Avenue and Sacramento Street commercial corridors.*

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

*The Project is primarily a residential development and therefore is not anticipated to create any noxious or offensive emissions or odors. The Project sponsor will comply with the City's standard construction-related conditions designed to minimize temporary dust impacts during the construction period. All potential Project impacts on noise, glare, and dust are discussed in the Project's FEIR, including the MMRP. In light of the nature of the development, applicable Code requirements and standard conditions of approval, and the conclusions reached in the Project's FEIR on file with the Planning Department, no noxious or offensive emissions such as noise, glare, dust, and odor are expected.*

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

*The Project will create a series of privately-owned, publicly-accessible new north/south and east/west pedestrian connections across the Site, including substantial new landscaping around and throughout the Site, and major new privately-owned, publicly-accessible open space. The open space plan and landscape design includes features such as plaza and garden elements, and over 300 new trees (including new and replacement trees). Lighting and signage will be incorporated as the Project design progresses, and will comply with applicable Code requirements. These and other Project elements will be consistent with the City's Better Streets Program.*

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

*The Project will generally comply with the provisions of the Planning Code, as amended in Board File No. 190844 and with the Development Agreement (Board File No. 190845). The Project will be, on balance, consistent with the General Plan, particularly with plans and policies related to locating dwelling unit density near transportation, creating new housing, including affordable/supportive housing, providing new publicly-accessible private open space, creating new pedestrian connections to and through the neighborhood, and implementing streetscape improvements. Further, the Project seeks a number of modifications to the requirements of the Code through the PUD process. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested modifications,*

*and compliance with the PUD criteria and consistency with the General Plan are discussed under Section No. 8 and incorporated here by reference.*

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

*The Project is consistent with the stated purpose of RM-1 Zoning District and the 3333 California Street Special Use District. RM-1 Zoning Districts, as described in Section 209.2, contain a mixture of the dwelling types that broaden the range of unit sizes and the variety of structures, outdoor space at ground and upper levels regardless of form of structures, and non-residential uses to provide for the needs of residents. Shopping facilities and transit lines may be found within a short distance of these districts. On balance, the Project provides a range of unit sizes within a variety of structures, privately-owned, publicly-accessible open space, and retail uses to provide for the needs of residents. The site is located on and within walking distance of existing transit lines and located within walking distance of existing shopping facilities. The Project will include residential uses, and non-residential uses in a size that provides for the needs of residents.*

- E. The use or feature satisfies any criteria specific to the use or feature in Subsections (g), *et seq.* of this Section.

*On February 26, 2019, a resolution (Board File No. 190230) was introduced, imposing interim zoning controls for 18 months to require a Conditional Use Authorization for a change of use from a Child Care Facility to another use. Any consideration of a Conditional Use Authorization for a change of use from a Child Care Facility to another use shall take into account the following factors:*

- i. Any findings by the Office of Early Care and Education regarding the capacity of the existing Child Care Facility Use, the population served, and the nature and quality of services provided;

*The childcare facility currently located on the Site is operated by Bright Horizons, a national provider of childcare services. According to information on file with the Office of Early Care and Education, the existing facility is licensed for a total of 129 children, with an infant license for 42 children and a preschool license for 87 children. In addition, the Office believes that the existing facility has what is known as a 'Toddler Option' in order to also serve toddlers. However, the toddler license does not increase the total licensed capacity of 129. The existing facility is a National Association for the Education of Young Children (NAEYC) accredited program, which, is a nationally-recognized measure of early education quality.*

- ii. The impact of the change of use on the neighborhood and community;

*The Project proposes to replace the existing childcare facility with a new childcare facility with capacity to serve approximately 175 children under current licensing requirements. While there*

*may be a period of time during which the existing facility has ceased operations and the new facility is under construction, the Development Agreement (Board File No. 190845) requires the facility to be built as part of construction of the Walnut Building.*

*In addition, Bright Horizons will be opening a new childcare facility in the City Center project on Geary and Masonic that will accommodate the children who are enrolled at the existing facility. Because it is located on what is currently a UCSF campus property, the existing Bright Horizons facility gives preference to UCSF families, regardless of whether they live in the neighborhood. Pursuant to the Development Agreement (Board File No. 190845), the new childcare facility will be open to the general public. As such, it will result in expanded access to childcare for the neighborhood.*

- iii. Whether there are sufficient licensed child care slots available within a one-mile radius of the site; and

*According to the Office of Early Care and Education, there are 19 licensed child care centers and 26 Family Child Care homes in the 94118 Zip Code's geographic area.*

- iv. Whether the Child Care Facility Use to be converted will be relocated or replaced.

*The Project proposes to provide a new childcare facility with capacity to serve approximately 175 children under current licensing requirements. Bright Horizons, which operates the existing facility, anticipates opening a new childcare facility in the City Center project on Geary and Masonic.*

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

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

- i. **Rear Yard (Section 134):** *The Project does not provide a code-complying rear yard. As such, the Project is seeking a modification of the rear yard requirement defined in Planning Code Section 134. The Commission finds this modification warranted, since the Project provides for a comparable amount of open space accessible to residents of the development, in lieu of the required rear yard.*



*The Site encompasses nearly the entirety of Block 1032, fronting several streets, with no existing pattern of mid-block open space since the majority of the Site is currently occupied by existing buildings and surface parking lots. As such, the Site is not configured in a manner that adheres to (or necessarily benefits from) the traditional rear yard requirements of the Code. The Project would improve existing conditions by creating new connections to the surrounding street grid and providing new open space through a series of private and public open spaces and landscaped areas, including private usable open space (residential), common usable open space, privately-owned, publicly-accessible open space, private open space for the child care facility, and other open areas (e.g., inner and outer courtyards).*

*On the whole, the Project would provide 52 percent of the overall lot area (approximately 233,000 square feet) as grade-level open area, some of which would be privately-owned, publicly-accessible public open space and some of which would be private open space exclusively for residents. The Project would include streetscape improvements and a total of approximately 125,000 square feet (or roughly 2.88 acres) of privately-owned, publicly-accessible landscaped open space with multi-purpose plazas, lawns, and pathways.*

- ii. **Permitted Obstructions (Section 136):** *The Project includes bay windows that exceed the dimensional limits allowed per Code. As such, the Project is seeking a modification of the permitted obstructions requirements defined in Planning Code Section 136. The Commission finds this modification warranted, since the Project, in an attempt to improve the overall visual interest of the buildings, provides a varied bay window design within each of the buildings.*

*The Project includes bay windows within the Plaza B building on floors 1 through 4 that would not meet the strict requirements of the Code Sectioning governing permitted obstructions. The Project, in an attempt to improve the overall visual interest of the building through a varied bay window design, is providing five bay windows, ranging between 12'-0" to 19'-8", all of which exceed the nine-foot linear allowance per Code.*

- iii. **Dwelling Unit Exposure (Section 140):** *The Project includes Dwelling Units that do not face onto an open area as defined by the Code. As such, the Project is seeking a modification of the dwelling unit exposure requirements defined in Planning Code Section 140. The Commission finds this modification warranted, since the Project has been designed in a manner that the majority of the units (97%) meet the requirements for dwelling unit exposure.*

*The Project has been designed to maximize dwelling unit exposure along street frontages, inner courts and/or open spaces between buildings that meet the strict requirements of the Code. Of the 744 Dwelling Units proposed, only 21 Dwelling Units (or approximately 3 percent of the total unit count) would not comply with the strict dimensional requirements of the Code.*

- iv. **General Standards of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155). (Sections 155):** *The Project would include both off-street parking and*

*freight loading spaces not necessarily on the same lot as the use served after the proposed subdivisions of the Site. As such, the Project is seeking a modification of the general standards of off-street parking and freight loading requirements defined in Planning Code Section 155. The Commission finds this modification warranted, since the Project provides sufficient off-street parking and freight loading for the uses served within enclosed garages with the minimum number of access points as is necessary as to reduce the total number of curb cuts on the Site.*

*Pursuant to Section 155(a), required off-street parking and freight loading shall be located on the same lot as the use(s) served. While the Project is compliant with the amount of provided accessory off-street parking and required freight loading, the locations of both the off-street parking and freight loading spaces would not necessarily be provided on the same lot as the use served after the proposed subdivisions of the Site. The proposed site plan for four below-grade garages allows connection between garages, thereby reducing unnecessary on-street vehicular circulation around the Site.*

- v. **Dwelling Unit Density (Sections 207, 209.3):** *The Project includes residential uses with a total of 744 Dwelling Units, exceeding the number of units permitted within the RM-1 Zoning District. As such, the Project is seeking a modification of the dwelling unit density limits as defined in Planning Code Sections 207 and 209.3. The Commission finds this modification warranted, since the Project would provide much-needed housing, with a range of unit types, including the provision of senior affordable housing units.*
  
- vi. **Measurement of Height (Section 260):** *The Project includes proposed amendments to the underlying Height and Bulk Districts of 40-X, 45-X, 67-X, 80-X, and 92-X, as amended in the Zoning Map Ordinance (Board File No. 190844). The Project proposes both new structures and alterations to an existing nonconforming building that would otherwise exceed the heights established by the underlying Height and Bulk District. As such, the Project is seeking minor deviations from the provisions for measurement of height in Sections 260 and 261 for each of the proposed new and adapted buildings on the Site. The Commission finds this modification warranted, given the Site's unique configuration and the desire to maximize residential density at the Site. With the proposed height and bulk district amendments in Board File No. 190844, and the deviations from the provisions for measuring height, the maximum height of each of the 13 buildings would be accommodated.*

*The Site's topography varies significantly across the Site generally upsloping from east to west, and from north to south, with an approximately 67-foot total difference in elevation across the Site. The Site contains two existing buildings, the largest of which (Center Office Building), at 52'-10" tall, is deemed a legal, noncomplying structure pursuant to Code Section 180. The Project proposes an adaptive reuse of the Center Office Building, and the construction of 13 new buildings on the Site. The proposed heights of each of the buildings contained within the Project are as follows: the Mayfair, Laurel Duplexes (seven individual buildings), Euclid, and Masonic buildings, each reaching a maximum height of 40 feet; the Plaza A and Plaza B Buildings, each reaching a maximum*

height of 45 feet; the Walnut Building reaching a maximum height of 67 feet; the Center Building A reaching a maximum height of 80 feet, and the Center Building B reaching a height of 92 feet. The Project proposed minor deviations from the provisions for measurement of height in Sections 260 and 261 for each of the proposed new and adapted buildings on the Site as follows:

Plaza A Building: The Plaza A Building fronts both Laurel Street and California Street. As such, the Project utilizes Laurel Street for the purposes of measuring height, pursuant to Section 260(a)(1)(D). Laurel Street has a slope of less than 5% and thus is measured at the midpoint of the frontage at existing curb. The measurement from Laurel Street is down-sloping and is carried to the line equidistant between Laurel Street and the Walnut Street Extension. The measurement is taken to 45 feet, to allow an additional 5 feet to accommodate adequate retail floor-to-floor heights.

Plaza B Building: The majority of the Plaza B Building is measured from the Walnut Street Extension per Section 260(a)(1)(B). A small portion of the NW corner is measured in the same manner as the Plaza A Building. The slope of Walnut Street varies, with the southern portion under 5% and the portion closer to California requiring stepping. Pursuant to Section 260(a)(3), the portion closer to California Street is measured in 55-ft segments. Measuring from the Walnut Street Extension is up-sloping and complies with Section 260(a)(1)(C), with the first 10-ft measured from the centerline of the segment at new curb, thereafter measured at the average of new grades on either side of the section. The measurement is taken to 45 feet, to allow an additional 5 feet to accommodate adequate retail floor-to-floor heights.

Walnut Building: The Walnut Building fronts California Street, Walnut Street Extension and Presidio Streets. For the western portions of the building the Project elects to measure down-sloping from the Walnut Street Extension per Section 260(a)(1)(D). The slope of the Walnut Street Extension varies, with the southern portion under 5% and the portion closer to California Street requiring stepping. Per Table 260 the portion closer to California Street is measured in 55-foot segments. The measurement from the Walnut Street Extension is down-sloping and is carried to the line equidistant between Walnut Street and Presidio Avenue. The eastern portions of the Walnut building is measured up-sloping from Presidio Avenue per Section 260(a)(1)(B). The slope of Presidio Avenue is less than 5% and is therefore measured at the midpoint of the frontage. Measuring from Presidio Avenue is up-sloping and complies with Section 260(a)(1)(C), with the first 10-ft measured from the centerline of frontage at existing curb, thereafter measured from the average of new grades on either side of the building. The measurement is taken to 67 feet, to accommodate adequate retail floor-to-floor heights, in addition to the additional floors accommodating the affordable housing building that will have 185 senior units and 1 on-site manager's unit, as proposed under the EIR Variant.

Euclid Building: The Euclid Building fronts onto Euclid Avenue and Walnut Walk. This area is measured from Euclid Avenue per Section 260(a)(1)(D). This site is up-sloping and is therefore measured per Section 260(a)(1)(C). Since Euclid Avenue slopes at 10%, the allowable height is measured at multiple cross-sections perpendicular to the building, taken at a maximum of 65-foot



increments per Table 260. Each of the given reference points is derived from the existing grade at each cross-section, to arrive at the allowable height for points along that cross section.

Laurel Duplexes: The Laurel Duplexes front onto Laurel Street, and the heights of the buildings are measured from Laurel Street. This area of the Site is up-sloping and is therefore measured per Section 260(a)(1)(C). Since Laurel Street slopes at 7%, the allowable height is measured at a cross-section perpendicular to the building, taken at the centerline of each duplex and no more than 65-foot apart per Table 260. Each of the given reference points is derived from the existing grade at each cross-section to arrive at the allowable height for points along that cross section.

Mayfair Building: The Mayfair Building fronts onto Laurel Street, and the height of the building is measured from Laurel Street. This site is up-sloping and is therefore measured per Section 260(a)(1)(C). Since Laurel Street slopes at 7%, the allowable height is measured at a cross-section perpendicular to the building, taken at the centerline of each building step and no more than 65-foot apart per Table 260. Each of the given reference points is derived from the existing grade at each cross-section, to arrive at the allowable height for points along that cross section.

Center Buildings A and B: The measurement of height for the adapted Center Buildings A and B is the same process as the measurement of height of the existing, single Center Office Building, as taken from Laurel Street. As measured from Laurel Street, the existing Center Office Building is 52'-10" tall; as such, the structure is deemed an existing legal, noncomplying structure pursuant to Section 180. The Project would include the adaptive reuse of the Center Office Building for residential uses (as two separate buildings: Center Building A and Center Building B, linked by an above-grade pedestrian passage). For the adapted Center Building A, the measurement is taken to 80 feet, and for the adapted Center Building B, the measurement is taken to 92 feet, adding two and three floors to each building, respectively. The additional floors are necessary to accommodate the addition of 190 dwelling units between the two buildings, completing the adaptive reuse from a former office building into repurposed residential building.

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

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

*The Project promotes many of the objectives and policies of the various Elements of the General Plan, as discussed in greater detail below and incorporated here by reference.*

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



*The Project would provide sufficient off-street parking to adequately serve the residential and non-residential uses, with a maximum of 857 off-street vehicle parking spaces, inclusive of 10 car share spaces, which will accommodate the 744 residential units (including 185 senior housing units) as well as the retail and child care uses proposed.*

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

*The Project would contain approximately 52 percent of the overall lot area (approximately 233,000 square feet – excluding green roofs) as open area, with portions to be developed with a combination of privately-owned, publicly-accessible open space, common open space (some of which would be open to the public) and private open space for residents. The Project would include a total of 125,226 square feet (or 2.88 acres) of publicly-accessible landscaped open space with multi-purpose plazas, lawns, and pathways. The Project would provide 71,405 square feet of open space in excess of that required under Section 135 of the Code.*

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

*As the Site is located within the RM-1 Zoning District, the Site would be limited to a residential density equal to one fewer unit than what is permitted within the RM-2 Zoning District. With a modification of residential density as a PUD, with a site area of 447,361 square feet, the residential density on the Site would be limited to a maximum of 745 Dwelling Units. The Project proposes a total of 744 Dwelling Units, below the maximum allowed residential density as a PUD.*

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

*The Project would contain commercial uses along California Street that would serve residents of the immediate vicinity and would be subject to commercial use size and Formula Retail controls in the NC-S zoning district, as specified in section 249.86, the 3333 California Special Use District. SUD (Planning Code Text and Map Ordinance (Board File No. 190844)). Because each of the buildings along California Street would include commercial uses that are less than 6,000 feet, the retail uses would be smaller in scale and would therefore serve the immediate vicinity, and would not be expected to attract customers on a regional level.*

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

*The Project proposes both new structures and alterations to an existing nonconforming building that would otherwise exceed the heights established by the underlying Height and Bulk District, as modified by the Planning Code map ordinance in Board File No. 190844. As such, the Project is seeking minor deviations from the provisions for measurement of height in Sections 260 and 261 for each of the proposed new and adapted buildings on the Site.*

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

*Through a proposed Planning Code Text and Map Ordinance (Board File No. 190844), the Planning Code would be amended to add Section 249.86, creating the 3333 California Street Special Use District. However, the Site would remain within the RM-1 Zoning District. As such, the Site is not located within an NC Zoning District, as defined within Article 7 of the Code.*

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

*Not applicable since the Site is located within a RM-1 Zoning District.*

- 9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

*Not applicable since the Site is located within a RM-1 Zoning District.*

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

*In total, the Project would provide 88 street trees. The Project would replace the existing 15 street trees along California Street, with 31 new street trees along California Street. Along the Laurel Street, Euclid Avenue, and Masonic Avenue frontages, up to 57*

*additional new street trees would be planted. The Project would pay the in-lieu fee for any required street trees that could not be planted. If any underground utilities or other barriers prevent a street tree from being planted, the proposed Project would be consistent with the requirements of Section 138.1(c)(2)(C)(iii). Additionally, eleven (11) key trees located on the Site would be preserved.*

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

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

10. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan for the reasons as set forth below:

## **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 1.1**

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

#### **Policy 1.8**

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

#### **Policy 1.10**

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

#### **OBJECTIVE 4:**

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

#### **Policy 4.1**

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

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

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

**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.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

**Policy 12.1**

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

**Policy 12.2**

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

**Policy 12.3**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

Support "smart" regional growth that located new housing close to jobs and transit.

**Policy 13.3**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**OBJECTIVE 1**

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

**Policy 1.1**

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

**OBJECTIVE 3**

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

**Policy 3.2**

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



## GENERAL PLAN: TRANSPORTATION

### OBJECTIVE 2

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

#### Policy 2.1

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

#### Policy 2.5

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

### OBJECTIVE 23

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

#### Policy 23.1

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

## GENERAL PLAN: 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 1.2

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

#### Policy 1.3

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

#### Policy 1.7

Recognize the natural boundaries of districts, and promote connections between districts.

## GENERAL PLAN: RECREATION AND OPEN SPACE ELEMENT

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1**

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

*The Project would provide a mixed-used development with residential (including substantial new affordable housing), retail, and open space uses, leveraging the Site's location along transit corridors and allowing people to work and live within close proximity to transit, consistent with numerous Housing Element and Transportation Element policies that encourage residential and mixed-use development near transit. Furthermore, as detailed in the Development Agreement (Board File No. 190845), the Project exceeds the Planning Code's inclusionary affordable housing requirements, and will provide a 25% level of on-site affordable housing at Project buildout, fulfilling the Housing Element's objective of encouraging affordable housing.*

*The Site is located in a transit-rich location, within close proximity to various bus lines. Future residents can walk, bike, or access MUNI, or regional bus service from the Site. The Project includes a detailed, TDM program tailored to the Project uses, with various performance measures, monitoring and enforcement measures designed to incentivize use of transit and other alternatives to single occupancy vehicle trips. In addition, the Project's streetscape design would enhance vehicular, bicycle, and pedestrian access and connectivity through the site. The Project would be easily accessed by bicyclists and pedestrians. These Project attributes are consistent with numerous General Plan policies encouraging development that includes environmentally sustainable patterns of movement.*

*The Project would remove portions of—and re-develop the remainder of—a large-scale building and rest of the site with a series of smaller state-of-the-art buildings designed to be consistent with the neighborhood character and scale. The Project's high-quality architectural and landscape design encourages variety, compatibility with the surrounding context, and strong urban design with prominent corners. The Project would incorporate varying heights, massing, and scale, creating a strong, consistent streetwall along the various street frontages, consistent with the Urban Design Element's objective to emphasize the characteristic pattern which gives to the City and its neighborhoods an image, a sense of purpose, and a means of orientation. The Project has been designed to promote community interaction, both within the Project through common residential open space and with the broader community, through access to the privately-owned, publicly-accessible open space on the Site. The Project would also create new connections to the surrounding street grid, including new pedestrian connections, and other street and streetscape improvements.*

*The Project is located in an area that is well-served by retail and other neighborhood services, and would provide additional neighborhood-serving retail space along California Street. The Project would help meet the job creation goals, consistent with the Commerce and Industry Element, and as established in the City's Economic Development Strategy by generating new employment opportunities, and by providing expanded employment opportunities for City residents at varying employment levels both during and after construction. The*

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

*The Project would include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site including Presidio, Masonic, and Euclid Avenues, as well as Laurel Street, and Mayfair Drive, consistent with the Urban Design Element's goal to recognize, protect and reinforce the existing street pattern. These physical improvements also meet the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk widening; enhanced paving; installation of new street trees and street lighting on various adjacent public rights-of-way. These improvements require a major encroachment permit from the Department of Public Works that is subject to Board of Supervisors approval. The encroachment permit imposes long-term maintenance responsibility and liability for these improvements on the Project Sponsor.*

*On the whole, the Project would add a significant amount of housing to a site that is currently underutilized, well-served by existing and future transit, and is within walking distance of substantial goods and services. The Project would create appropriate residential density at a location that is well served by transit and would include substantial new on-site open space to support and activate the new active ground floor and open space uses in the proposed Project and to serve the broader neighborhood. The Project balances significant housing production with new and improved infrastructure and related public benefits, including an on-site child care facility.*

11. **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 would have a positive effect on existing neighborhood-serving retail uses because it would bring additional residents to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail.*

- 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 not negatively affect the existing housing and neighborhood character. The Project would not displace any housing given the existing building contains only non-residential uses (primarily office use). Like the neighborhoods surrounding the Site, which includes a variety of uses, such as single family homes, multi-unit apartment buildings, the Jewish Community Center, the Laurel Village Shopping Center, and the Muni bus storage yard, the Project is mixed-use and mixed-income, and would provide a range of improvements, housing, and services that would preserve the neighborhood's cultural*



*and economic diversity. It would include approximately 744 units, 185 units of which would be affordable units for seniors with 1 on-site manager's unit. The remaining (market rate) units would consist of a range of unit sizes to accommodate a diverse set of residents.*

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

*The Project would enhance the City's supply of affordable housing through its affordable housing commitments in the Development Agreement (Board File No. 190845), which will result in a total of 25% on-site affordable housing units.*

- 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 streets and neighborhood parking. The Project is at a location well-served by transit and future residents and employees of the Project could access the Site via existing MUNI transit service. The Project does not include any commercial office uses that would generate commuter traffic, and the Project includes sufficient off-street parking and a robust transportation program with an on-site Transportation Demand Management (TDM) program.*

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

*The Project does not include commercial office development, and does not displace any industrial or service uses. In addition, the proposed retail uses and other non-residential uses would provide future opportunities for resident employment and ownership in the service sector.*

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

*The Project includes substantial investment in upgrades to an existing building and construction of new buildings to comply with all current structure and seismic requirements under the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*There are no existing landmarked buildings on the Site. However, the Site, which is considered an historic resource for CEQA purposes and is listed in the California Register of Historic Resources, will be re-developed to include reuse of the existing Center Building and construction of 13 new buildings to accommodate 744 dwelling units, retail, child-care and parking along with significant landscaping and open space. The Project will comply with Mitigation Measure M-CR-1a, Documentation of Historical Resource, which requires the documenting and presenting of the site's history and character. In addition,*

*the Project will comply with Mitigation Measure M-CR-1b, Interpretation of the Historical Resource, which requires the sponsor to develop an interpretive program focused on the history of the Site.*

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

*The Site does not currently contain public parks or open spaces, and the Project would create major new privately-owned, publicly-accessible open spaces. The Project would not affect any of the City's existing parks or open space or their access to sunlight and vistas. The shadow diagrams prepared as part of the Project's CEQA review demonstrate that the Project would not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. The location, orientation and massing of structures on the Site has been designed to maximize solar access to the Project's open spaces, including the major new privately-owned, publicly-accessible open space. The current open space at the corner of Euclid Avenue and Mayfair Street will remain as part of the Project.*

12. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a first addendum to the site permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The First Source Hiring Program requirements are set forth in the Development Agreement. The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will comply with the applicable First Source Hiring Program requirements of the Development Agreement (Board File No. 190845).*

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

## DECISION

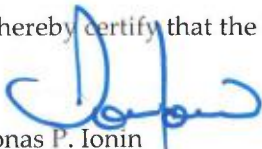
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-014028CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 20, 2019, 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 shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 5, 2019.

  
Jonas P. Ionin  
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: September 5, 2019



## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility, and to allow a **Planned Unit Development** with the requested modifications from the requirements of the Planning Code for: rear yard, permitted obstructions, dwelling unit exposure, standards for off-street parking and freight loading, dwelling unit density, and measurement of height, relating to a project that includes partial demolition of existing structures and adaptive reuse of a legal, noncomplying structure, and construction of a total of 13 new buildings containing residential and non-residential uses on the subject lot, located at 3333 California Street, within Lot 003 of Assessor's Block 1032, pursuant to Planning Code Sections 253, 303, and 304 within the RM-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **August 20, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2015-014028CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 5, 2019** under Motion No. **20516**. 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 **September 5, 2019** under Motion No. **20516**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20516** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid so long as the Development Agreement contained in Board of Supervisors File No. 190845 remains in effect.  
*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 expiration of earlier termination of the Development Agreement (Board File No. 190845), then 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.  
*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, unless such Code conflicts with the provisions of the Development Agreement (Board File No. 190845).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Additional Project Authorization.** The Project Sponsor must obtain an approval of a Planning Code Text and Map Ordinance (Board File No. 190844), giving effect to the 3333 California Street Mixed-Use Project. The Ordinance would amend the Planning Code to establish the 3333

California Street Special Use District (SUD) and make other conforming Code amendments. The Ordinance would specify development controls that apply to the SUD, allowing additional (non-residential) permitted uses along California Street; specifying parking for childcare use, affordable housing, and open space requirements; specifying director determination and discretionary review controls; and extinguishing City Planning Commission Resolution 4109. The Ordinance would also amend Zoning Maps SU03 and HT03, reclassifying the height and bulk designation of the site from 40-X Height and Bulk District to 40-X, 45-X, 67-X, 80-X, and 92-X Height and Bulk Districts. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The Project Sponsor must also obtain an approval of the Development Agreement in Board File No. 190845, giving effect to the Development Agreement regarding the 3333 California Street Mixed-Use Project.

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

7. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Improvement measures, also described in the MMRP attached as Exhibit C will further reduce the less-than-significant impacts of the Project and have been agreed to by the project sponsor. Implementation of both improvement measures and mitigation measures as to each building or component of the project is a condition of project approval.

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

## DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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



10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Streetscape Plan.** The Development Agreement (Board File No. 190845) provides for certain streetscape improvements to be constructed and dictates the timing of such construction. In addition, the Project Sponsor is seeking approval of a major encroachment permit in connection with certain proposed streetscape improvements located in the public right of way, including new and replacement street trees and trees to replace certain existing significant trees (MEP). Pursuant to the applicable provisions of the Development Agreement and the MEP, 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 construct all required street improvements, consistent with the applicable provisions of the Development Agreement and the MEP. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
13. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
14. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

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

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

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

15. **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)*

16. **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)*

17. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.

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

18. **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

19. **Transportation Demand Management (TDM) Program.** The Development Agreement (Board File No. 190845) provides the Project's TDM Plan. 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, all as more specifically set forth in the Development Agreement, which will be recorded in the Official Records of the Recorder of the City and County of San Francisco for the subject property.

*For information about compliance, contact the TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 415-558-6377, [www.sf-planning.org](http://www.sf-planning.org).*

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

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

21. **Car Share.** Pursuant to Planning Code Section 166, no fewer than 10 car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

22. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than a total of 274 Class 1 and 69 Class 2 bicycle parking spaces (261 Class 1 and 37 Class 2 bicycle parking spaces for the residential portion of the Project and 12 Class 1 and 32 Class 2 bicycle parking spaces for the non-residential portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior



to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code. The Project shall provide no fewer than as required by Planning Code Sections 155.1 and 155.2.

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

23. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than 2 showers and 12 clothes lockers.

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

24. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than 857 off-street parking spaces for all uses.

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

25. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide a minimum of 5 off-street loading spaces.

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

26. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

## PROVISIONS

27. **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)*

28. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program as set forth in the Development Agreement (Board File No. 190845). Following expiration or termination of the Development Agreement, the provisions of the Administrative Code Section 83 regarding development projects shall apply.

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

29. **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)*

30. **Jobs-Housing Linkage.** The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

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

31. **Residential Child Care Impact Fee.** In lieu of compliance with the Residential Child Care Impact Fee (Section 414A), the Project is subject to the applicable terms of the Development Agreement (Board File No. 190845).

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

32. **Inclusionary Affordable Housing Program.** In lieu of compliance with the Inclusionary Affordable Housing Program (Section 415), the Project is subject to the applicable terms of the Development Agreement (Board File No. 190845).

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

## MONITORING - AFTER ENTITLEMENT

33. **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)*

34. **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)*

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

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

## OPERATION

36. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

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

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

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

- C. 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)*

- D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.*

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

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

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

**ATTACHMENT D:  
PPA LETTER**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Preliminary Project Assessment

*Date:* Thursday, July 14, 2016  
*Case No.:* **2015-014028PPA**  
*Project Address:* 3333 California Street  
*Block/Lot:* 1032/003  
*Zoning:* RM-1 (Residential, Low-Density)  
40-X  
*Project Sponsor:* Don Bragg c/o Prado Group  
150 Post Street, Suite 320  
San Francisco, CA 94108  
415-857-9324  
*Staff Contact:* Brittany Bendix – 415-575-9114  
[Brittany.bendix@sfgov.org](mailto:Brittany.bendix@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### DISCLAIMERS:

This Preliminary Project Assessment (PPA) letter provides feedback to the project sponsor from the Planning Department regarding the proposed project described in the PPA application submitted on March 29, 2016, as summarized below. This PPA letter identifies Planning Department review requirements for the proposed project, including those related to environmental review, approvals, neighborhood notification and public outreach, the Planning Code, project design, and other general issues of concern for the project. Please be advised that the PPA application does not constitute an application for development with the Planning Department. The PPA letter also does not represent a complete review of the proposed project, does not grant a project approval of any kind, and does not in any way supersede any required Planning Department approvals listed below.

The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Public Works, the Municipal Transportation Agency, Department of Public Health, San Francisco Public Utilities Commission, and others. The information included herein is based on the PPA application and plans, the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

**PROJECT DESCRIPTION:**

The subject property is approximately 446,468 square feet and bounded by California Street, Presidio Avenue, Masonic Avenue, Euclid Avenue and Laurel Street. The site is within an RM-1 District and developed with an existing office building of approximately 450,000 square feet, an existing annex building of approximately 13,000 square feet, a parking garage containing 210 off-street parking spaces, and surface parking lots containing 330 off-street parking spaces. The proposed project will demolish the southern wing of the existing office building and divide the remaining 68.5 foot tall portion, located at the center of the site, into two separate structures, Building A and Building B. Interior renovations are proposed to adapt these two structures from office uses to residential uses and to accommodate vertical additions of two stories to Building A and three stories to Building B, for respective heights of approximately 81 feet and 92 feet. The project also includes new construction of the following: three four-story mixed use buildings on California Street (currently identified as 'Plaza A,' 'Plaza B,' and 'Walnut') with proposed heights of 45-feet; a four-story commercial office building on California Street and Presidio Avenue (identified as 'California and Presidio') with a proposed height of 45 feet, and seven townhomes with heights of 40 feet or less. Overall, the proposed project includes 558 dwelling units within 774,300 gross square feet of residential floor area, 59,915 gross square feet of commercial retail floor area, 49,999 gross square feet of office floor area, and 12,455 gross square feet of an entertainment use. Additionally, the project will dedicate fifty-two percent of the overall lot area to a combination of public and private open spaces.

The project proposes 885 off-street parking spaces and five loading spaces to accommodate the proposed uses. Three below grade parking garages will contain all of the off-street parking spaces and all five loading spaces. The project will relocate one existing curb cut on Laurel Street and one on Presidio Avenue, eliminate the second (southern) existing curb cut on Laurel Street, improve the existing curb cut on California Street, and provide a new curb cut on Masonic Avenue. Proposed access to the below-grade garages would be from Laurel Street, the Walnut Street extension, Presidio Avenue, and Masonic Avenue. The proposal also includes a lot line adjustment along the eastern boundary along Presidio and Masonic Avenues to accommodate streetscape improvements and to regularize the property's frontage on Presidio Avenue. Additional street improvements would include proposed sidewalk bulbouts at the intersection of California Street with Laurel and Walnut Streets, and at three locations along the Masonic Avenue frontage. Finally, to support the proposed development, the project proposes excavation of approximately 280,000 cubic yards of soil, ranging in depths of 7 to 40 feet below the existing grade. This proposed excavation will accommodate the proposed below grade parking structures, basement levels of proposed buildings and the overall terracing of the site.

**ENVIRONMENTAL REVIEW:**

In compliance with the California Environmental Quality Act (CEQA), the environmental review process must be completed before any project approval may be granted. This review may be done in conjunction with the required approvals listed below. In order to begin formal environmental review, please submit an **Environmental Evaluation Application (EEA)** for the full scope of the project. EEAs are available in

the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org) under the “Publications” tab. See “Environmental Applications” on page 2 of the current Fee Schedule for calculation of environmental application fees.<sup>1</sup> **Note that until an entitlement application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator.**

The proposed project would require preparation of an initial study. The initial study may be prepared either by an environmental consultant from the Department’s environmental consultant pool or by Department staff. Should you choose to have the initial study prepared by an environmental consultant, contact Devyani Jain at (415) 575-9051 for a list of three eligible consultants. If the initial study finds that the project would have a significant impact that could be reduced to a less-than-significant level by mitigation measures agreed to by the project sponsor, then the Department would issue a preliminary mitigated negative declaration (PMND). The PMND would be circulated for public review, during which time concerned parties may comment on and/or appeal the determination. If no appeal is filed, the Planning Department would issue a final mitigated negative declaration (FMND). Additional information regarding the environmental review process can be found at: <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8631>.

If the initial study indicates that the project would result in a significant impact that cannot be mitigated to below a significant level, an EIR will be required. An EIR must be prepared by an environmental consultant from the Planning Department’s environmental consultant pool ([http://www.sfplanning.org/ftp/files/MEA/Environmental\\_consultant\\_pool.pdf](http://www.sfplanning.org/ftp/files/MEA/Environmental_consultant_pool.pdf)). The Planning Department will provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Below is a list of topic areas addressed through the environmental review process. Some of these would require additional study based on the preliminary review of the project as it is proposed in the PPA application.

- 1. Historic Resources.** The project site contains one or more buildings or structures considered to be a potential historic resource (constructed 45 or more years ago); therefore, the proposed project is subject to review by the Department’s Historic Preservation staff. To assist in this review, the project sponsor must hire a qualified professional to prepare a Historic Resource Evaluation (HRE) report. The professional must be selected from the Planning Department’s Historic Resource Consultant Pool. Please contact Tina Tam, Senior Preservation Planner, via email ([tina.tam@sfgov.org](mailto:tina.tam@sfgov.org)) for a list of three consultants from which to choose. Please contact the HRE scoping team at [HRE@sfgov.org](mailto:HRE@sfgov.org) to arrange the HRE scoping. Following an approved scope, the historic resource consultant should submit the draft HRE report for review to Environmental Planning after the project sponsor has filed

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<sup>1</sup> San Francisco Planning Department. *Schedule for Application Fees*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>



the EE Application and updated it as necessary to reflect feedback received in the PPA letter. The HRE should be submitted directly to the Department and copied to the project sponsor. Project sponsors should not receive and/or review advance drafts of consultant reports per the Environmental Review Guidelines. Historic Preservation staff will not begin reviewing your project until a complete draft HRE is received.

- 2. Archeological Resources.** The proposed project will require Preliminary Archeological Review (PAR) by a Planning Department archeologist. To aid this review the Department archeologist may request a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant, subject to the review and approval by the Department archeologist. The Department archeologist will provide three names from the Qualified Archeological Consultant list if the PASS is required. The PAR will assess the archeological sensitivity of the project site based on in-house source material and will consider the potential for archeological impacts resulting from proposed soils disturbance. Please provide detailed information, including sections, proposed soils-disturbing activities, such as grading, excavation, installation of foundations, soils improvement, and site remediation in the EEA, and submit any available geotechnical/soils or phase II hazardous materials reports prepared for the project to assist in this review. If the Department archeologist determines that the project has a potential to adversely affect archeological resources, the PAR will identify additional measures needed to address the potential effect. These measures may include preparation of an archeological research design and treatment plan, implementation of one of the Planning Department's three standard archeological mitigation measures (archeological testing, monitoring, or accidental discovery), or other appropriate measures.
- 3. Tribal Cultural Resources.** Tribal cultural resources (TCRs) are a class of resource established under the California Environmental Quality Act (CEQA) in 2015. TCRs are defined as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe, that is either included on or eligible for inclusion in the California Register of Historical Resources or a local historic register, or is a resource that the lead agency, at its discretion and supported by substantial evidence, determines is a TCR. Planning Department staff will review the proposed project to determine if it may cause an adverse effect to a TCR; this will occur in tandem with preliminary archeological review. No additional information is needed from the project sponsor at this time. Consultation with California Native American tribes regarding TCRs may be required at the request of the tribes. If staff determines that the proposed project may have a potential significant adverse impact on a TCR, mitigation measures will be identified and required. Mitigation measures may include avoidance, protection, or preservation of the TCR and development of interpretation and public education and artistic programs.
- 4. Transportation.** Based on the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review,<sup>2</sup> the project would require additional transportation analysis to determine

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<sup>2</sup> This document is available at: <http://www.sf-planning.org/index.aspx?page=1886>.

whether the project may result in a significant impact. Therefore, the Planning Department requires that a consultant listed in the Planning Department's Transportation Consultant Pool prepare a Transportation Impact Study. You are required to pay additional fees for the study; please contact Virnaliza Byrd at (415) 575-9025 to arrange payment. Once you pay the fees, please contact Manoj Madhavan at (415) 575-9095 or [manoj.madhavan@sfgov.org](mailto:manoj.madhavan@sfgov.org) so that he can provide you with a list of three consultants from the pre-qualified Transportation Consultant Pool. Upon selection of a transportation consultant, the Department will assign a transportation planner who will direct the scope of the consultant-prepared study. Please note that comments provided in this PPA letter regarding the site design and site circulation may affect the transportation analysis.

#### Transportation Demand Management Program

On April 28, 2016, the Planning Commission adopted a resolution to initiate Planning Code amendments that would require development projects to comply with a proposed Travel Demand Management (TDM) Program. The intent of the proposed TDM Program is to reduce vehicle miles traveled (VMT) and to make it easier for people to get around by sustainable travel modes such as transit, walking, and biking.

Under the proposed TDM Program, land uses are grouped into four categories, A through D. For each land use category that is subject to the TDM Program, the City would set a target based on the number of accessory vehicle parking spaces that the project intends to provide for that land use category. To meet each target, the project sponsor must select TDM measures—each worth a specified number of points—from a menu of options. In general, if a project sponsor proposes more parking, the target for that land use category—and thus, the number of TDM measures that the sponsor must implement to meet it—would increase. Some of the TDM measures included in the menu are already required by the Planning Code. Points earned from implementing these measures would be applied towards achieving a project's targets. Project sponsors would be required to implement and maintain TDM measures for the life of the project.

The proposed project includes 558 dwelling units, 59,915 square feet of retail, 49,999 square feet of office space, and would reuse the existing 12,455 square foot auditorium/ theater. Thus, the project would be subject to the proposed TDM Program. Based on the proposed 120 parking spaces associated with the retail uses and the 37 parking spaces associated with the auditorium, the project would be required to meet or exceed a target of 72 points for land use category A (maximum target available). Based on the proposed 100 parking spaces associated with the office uses, the project would be required to meet or exceed a target of 21 points for land use category B. Based on the proposed 558 parking spaces associated with the residential use, the project would be required to meet or exceed a target of 68 points for land use category C (approaching maximum target available).

The Planning Code would currently require the project, as described in the PPA, to provide the following TDM measures:

- Bicycle Parking (Planning Code Section [155.2](#); TDM Menu ACTIVE-2 – option a)
- Shower facilities and lockers (Planning Code Section [155.4](#); TDM Menu ACTIVE-3)
- Car Share Parking Spaces (Planning Code Section [166](#); TDM Menu CSHARE-1 – option a)
- Parking unbundling (Planning Code Section [167](#); TDM Menu PKG-1)

The project may be required to select and incorporate additional TDM measures to meet the targets listed above. A full list of the TDM measures included in the menu of options is available on this [website](#).

Pursuant to the April 28, 2016 staff report for Case 2012.0726PCA<sup>3</sup> TDM Program, projects that may initially propose more parking spaces than the TDM Menu has measures and associated points available would be required to park at or below the neighborhood parking rate for the land use category.<sup>4</sup> The number of parking spaces proposed in land use category A and land use category C for the proposed project are above or approaching the measures and associated points available in the TDM menu. Therefore, in order to comply with the proposed TDM Program, the proposed project may be required to decrease the amount of parking provided such that it would be at or below the neighborhood parking rate for each land use category. Preliminary calculations of the neighborhood parking rates for land uses in the project vicinity are lower than the rates provided for the proposed project.

When a planner is assigned, he or she will provide additional guidance regarding the proposed TDM Program and next steps.

5. **Noise.** Construction noise is subject to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code), which includes restrictions on noise levels of construction equipment and hours of construction. If pile driving is to be used during construction, measures to reduce construction noise may be required as part of the proposed project. The EEA should provide a construction schedule and indicate whether pile driving or other particularly noisy construction methods are required.

The volume of the proposed project's vehicular traffic may generate noise that could result in a substantial permanent increase in ambient noise levels. Therefore, the proposed project would likely require a noise study that includes at a minimum: measurements of the existing noise environment, discussion of applicable noise regulations, analysis of the project's noise effects and the ability of

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<sup>3</sup> San Francisco Planning Department. 2016. Case 2012.0726PCA , Transportation Sustainability Program – Shift Planning Code Amendments Initiation, was heard before the Planning Commission on April 28. The full staff report may be viewed online at, <http://commissions.sfplanning.org/cpcpackets/2012.0726PCA.pdf>, accessed June 7, 2016.

<sup>4</sup> The methodology regarding the neighborhood parking rate will be provided in the TDM Technical Justification document.

noise sources to meet applicable noise standards. The noise study shall be conducted by a qualified acoustical consultant who shall prepare a noise study scope of work for approval by the assigned environmental coordinator prior to conducting the study.

6. **Air Quality.** The proposed project at 558 dwelling units and the addition and new construction of 459,730 square feet to the existing 314,570-square-foot building exceeds the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants.<sup>5</sup> Therefore, an analysis of the project's criteria air pollutant emissions is likely to be required. Detailed information related to construction equipment, phasing and duration of each phase, and the amount (in cubic yards) of excavation must be provided as part of the EEA.

Project-related demolition, excavation, grading, and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Ordinance is to reduce the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to prepare a Construction Dust Control Plan for review and approval by the San Francisco Department of Public Health (DPH).

The project site is not located within an Air Pollutant Exposure Zone, as mapped and defined by Health Code Article 38. The Air Pollutant Exposure Zone identifies areas with poor air quality based on an inventory and modeling assessment of air pollution, exposures, and health vulnerability from mobile, stationary, and area source emissions within San Francisco. Given that the project site is not within an Air Pollutant Exposure Zone, additional measures or analysis related to local health risks are not likely to be required. However, if the project would include new sources of toxic air contaminants including, but not limited to, emissions from diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources must be provided with the EEA.

Given the size of the project and that approximately 280,000 cubic yards of soils would be excavated, the proposed project will likely require an Air Quality Technical Report for additional air pollutant modeling. If an Air Quality Technical Report is required, the project sponsor must retain a consultant with experience in air quality modeling to prepare a scope of work that must be approved by Environmental Planning prior to the commencement of any analysis and/or modeling.

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<sup>5</sup> BAAQMD, CEQA Air Quality Guidelines, May 2011, Chapter 3.

7. **Greenhouse Gases.** *The City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions* presents a comprehensive assessment of policies, programs, and ordinances that represents San Francisco's Qualified Greenhouse Gas (GHG) Reduction Strategy. Projects that are consistent with San Francisco's Qualified GHG Reduction Strategy would result in less-than-significant impacts from GHG emissions. In order to facilitate a determination of compliance with San Francisco's Qualified GHG Reduction Strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist.<sup>6</sup> The project sponsor is required to submit the completed table regarding project compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco's Greenhouse Gas Reduction Strategy. Projects that do not comply with an ordinance or regulation may be determined to be inconsistent with the Greenhouse Gas Reduction Strategy.
8. **Shadow.** The proposed project would result in construction of a building greater than 40 feet in height as measured by the Planning code. A shadow analysis is required under Planning Code Section 295. For more information on Planning Code Section 295, see "Preliminary Project Comments" below. The project sponsor is therefore required to hire a qualified consultant to prepare a shadow study. The consultant must submit a Shadow Study Application, which can be found on the Planning Department's website:  
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=539>  
A separate fee is required. The consultant must also prepare a proposed scope of work for review and approval by Environmental Planning staff prior to preparing the analysis.
9. **Geology.** Portions of the project site are located on a slope greater than 20%. A geotechnical study prepared by a qualified consultant must be submitted with the EEA. The study should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. To assist Planning Department staff in determining whether the project would result in environmental impacts related to geological hazards, it is recommended that you provide a copy of the geotechnical information with boring logs for the proposed project. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
10. **Hazardous Materials.** The proposed project would add residential use to a site that is known to have contaminants. The campus site had a leaking underground storage tank (LUST), and the project site is adjacent to a former gas station site (San Francisco Fire Credit Union site). Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires

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<sup>6</sup> Refer to <http://sf-planning.org/index.aspx?page=1886> for latest "Greenhouse Gas Compliance Checklist for Private Development Projects."



the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit.

DPH requires that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the EEA.

Because the existing building was constructed prior to 1980, asbestos-containing materials, such as floor and wall coverings, may be found in the building. The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating airborne pollutants including asbestos. Please contact BAAQMD for the requirements related to demolition of buildings with asbestos-containing materials. In addition, because of its age (constructed prior to 1978), lead paint may be found in the existing building. Please contact the San Francisco Department of Building Inspection (DBI) for requirements related to the demolition of buildings that may contain lead paint.

11. **Tree Planting and Protection.** The Department of Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the site plans with the size of the trunk diameter, tree height, and accurate canopy drip line. Please submit the *Tree Planting and Protection Checklist* with the EEA and ensure that trees are appropriately shown on site plans. Also see the comments below under "Street Trees."
12. **Water Supply Assessment.** The California Water Code Sections 10910-10915 require that a Water Supply Assessment (WSA) be prepared for any proposed project that meets the definition of a "water demand project" under Section 10912(a). The assessment determines whether available water supplies are sufficient to serve the demand generated by projects of a specified size, as well as the reasonably foreseeable cumulative demand in the service area over the next 20 years under a range of hydrologic conditions. The proposed project would require preparation of WSA. Please coordinate with the Environmental Review Officer at the San Francisco Planning Department or visit [sfwater.org/index.aspx?page=75](http://sfwater.org/index.aspx?page=75) for more information.
13. **Disclosure Report for Developers of Major City Projects.** The San Francisco Ethics Commission S.F. Camp. & Govt. Conduct Code § 3.520 et seq. requires developers to provide the public with information about donations that developers make to nonprofit organizations that may communicate with the City and County regarding major development projects. This report must be completed and

filed by the developer of any “major project.” A major project is a real estate development project located in the City and County of San Francisco with estimated construction costs exceeding \$1,000,000 where either: (1) The Planning Commission or any other local lead agency certifies an EIR for the project; or (2) The project relies on a program EIR and the Planning Department, Planning Commission, or any other local lead agency adopts any final environmental determination under CEQA. A final environmental determination includes: the issuance of a Community Plan Exemption (CPE); certification of a CPE/EIR; adoption of a CPE/Final Mitigated Negative Declaration; or a project approval by the Planning Commission that adopts CEQA Findings. (In instances where more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.) A major project does not include a residential development project with four or fewer dwelling units. The first (or initial) report must be filed within 30 days of the date the Planning Commission (or any other local lead agency) certifies the EIR for that project or, for a major project relying on a program EIR, within 30 days of the date that the Planning Department, Planning Commission, or any other local lead agency adopts a final environmental determination under CEQA. Please submit a Disclosure Report for Developers of Major City Projects to the San Francisco Ethics Commission. This form can be found at the Planning Department or online at <http://www.sfethics.org>.

#### PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

- 1. Rezoning.** As indicated in the ‘Preliminary Project Comments’ below, various aspects of the project conflict with both the current RM-1 Zoning of the site, as well as City Planning Commission Resolution No. 4109. The Preliminary Project Assessment application indicates the intent of the property owner to pursue a rezoning, potentially to an NC District. Additionally, as noted in the comments below, a Special Use District overlay to the current RM-1 District may also be a potential path for rezoning. In either case, rezoning of the property requires approval by the Board of Supervisors.
- 2. Height District Reclassification.** As indicated in the ‘Preliminary Project Comments’ below, various components of the project exceed the current 40 foot height limit. Accordingly, a height district reclassification of the property must be sought. This also requires approval by the Board of Supervisors.
- 3. Conditional Use.** Because the project may seek a rezoning to an NC District, the Code analysis below takes into consideration requirements related to the current RM-1 District, in addition to NC-1, NC-2, NC-3 and NC-S Districts. Depending on the applicable zoning, the following elements of the project may require Conditional Use Authorization by the Planning Commission: development of a building

more than 50 feet tall in an RM-1 District, establishment of an 'Other Entertainment Use' in an NC-1 District; establishment of an 'Administrative Service Use' in an NC-3 or NC-S District; establishment of an 'Automobile Parking' use in NC-1, NC-2, and NC-3 Districts; and, the Development of Large Lots in NC-1, NC-2, or NC-3 Districts. Additionally, through the Conditional Use Authorization process, the project may seek modifications to the front setback, rear yard, open space, and street frontage requirements of the Planning Code, as a Planned Unit Development pursuant to Section 304.

4. An **Office Allocation** from the Planning Commission is required per Planning Code Section 321 et seq. to establish more than 25,000 gross square feet of new office space.
5. A **Shadow Analysis** is required under Planning Code Section 295 as the project proposes building heights in excess of 40 feet, as measured by the Planning Code. A shadow analysis, attached, indicates that the project may cast new shadow on Laurel Hill Playground, which is under the jurisdiction of the Recreation and Parks Department. As a result the project requires that a shadow analysis must be performed per Planning Code Section 295. Please note that this preliminary analysis reflects the maximum building height (plus mechanical features) as applied to the entire lot.
6. A **General Plan Referral** application is required for the lot line adjustment of the Masonic Avenue property line.
7. A **Building Permit Application** is required for the proposed demolition of the existing structure(s) on the subject property.
8. A **Building Permit Application** is required for the proposed alteration of the existing structure(s) on the subject property.
9. A **Building Permit Application** is required for the proposed new construction on the subject property.

Conditional Use Authorization, Office Allocation, Shadow Analysis and General Plan Referral applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at [www.sfplanning.org](http://www.sfplanning.org). Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

#### NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged, and in some cases required, to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

In addition to neighborhood notification as required per Planning Code Section 311 (or 312), this project is required to conduct a **Pre-Application** meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The Pre-Application packet, which includes instructions and template forms, is available at [www.sfplanning.org](http://www.sfplanning.org) under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available online at [www.sfplanning.org](http://www.sfplanning.org) under the "Resource Center" tab.

**Notification of a Project Receiving Environmental Review.** Notice may be required to be sent to occupants of the project site and properties adjacent to the project site, as well as to owners and, to the extent feasible, occupants of properties within 300 feet of the project site at the initiation of the environmental review process. Please be prepared to provide mailing addresses on a CD upon request during the environmental review process.

#### PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may substantially impact the proposed project.

1. **RM-1, NC and Special Use Districts.** The project proposes a combination of residential, office, commercial parking, retail and entertainment uses. Of these proposed land use categories, only residential uses are currently permitted in the existing RM-1 District. Accordingly, pursuing the project as proposed would require a rezoning of the subject property. The project description provided in the Preliminary Project Assessment application indicates the owner's interest in pursuing a rezoning of the property to an NC (Neighborhood Commercial) District, but does not specify which type of NC District. The four general NC Districts in Article 7 of the Planning Code are as follows: NC-1 (Neighborhood Commercial Cluster) District, NC-2 (Small-Scale Neighborhood Commercial) District, NC-3 (Moderate-Scale Neighborhood Commercial) District, and NC-S (Neighborhood Commercial Shopping Center District). The applicable land use controls for each proposed use are noted below and will be discussed, as relevant, in each forthcoming Planning Code requirement. The Project Sponsor is encouraged to match the proposal to the most appropriate district; however, a Special Use District overlay on RM or NC Zoning may be a preferred approach. For example, the California Street and Presidio Avenue – Community Center Special Use District, directly north of the subject property, is a hybrid of the RM-1 District and Sacramento Street Neighborhood Commercial District zoning controls. Ultimately, any such rezoning effort must be reviewed and approved by the Board of Supervisors. The Department strongly encourages the continued collaboration with the neighboring communities, as well as the District Supervisor, to determine the most appropriate zoning district.

- a. **Residential Uses.** The project proposes residential uses throughout the property. All four general NC Districts principally permit residential uses subject to other requirements noted

- in Articles 1.2, 1.5 and 2 of the Planning Code such as density, open space, parking, unit exposure, and buildable area constraints.
- b. Retail Uses.** The project proposes retail uses throughout the property. ‘Other Retail Sales and Service’ uses, as defined in Planning Code Section 790.102 are generally principally permitted in every NC District at the 1<sup>st</sup> story. In NC-1 Districts, such uses are also subject to the more restrictive controls of any other (named) NC District or Restricted Use Subdistrict within a ¼-mile. In NC-2 and NC-S Districts such uses are principally permitted up to the second story, and at every story in NC-3 Districts. Please note that additional controls may apply to other types of retail uses such as Bars, Limited-Restaurants, and Restaurants.
- c. Other Entertainment.** The project proposes retaining an existing 12,455 square foot auditorium space, which is currently accessory to the existing office use. The existing auditorium is an accessory use to the UCSF offices, and retaining the auditorium as part of the project would convert it to a principle use, such as ‘Other Entertainment,’ defined in Planning Code Section 790.38. Establishing an ‘Other Entertainment’ use in an NC-1 District requires Conditional Use authorization by the Planning Commission. All other general NC Districts principally permit ‘Other Entertainment’ uses at the 1<sup>st</sup> story; and at the 2<sup>nd</sup> story in NC-3 and NC-S Districts.
- d. Office.** The demolition of existing structures or conversion of floor area dedicated to the site’s 363,218 square feet of existing nonconforming office use is an abandonment of that nonconforming use per Planning Code Section 183. Therefore, to re-establish office uses in the proposed new structures, the uses must comply with any applicable zoning controls. NC Districts allow two types of commercial office uses: ‘Business and Professional Service’ as defined in Planning Code Section 790.108, and ‘Administrative Service’ as defined in Planning Code Section 790.106. Business and Professional Service uses are principally permitted only on the 1<sup>st</sup> story in an NC-1 District, only up to the 2<sup>nd</sup> story in NC-2 and NC-S Districts, and at all levels in NC-3 Districts. Administrative Service uses are only allowed through Conditional Use authorization by the Planning Commission at the 1<sup>st</sup> and 2<sup>nd</sup> stories of NC-S Districts and at all levels in the NC-3 Districts. Further, the current proposal of 49,999 gross square feet of office space requires an Office Allocation from the Planning Commission per Planning Code Section 321 et seq. if establishing more than 25,000 gross square feet.
- e. Commercial Parking.** The project includes 60 off-street parking spaces as part of a ‘Public Parking Garage’ defined in Planning Code Section 102. The existing RM-1 District does not permit public parking garages and, at this time, it is unclear if the described 60 “paid public parking spaces for community use” are legally noncomplying with regard to the Planning Code. Additional information is needed regarding the existing and proposed location of



these spaces and the date of their establishment to make that determination. Details relative to the existing and proposed depth of excavation for garages is also needed. Please note that if the spaces are determined to be legally noncomplying, but are otherwise removed or relocated through the elimination of existing surface parking lots or the reconstruction of an existing parking garage, the spaces will then be abandoned pursuant to Planning Code Section 183 and their re-establishment will need to conform to any applicable zoning controls. In NC Districts 'Automobile Parking' as a commercial use is defined in Planning Code Section 790.8 and is principally permitted in NC-S Districts, but requires Conditional Use authorization in NC-1, NC-2, and NC-3 Districts. Please note that any Conditional Use applications for parking exceeding accessory amounts must meet the additional criteria set forth in Planning Code Section 157. Given the Planning Department's concerns regarding the amount of proposed off-street parking referenced in both the 'Environmental Review' and 'Preliminary Design Comments' sections of this letter, you are strongly encouraged to substantially reduce or eliminate any proposed non-accessory commercial parking.

**10. City Planning Commission Resolution 4109.** In 1952, the City Planning Commission adopted Resolution 4109 which approved a rezoning of the subject property to a First Residential District and included additional stipulations subject to future development of the site. The site has subsequently undergone additional rezoning, as it is now within an RM-1 District. However, the stipulations of future development as outlined in Resolution 4109 continue to apply, absent modification by the Board of Supervisors per Planning Code Section 174. As expected, given that there have been more than 60 years of changes to the Planning Code there are some distinctions between the current RM-1 District controls and the stipulations outlined in Resolution 4109. In the project comments that follow, when there is an inconsistency, the more restrictive is noted as the guiding control. As indicated in the Preliminary Project Assessment application, the project may result in the rezoning of the property which requires review and approval by the Board of Supervisors. Amending Resolution 4109 would also require review and approval by the Board of Supervisors.

**a. Residential Uses.** In general, the RM-1 District controls are more restrictive than the Stipulations of Resolution 4109. However, the stipulations are more restrictive when defining the density and buildable area requirements as applicable to a portion of the subject property fronting on Laurel and Euclid Avenues. At present, the project does not comply with these restrictions and would require amending the Resolution.

**11. Residential Density.** The subject property is within an RM-1 District which permits a residential density of up to one unit per 800 square feet of lot area. However, as a Planned Unit Development the proposal may seek approval for a density equal to one less unit than what is permitted by the district with the next greater density (RM-2). In consideration of rezoning the property, please note the following maximum residential densities for each zoning district: NC-1, NC-2 and NC-S Districts, generally, up to one unit per 800 square feet of lot area; and, in NC-3 Districts, generally up to one

unit per 600 square feet of lot area. While additional information is necessary to calculate the exact maximum density for the area subject to Resolution 4109, initial calculations estimate approximately 508 units are allowed pursuant to the current RM-1 District zoning and Resolution and upon seeking the additional density allowed as a Planned Unit Development, the estimated maximum is 660 dwelling units. If the Resolution did not apply, these respective amounts become 558 and 743.

Ultimately, the proposal entails significantly fewer dwelling units than would be permitted under the site's current zoning. Given the City's need for housing and the tremendous opportunity presented by this unique 10-acre site, the Department strongly suggests that the project pursue residential densities approximating those which are currently allowed. As discussed in the comments that follow, any exceptions to the scale and massing provisions of the Planning Code that may ultimately be sought typically warrant a proportional increase in density. Should additional height and/or mass be necessary to achieve such density, it would seem most fitting along the California, Masonic and Presidio block faces, and generally in the northwest portion of the site.

- 12. Height Requirement.** The subject property is within a 40-X Height and Bulk District, restricting the maximum height of buildings to 40 feet above grade, as measured generally from curb at the center of each existing and proposed building. The upper measurement of the height limit changes depending on the grade at that location per Planning Code Section 260(a)(1). Additionally, the upper measurement of the height of a building varies based on the roof form per Planning Code Section 260(a)(2). While in general the proposal accurately applies these methodologies, curbs along the Walnut Street extension may not be used as the base of measurements because the Walnut Street extension is not a public right-of-way. Additionally, to confirm the accuracy of measurements for the existing office building please provide a section through the center of the structure that includes the location of existing grade at that location. Because the building has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken. The additional stories proposed for the altered structures will require that the project seek a Height District reclassification, which is reviewed and approved by the Board of Supervisors.
- 13. Proposed Buildings and Structures Exceeding 50 Feet in RM Districts.** Planning Code Section 253 requires Conditional Use authorization by the Planning Commission for any proposed building more than 50 feet in height. The existing office building is 66.5 feet tall from existing grade to the finished roof. The project proposes converting existing mechanical equipment above the roof to an additional two stories. This will require a Height District reclassification, as well as the required Conditional Use authorization from the Planning Commission if the property's zoning remains as an RM-1 District.
- 14. Special Height Exceptions for Active Ground Floor Uses.** The Preliminary Project Assessment application indicates an interest in rezoning the subject property to an NC District so that the buildings fronting on California Street may receive an additional 5 foot height increase if they provide active uses on the ground floor. Please note that Planning Code Section 263.20 does not

currently apply this special height exception to general NC Districts. The districts that can apply this increase are specifically identified in Section 263.20. Accordingly, to achieve a five foot height increase on California Street the project would need to reclassify the applicable Height District, integrate this exception into a proposed Special Use District, or pursue a text amendment to Section 263.20. Each of these options requires review and approval by the Board of Supervisors.

- 15. Lot Line Adjustment.** The project proposes a lot line adjustment that would extend the property's Masonic Avenue boundary into the public right-of-way. This adjustment requires a General Plan Referral because it includes the vacation of a public way and transportation route owned by the City and County. This adjustment will also require review by the Department of Public Works as a partial street vacation request.
- 16. Development of Large Lots.** Planning Code Section 121.1 requires Conditional Use authorization to develop on lots that are equal to, or greater than, 5,000 square feet in an NC-1 District, or 10,000 square feet in NC-2 and NC-3 Districts. This requirement is not applicable to lots of any size in RM-1 or NC-S Districts.
- 17. Floor Area Ratio.** Planning Code Sections 124 (NCs) and 209.2 (RM-1) limit the Floor Area Ratio of non-residential uses to the following maximums: 1.8 in RM-1, NC-1, and NC-S Districts; 2.5 in NC-2 Districts and 3.6 in NC-3 Districts. The Floor Area Ratio calculation includes all non-residential uses, accessory parking located above grade, and any non-accessory parking. Assuming the proposed non-accessory off-street parking occupies 93,023 square feet of gross floor area; the total non-residential uses result in a Floor Area Ratio less than 1.8 and would comply with the current RM-1 District requirement.
- 18. Front Setback.** Planning Code Section 132 requires that new developments in RM-1 Districts provide front setbacks. If situated on a corner lot, the owner may elect which street or alley to designate as the front of the property. The Preliminary Project Assessment application does not indicate this designation. If the Project Sponsor elects either the property's California Street or Presidio Avenue/Masonic Avenue frontages, the required front setback is equal to half of the adjacent neighbor's front setback. Alternatively, the Project Sponsor could choose the Laurel Street or Euclid Avenue frontages and adhere to the setback noted in Resolution 4109 for the portion of the property to which it applies, and then apply Section 132 to any remaining frontage. The project can seek a modification to the requirements of Section 132 through a Planned Unit Development. Note that NC Districts do not have front setback requirements.
- 19. Rear Yard.** The required rear yard for properties in RM-1 Districts is 45 percent of the lot depth. The project does not currently provide a code-complying rear yard. Therefore, the project must seek a modification to the requirements of Planning Code Section 134 as a Planned Unit Development. If the property is re-zoned to an NC District, Planning Code Section 134 requires a rear yard of 25 percent

of the lot depth at the lowest level containing a dwelling unit. However, the required rear yard for corner lots in NC Districts may be further modified by the Zoning Administrator per Section 134(e)(2). In general, this alternative requires that the project provide compensating open areas on the lot equal to 25 percent of the lot area, with minimum horizontal dimensions of 15 feet. Alternatively, under NC District zoning, the project could also seek a modification as a Planned Unit Development.

- 20. Open Space.** Planning Code Section 135 requires each dwelling unit in an RM-1 District to have access to a minimum of 133 square feet of open space, if private, or 100 square feet of open space if common. In NC Districts the range of open space required per unit, depending on the specific district, is 100 to 133 square feet, if private, or 80 to 100 square feet, if common. Additional information is needed to determine how the project complies with this requirement for each individual unit and to confirm that the spaces comply with the dimensional requirements for either private or common spaces. If necessary, the project can pursue a modification as a Planned Unit Development. However, when evaluating a Planned Unit Development, per Section 304(d)(3), the Planning Commission must consider whether the project provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by the Code.
- 21. Streetscape Plan.** The project proposes new construction on a property greater than half an acre, and as such, requires the submittal of a Streetscape Plan to the Planning Department to ensure that the new streetscape and pedestrian elements are in conformance with the Department's Better Street Plan. This Streetscape Plan shall be submitted to the Planning Department no later than 60 days prior to any Planning Commission action, and shall be considered for approval at the time of other project approval actions. The streetscape plan should show the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the property. Please see the Department's Better Streets Plan and Section 138.1(c)(2)(ii) for the additional elements that may be required as part of the project's streetscape plan. Additional comments from the Streetscape Design Advisory Team (SDAT) are provided in the 'Preliminary Design Comments' section below.
- 22. Dwelling Unit Exposure.** Section 140 requires that each dwelling unit have at least one room that meets the 120 square foot minimum superficial floor area requirement of Section 503 of the Housing Code, and that it faces directly onto a street right-of-way, code-complying rear yard, or an appropriately sized courtyard. It's unclear if units in the inner northeast corner of Plaza B and the inner northwest corner of the Walnut Building comply with this section because of the proposed notching in the building. Please consider these units when revising the plans. While the project may pursue a modification as a Planned Unit Development, the Department generally encourages projects to minimize the number of units needing an exposure exception.

- 23. Parking Screening and Greening.** Off-street parking and ‘vehicle use areas’ adjacent to the public right-of-way in all zoning districts must be screened per the requirements of Planning Code Section 142. Most of the proposed off-street parking is provided in underground parking garages and complies with this section. However, the proposed ‘on-street’ parking on the Walnut Street extension is adjacent to a public right-of-way and not screened. As the Walnut Street extension is not a proposed public street, the project must provide screening for these spaces or seek a modification from Section 142 as a Planned Unit Development.
- 24. Street Frontages in RM Districts.** Planning Code Section 144 restricts entrances to off-street parking to no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line; but in no case less than 10 feet or more than 20 feet. Where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. The proposed entrances at the Walnut Street extension and on Presidio and Masonic Avenues all exceed 20 feet and require a modification of Section 144 as a Planned Unit Development. This restriction does not apply to properties in NC Districts.
- 25. Moderation of Building Fronts in RM-1.** Planning Code Section 144.1 requires that every dwelling in an RM-1 District, on a lot with a width of more than 35 feet, must provide a stepping of the building along the front lot line by at least one of the following methods: (1) variation of the upper limit of the front elevation of the building, at intervals of not more than 35 feet, by a minimum of two feet in height, with not less than 30 percent of the width of such elevation varied in this way from the height of the remainder of such elevation; and/or, (2) variations of the depth of the front building wall from the front lot line, at intervals of not more than 35 feet, by a minimum of two feet in depth, with not less than 30 percent of the width of such front building wall varied in this way from the depth of the remainder of such wall. Currently the proposed Plaza A, Walnut, California, Presidio, Masonic and Euclid buildings do not comply with this requirement. The project may pursue an exception from Section 144.1 as a Planned Unit Development. Note that this requirement does not apply to NC Districts.
- 26. Street Frontages in NC Districts.** Planning Code Section 145.1 sets specific standards with regard to frontages, outdoor activity areas, and ground floor uses for developments in Neighborhood Commercial districts. Please consider these requirements if pursuing a rezoning to an NC District. The maximum permitted width of parking and loading entrances is limited to 20 feet in all NC Districts, with the exception of NC-S Districts where the maximum is 50 feet. As proposed, the project requires a modification from this requirement as a Planned Unit Development.



**27. Off-Street Parking Required.** Off-street parking requirements in RM-1 and NC Districts (with the exception of NCT Districts) are set forth in Planning Code Section 151. The following table breaks down this requirement by proposed land use category:

| <i>Land Use Category</i>  | <i>Off-Street Parking Requirement</i>   |
|---------------------------|---|
| Residential               | One space per dwelling unit.<br>(558 required)  |
| Public Parking Garage     | Not considered accessory parking.   |
| Entertainment/Theater Use | One space for every eight seats.<br>(37 required)   |
| Retail (general)          | One per every 500 square feet of occupied floor area* for the first 20,000 square feet; plus one per 250 square feet of occupied floor area above 20,000 square feet.<br>(152 required) |
| Office (general)          | One per every 500 square feet of occupied floor area.*<br>(80 required)   |
| Total                     | 827   |

\*Assumes occupied floor area is equal to 0.8 of gross floor area.

The project requires a total of 827 off-street parking spaces that are accessory to the principles uses, and proposes 815 spaces. The project may seek to provide less than the required amount of accessory off-street parking as a modification request per the findings noted in Section 307(i) and as a Planned Unit Development. Such a reduction in parking is consistent with the direction provided in both the ‘Environmental Review’ and ‘Preliminary Design Comments’ sections of this letter. Future iterations of the proposal should demonstrate how the project complies with the required dimensions of off-street parking spaces per Planning Code Section 154. Also, please note that specific types of retail and office uses may have different parking requirements.

**28. Off-Street Freight Loading.** Planning Code Section 152 requires properties in both RM-1 and NC Districts (with the exception of NCT Districts) to provide one off-street freight loading space for an amount of retail floor area between 10,000 and 60,000, and four off-street freight loading spaces for a combination of office, residential and entertainment uses that is greater than 500,000 square feet. The project proposes five off-street freight loading spaces. Future iterations of the proposal should demonstrate how the project complies with the required dimensions of freight loading spaces per Planning Code Section 154.

**29. Bicycle Parking.** Planning Code Section 155.2 requires properties in all zoning districts to provide Class 1 and Class 2 bicycle parking spaces for new developments. The following table breaks down this requirement by proposed land use category:

| <i>Land Use Category</i> | <i>Class 1</i>   | <i>Class 2</i>   |
|--------------------------|--|--|
| Residential              | One per dwelling unit up till 100, then one per every four units. (215 required) | One per every 20 dwelling units. (28 required)   |
| Public Parking Garage    | None (0 required)  | One per twenty spaces, but no less than six. (6 required)  |
| Entertainment Use        | Five spaces for venues with a capacity of less than 500 guests. (5 required)     | One per every 500 seats or one for each 50 person capacity. (1 required)   |
| Retail (general)         | One per every 7,500 square feet of occupied floor area.* (6 required)            | Ten for the first 50,000 square feet of occupied floor area and one for each additional 10,000 square feet of occupied floor area.* (11 required)              |
| Office (general)         | One per every 5,000 square feet of occupied floor area.* (8 required)            | Minimum of two if greater than 5,000 square feet of occupied floor area, plus one for ever additional 50,000 square feet of occupied floor area.* (3 required) |
| Total                    | 226  | 49   |

\*Assumes occupied floor area is equal to 0.8 of gross floor area.

The proposal includes approximately 238 Class 1 bicycle parking spaces and 48 Class 2 bicycle spaces. The project may seek an exception from Section 155.2 as a Planned Unit Development; however, the Department encourages compliance with this requirement. Further, when submitting future proposals, please indicate how the location of proposed spaces correspond to the distribution of the proposed uses.

**30. Showers and Lockers.** Planning Code Section 155.4 requires properties in all zoning districts to provide showers and lockers for new developments if they include any of the following land use categories: Entertainment, Arts and Recreation Uses; Non-Retail Sales and Services Uses; and Retail Sales and Services Uses. Planning Code Section 102 further distinguishes between Non-Retail and Retail Professional Services, which corresponds to differences in RM-1 and NC Districts relative to the definition of office uses. As such, because shower and locker requirements are calculated based on the aggregate of the proposed uses, additional information relative to the type of proposed office uses (i.e. professional service v. administrative service) is necessary to determine the required number of showers and lockers for the proposal. If necessary, the project may seek an exception from Section 155.4 as a Planned Unit Development.

31. **Car Share Parking.** Planning Code Section 166 requires that residential uses of 201 or more units provide two car share spaces, plus one more for each additional 200 dwelling units over 200. Additionally, for non-residential uses and non-accessory parking facilities of 50 or more spaces, projects must provide one space, plus one more for each additional 50 spaces over 50. Overall, the project requires and provides 10 car share parking spaces; however, this amount may change if the proposal diminishes the amount of proposed accessory or commercial parking. Please also identify the location of any car share parking locations, considering that Section 166 requires the parking areas to be designed in a manner that will make the car-share parking spaces accessible to non-resident subscribers from outside the building, as well as, building residents.
32. **Unbundled Parking.** Planning Code Section 167 outlines a requirement for unbundled parking spaces for newly constructed residential buildings of ten dwelling units or more. All off-street parking spaces accessory to residential uses shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space. The Planning Commission may grant an exception from this requirement for projects which include financing for affordable housing that requires that costs for parking and housing be bundled together.
33. **Baby Diaper-Changing Accommodations.** New retail sales and service uses or retail entertainment and recreation uses that are 5,000 square feet or more are “Public-Serving Establishments” per Planning Code Section 168 and must provide baby diaper-changing accommodations at each floor level of the use containing restrooms accessible to the public. Please demonstrate how any applicable uses comply with this requirement.
34. **Shadow Analysis (Section 295).** Section 295 requires that a shadow analysis must be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project may cast new shadow on Laurel Hill Playground. This is based on a study that applies the tallest building height to the entire property. Therefore, a detailed shadow analysis would need to be prepared to determine if the project would create new shadow in that results in an adverse impact to Laurel Hill Playground, pursuant to Section 295. If this detailed shadow analysis finds that the project would cast shadow on Laurel Hill Playground, the sponsor should explore sculpting of portions of the project to avoid casting new shadows on the park.
35. **Noise Regulations Relating to Residential Uses Near Places of Entertainment (POE).** New residential development within 300 feet of a Place of Entertainment must go through an Entertainment Commission outreach process ([Ordinance Number 070-015](#)). In addition, new residential development will also be required to record a Notice of Special Restrictions (NSR) on the site. The subject site is located within 300 feet of an existing POE, see enclosed map. Please note that

the Planning Department will not consider an entitlement application complete until the following are completed:

- a. The Entertainment Commission has provided written notification to the Planning Department indicating that it either did not wish to hold a hearing, or that it held a hearing and the Project Sponsor attended; and
- b. The Project Sponsor has included a copy of any comments and/or recommendations provided by the Entertainment Commission regarding the proposed Project as well as the date(s) when the those comments were provided. This shall be done as an additional sheet in any plan set submitted to the Planning Department and as an attachment in an entitlement application.

You may contact Entertainment Commission staff at (415) 554-6678 or visit their webpage at <http://www.sfgov2.org/index.aspx?page=338> for additional information regarding the outreach process.

- 36. Impact Fees.** This project will be subject to various impact fees. Please refer to the Planning Director's Bulletin No. 1 for an overview of Development Impact Fees, and to the Department of Building Inspection's Development Impact Fee webpage for more information about current rates.

Based on an initial review of the proposed project, the following impact fees, which are assessed by the Planning Department, will be required:

- a. Transportation Sustainability Fee (411A)
- b. Child-Care (Residential) (414A)
- c. Affordable Housing Fee (415)

- 37. Interdepartmental Project Review.** This review is required for all proposed new construction in seismic hazard zones, in which the subject property falls. An application is enclosed.

- 38. First Source Hiring Agreement.** A First Source Hiring Agreement is required for any project proposing to construct 25,000 gross square feet or more. For more information, please contact:

Ken Nim, Workforce Compliance Officer  
CityBuild, Office of Economic and Workforce Development  
City and County of San Francisco  
50 Van Ness Avenue, San Francisco, CA 94102  
(415) 581-2303

- 39. Inclusionary Affordable Housing.** Inclusionary Affordable Housing is required for a project proposing ten or more dwelling units. The Project Sponsor must submit an 'Affidavit of Compliance

with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department identifying the method of compliance, on-site, off-site, or affordable housing fee. The following Inclusionary Affordable Housing requirements are those in effect at the time as of issuance of this letter. In the event that the requirements change, the Project Sponsor shall comply with requirements in place at the time of the issuance of first construction document. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units; unless a Costa Hawkins agreement is possible. Affordable units designated as on-site units shall be affordable units for the life of the project. 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.

The current minimum Affordable Housing Percentages are 20% affordable housing fee, 12% on-site, or 20% off-site. Therefore, as proposed, the project would have a minimum requirement of 67 units if provided on-site and 112 units if provided off-site. However these percentages are subject to change under a proposed Charter amendment and additional pending legislation if the voters approve the Charter Amendment of the June 7, 2016 election. Recently adopted Ordinance No. 76-16 (File No. 160255) will become effective after the election is certified and includes grandfathering provisions for projects that were submitted to the Planning Department prior to January 12, 2016. If the Project is subject to a different requirement upon approval of the Charter Amendment, and new legislative requirements take effect, the Project must comply with the applicable requirements at the time of compliance.

For your information, if a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- a. direct financial construction from a public entity
- b. development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to the Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

40. **Stormwater.** If the project results in a ground surface disturbance of 5,000 sf or greater, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan

demonstrating project adherence to the performance measures outlined in the Guidelines including: (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems OR (b) *stormwater treatment* for areas in separate sewer systems. The SFPUC Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. To view the Stormwater Management Ordinance, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>. Applicants may contact [stormwaterreview@sfwater.org](mailto:stormwaterreview@sfwater.org) for assistance.

### PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may substantially affect the proposed project. These comments are compiled by the Urban Design Advisory Team (UDAT) and the Streetscape Design Advisory Team (SDAT):

1. **Site Design and Open Space.** The Planning Department is encouraged by the proposal's abundant open space and retention of significant landscape features honoring the former use. Key to the success of the open space will be how well it connects with the neighborhood, and how the public moves through the site. A central goal for sites larger than a typical city block is to reconnect them to the existing street grid. However, the retention and re-purposing of the existing building in the center of the site in conjunction with the sloping site inhibit such direct connection. Furthermore, the location of existing streets – as a result of the confluence of varying street grids at this unique juncture – also hinders the ability for such a direct alignment. The site factors encourage a less-Cartesian grid site plan and massing approach, lending itself to a more improvisational approach similar to a hill top village. This could be augmented by the hands of multiple architects and building types and heights. The Department recommends that the open spaces be more intentionally defined and enclosed by building forms and active uses fronting the open space, while at the same time being more directly connected to each other and the adjacent street pattern.
  - a. **Connectivity to the existing street network.** Connecting the site to the existing street network is of paramount importance for three reasons: (1) to moderate the scale of development in a manner that harmonizes with the neighboring contexts; (2) to provide a legible urban pattern; and, (3) to provide an open and welcoming public open space network as a means of avoiding the internal open space network from feeling private. The Planning Department recommends further exploration of means to provide a significant and meaningful north-south through connection by aligning with Walnut Street and terminating at or near the corner of Masonic and Euclid Avenues. The Planning Department requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut Street alignment, connecting to the intersection of Masonic and Euclid Avenues. This north/south pathway may meander



through the site and does not need to be a straight axial pathway. Consider accommodating a portal through 'Building A' to support north-south public access. The entirety of the pathway should be accessible to all users. Done successfully, the major north/south connection should be clearly legible and inviting. Additionally, greater emphasis should be placed on the use, building form, and public space at the intersection of Euclid and Masonic avenues, as a primary destination and entrance to the southern half of the project site.

- b. Open space and pedestrian circulation network.** Not all the internal walks will serve the same function, or receive the same intensity of use. Some should, and will, be more public than others. The size, adjacencies, and design of the walks and open spaces should reflect that. Planning prefers to have a smaller number that would more likely receive intense use, than many that may be underused and need to be secured. There are a number of walks that seem more secondary. Develop a hierarchy of open spaces within the project by clearly defining and differentiating those from main paths to those that connect the network to the neighboring context.

The Planning Department recommends all buildings fronting open spaces and walks which either have commercial space, or ground floor residential units with direct access from the walks and which provide active uses adjacent to the open space, as per the Ground Floor Residential Design Guidelines.

The Mayfair Drive extension provides a critical, though indirect, connection to Pine Street. The Planning Department recommends that this be the primary east-west connection that allows and encourages the public to traverse the site from Mayfair Drive to the intersection of Presidio Avenue and Pine Street. It should be open to the sky, accessible to all users for its entirety, and terminate the axis in a specific and substantive manner. Other east-west circulation routes may not be as primary and could be made smaller or deemphasized in scale. The Department also recommends providing an accessible route from California Street to the proposed Market Plaza.

- c. Open Spaces.** The Planning Department requests that the open spaces within the site be better-defined. For example, the Market Plaza bleeds into the intersection of Laurel Street and Mayfair Drive, making both ambiguous. Euclid Park seems to show retaining walls and other interruptions. It is strongest as a single zone of lawn.
- 2. Building Massing, Siting, and Orientation.** Buildings should generally follow the grain and orientation of the prevailing urban patterns. Where none exist or are illegible, this may mean modulating building in 25-35 foot wide increments, typical of residential lot patterns, and oriented to maintain a consistency of street-fronting buildings. The Department recommends stepping the

building frontage along Masonic with the hill in increments that are responsive to changes in grade such that ground floor residential units are between 3 feet and 5 feet above grade.

3. **Off-Street Parking.** The current proposal shows 558 dwelling units with 885 parking spaces, which translates to 1.6 parking spaces per dwelling unit. As noted in the 'Environmental Review' comments, the quantity of parking proposed will likely trigger several measures to offset automobile usage through the Transportation Demand Management program (TDM) which is designed to incentivize transit and active transportation modes like walking and biking and depress demand for single occupancy vehicle use by residents of and visitors to the site. Since the project site is within a quarter mile (5 minute walk) of numerous transit lines, several of which fall on the Muni Rapid network, the Planning Department strongly encourages the project sponsor to reduce the off-street parking ratio within the project.
4. **Bicycle Network and Infrastructure.** The project sits at the intersection of several bike routes: an east/west route on Euclid Avenue (currently marked with striped bike lanes) and a north/south route on Presidio Avenue (currently marked with sharrows). The project site is also close to important routes on Arguello Avenue, Washington Street, Clay Street and Post Street. The Department encourages further accommodation of bicycle use as a preferred mode choice through accommodating bicycle circulation throughout the site and connecting it to the existing citywide bike network, bike parking, and other on-site features. The project should enable bicycles to use the internal circulation system through-out the site. Additionally, the Planning Department encourages secured bicycle parking to be as close and accessible as possible to the residential uses and at-grade. They should also be located to minimize conflict with automobiles.
5. **Architectural Design.** At this point the architecture is assumed to be schematic and the Planning Department will provide further detailed design review on the subsequent submission. The Department lauds the inclusion of multiple designers. The architecture and landscape design should support the central organizing concept or theme and reinforce one another. When developing more detailed architectural design, please consider the following:
  - a. **Ground Level Street Frontage.** Ground floor dwelling units should have set back and raised landscaped entries that range from three to five feet above grade, and which provide direct access from the street, as per the draft Ground Floor Residential Design Guidelines.
  - b. **Planned Unit Development.** Modifications to the Planning Code that are sought through the Planned Unit Development review process should be responded to by exceptional design. The proposed architectural design, while preliminary, needs to be analyzed in its relation to open space and adjacent building form and massing. The massing is expected to be refined and articulated. High quality materials and are expected to be developed as the building design progresses.

6. **Streetscape and Pedestrian Improvements.** The following comments relate to the specific application of Better Streets Plan policies to the proposed project, as reviewed by the Department's Streetscape Design Advisory Team (SDAT):
- a. **Better Streets Plan.** The Better Streets Plan (BSP) adopted by the city in December 2010, provides a comprehensive set of guidelines for the design of San Francisco's pedestrian realm. The Plan seeks to balance the needs of all street users, with a particular focus on the pedestrian environment and how streets can be used as public space. The BSP policies can be found at: [www.sfbetterstreets.org](http://www.sfbetterstreets.org). Per the BSP, the classification of the streets adjacent to the project site and their suggested improvements are as follows:
    - California Street is classified as a Residential Throughway west of Walnut Street, and as a Commercial Throughway east of Walnut Street. The project team should design all of the California Street frontage to comply with the Commercial Throughway standards given the commercial nature of the proposed land uses west of Walnut Street. Both Residential and Commercial Throughways have a recommended sidewalk width of 15 feet.
    - Presidio Avenue is classified as a Neighborhood Commercial Street with a recommended sidewalk width of 15 feet.
    - Masonic Avenue is classified as a Residential Throughway with a recommended sidewalk width of 15 feet.
    - Laurel Street and Euclid Avenue are classified as a Neighborhood Residential streets with recommended sidewalk widths of 12 feet.
  - b. **Pine/Presidio/Masonic Intersection.** SDAT supports the project sponsor's concept for increasing safety at the Pine/Presidio/Masonic intersection by normalizing the curb alignment and activating the corner. In addition to coordinating with the Department of Public Works, proposed lot line adjustments at corners of Masonic Avenue with Euclid and Presidio Avenues, the project sponsor should coordinate with the Municipal Transportation Agency (SFMTA) circulation requirements.
  - c. **Walnut Street Extension.** Access to parking from the Walnut Street extension should be minimized to reinforce the sense of the Walnut Street extension as a true street rather than a service and garage access lane. The width of the parking entrances should be no greater than a single lane, 12 feet. Garage doors should be brought to the face of buildings rather than recessed in driveways. Sidewalks should span the driveways on the Walnut Street extension and the driveways should have curb aprons as opposed to the curb returns, as shown. This will allow for a contiguous public sidewalk into the site. Additionally, UDAT recommends prohibiting cars

beyond the garage access points, eliminating the drop-off zone and providing active ground floor use at that location. This change will directly affect the proposed porte-cochere / drop-off area at the southeastern end of the Walnut Street extension. Finally, consider bulb-outs at the intersection of Walnut and California Streets, such that they extend into both the Walnut and California right-of-ways (instead of solely the California right-of-way as shown in the current plan set). Bulb-outs on Walnut Street should be compliant with the Better Streets Plan and should extend a minimum of 5 feet beyond the property line before the curb return begins. SDAT supports the generous bulb-outs on California Street and encourages the design team to consider how understory plantings, seating, special paving, public art or similar elements can program these large bulb-outs and act as a gateway into the project site.

- d. **Masonic Avenue.** The Planning Department supports the concept of regulating the Masonic/Euclid intersection by building a corner plaza and reducing the curb radius at both Euclid and Masonic Avenues. Consider further improving the pedestrian realm by planting large canopy trees along the Masonic Avenue frontage that match the scale of the trees across the street from the project site. This block of Masonic Avenue carries high vehicle flows. The street configuration is unlikely to substantively change in the near term. A cohesive tree canopy can have an ameliorative traffic calming effect on the street.
- e. **Mayfair Drive & Laurel Street Intersection.** Laurel Street has an excessively wide corner radius in the northbound direction at the Mayfair Drive intersection. The project sponsor should reduce the corner radius by squaring off the intersection at this location, creating a 3-way stop. This will result in a corner plaza similar to the one proposed at Masonic and Euclid Avenues, which will act as a gateway to the central open space proposed at the northeast corner of the site.
- f. **Euclid Avenue.** Consider a double row of trees in a park edge condition along Euclid Avenue, as a method to define the park and bikeway. Design Euclid Avenue per the Better Streets Plan "Park Edge Street" typology. Additionally, consider a protected bike facility on Euclid Avenue adjacent to the park.

#### PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, and/or Building Permit Application, as listed above, must be submitted no later than **January 14, 2018**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosure:      Neighborhood Group Mailing List  
                         Interdepartmental Project Review Application  
                         Preliminary Shadow Study

Place of Entertainment Map

cc: Don Bragg, Property Owner  
Brittany Bendix, Current Planning  
Debra Dwyer, Environmental Planning  
Amnon Ben-Pazi, Citywide Planning and Analysis  
Jonas Ionin, Planning Commission Secretary  
Charles Rivasplata, SFMTA  
Jerry Sanguinetti, Public Works  
Pauline Perkins, SFPUC  
June Weintraub and Jonathan Piakis, DPH  
Planning Department Webmaster (planning.webmaster@sfgov.org)

**ATTACHMENT E:  
CUA APPEAL LETTER**






# Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

October 7, 2019

San Francisco Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 OCT -7 PM 3:12  
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Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
Appeal of Planning Commission's Approval of Conditional Use/ Planned Unit Development

Laurel Heights Improvement Association of San Francisco, Inc. (LHIA) hereby appeals from the conditional use authorization and planned unit development authorization approved by the San Francisco Planning Commission on September 5, 2019 for 3333 California Street. As President of LHIA, I am authorized to file this appeal on behalf of LHIA.

Appellant LHIA and its officers submitted comments objecting to these approvals to the Planning Commission both orally and in writing at the public hearings on the approvals.

Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached as Exhibit A, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

**1. The Board Should Overturn or Modify the Conditional Use Authorization Because the Proposed Project, At the Size and Intensity Contemplated, Is Not Necessary or Desirable for, and Compatible With, the Neighborhood or the Community.**

The Board should overturn or modify the Conditional Use authorization for retail uses and other non-residential uses because they are not necessary or desirable for the neighborhood under Planning Code section 303. The project site is directly adjacent to Laurel Village shopping center and near Sacramento Street shops, Trader Joe's, Target, and Geary Street and Presidio Avenue retail store, so retail is not needed on the project site. The retail sector is in decline and competition from project retail uses could adversely impact the viability of existing retail uses in the adjacent Laurel Village. A Laurel Village merchant told me that after Target moved into the nearby City Center, business at Laurel Village declined. Also, recently there have been

approximately four vacancies within a short period of time in Laurel Village, which is an unprecedented situation. Owners of Bryan's and Cal-Mart have stated that the surrounding neighborhoods are now well served by a diversity of retail businesses in Laurel Village, Sacramento Street, Presidio Avenue, Trader Joe's, and Target at an expanding City Center. Ex. B.

Retail uses are also not necessary or desirable because the number of project retail parking spaces has been reduced from 188 spaces to 74 spaces. Ex. A, Responses to Comments on Draft EIR 2.33, excerpt. The reduction in retail parking spaces is not necessary or desirable for the Laurel Village merchants and community because the reduction will likely cause project retail customers to park in the adjacent Laurel Village parking lot, which is an above-ground lot.

This reduction in retail parking was disclosed late in the proceeding. The Project's July 3, 2019 plan sheet VAR.01b states that the proposed project variant would have 74 retail parking spaces, 29 childcare parking spaces, 744 residential parking spaces, no office parking spaces, no commercial parking spaces, for a total of 857 parking spaces. (Ex. C, July 3, 2019 plan sheet VAR.01b) The Draft EIR stated that the proposed 744-unit Project Variant would provide 188 retail parking spaces, 744 residential parking spaces and 29 "Other Non-residential (Daycare)" parking spaces, for a total of 961 parking spaces. DEIR4.C.77.

The volume of traffic from the retail uses at the Project would also be undesirable. The Draft EIR projected that the project retail uses would cause 8,153 daily auto trips. Ex. M, DEIR Traffic Appendix Chart. Even though the retail uses were reduced in the Special Use District from 54,117 square feet to 34,496 square feet, the proportionally reduced retail traffic would still be substantial at 5,196 auto trips per day from retail uses. Ex. C, 8-17-2017 Plan sheet G3.02a and 8-30-2019 plan sheet

**2. In the Alternative, the Board Should Modify the Conditional Use Authorization/Planned Unit Development to Recommend that NC-1 Controls be Used in the Special Use District Rather than the More Intensive NC-S Controls.**

NC-1 District controls are prescribed for retail uses authorized in Residential districts in Planned Unit Developments under Planning Code section 304:

In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, **subject to the limitations for NC-1 Districts under this Code.** (Ex. D, excerpts Planning Code section 304, emphasis added)

NC-1 Districts "are intended to serve as local neighborhood shopping districts" under Planning Code section 710 and permit operations from 6 a.m. to 11 p.m. with conditional use authorization for operations from 11 p.m. to 2 a.m. (Ex. E, excerpts Planning Code section 710)

NC-S Districts are more intensive and “are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers under Planning Code section 713. (Ex. F, excerpts Planning Code section 713) NC-S controls are intended to serve “the immediate and nearby neighborhoods” but Planned Unit development authorizations are allowed “only to the extent that such uses are necessary to serve residents of the immediate vicinity.” Planning Code section 304. Since the Project would provide only 74 retail parking spaces, the Project would not sufficiently serve primarily car-oriented shoppers in an NC-S District. Also, NC-S districts permit operations from 6 a.m. to 2 a.m., with conditional use authorization for 24-hour operations. (Ex. E) These controls are not desirable for the area, which is predominantly residential.

NC-1 controls would be consistent with the SUD’s description of “34,396 square feet of neighborhood-serving retail.”

**3. Alternatively, the Board Should Limit Permitted Hours of Operation to 6 a.m. to 11 pm.**

The Board should change permitted hours of operation for non-residential uses in the Special Use District to 6 a.m. to 11 p.m., as allowed for NC-1 Districts authorized for a Planned Unit Development, rather than 2 a.m., which would be allowed in an NC-S District.

**4. Alternatively, the Board Should Eliminate Flexible Retail and Social Service and Philanthropic Facilities from the Special Use District Because they Were Not Disclosed in the EIR and Are Not Necessary For or Compatible With the Neighborhood.**

The EIR did not disclose potential Flexible Retail, Social Service or Philanthropic Facility use, and such uses are not permitted in an NC-S District. (Planning Code section 713) It is not necessary or desirable to add such uses to the Special Use District, as the project would not provide parking for office uses, which Social Service or Philanthropic Facility uses are classified as under Transportation Demand Management Program. Ex. G, TDM excerpts. The EIR disclosed only general retail uses, ---- full-service restaurant uses and ----composite restaurant uses.

Flexible retail uses are not desirable in the area because they would not require neighborhood notification for multiple uses in the same space (with 2 uses required and up to 5 permitted) unless the underlying zoning classification required notice. (Board of Supervisors File 180806)

**5. Alternatively, to Conform With the Historical Resource Design Guidelines, the Board Should Modify the Project to Limit the Proposed Rooftop Addition to the Main Building to One Story.**

The historically significant site is listed on the California Register of Historical Places. (Ex. A to accompanying appeal as to adequacy of Final EIR.) The Secretary of the Interior's Standards for Treatment of Historic Properties (Secretary's Standards) are the standards used by CEQA to mitigate impacts upon historic resources to below a level of significance. 14 Cal.Code Regs. Section 15126.4(b)(1) and (2). (Ex. H, excerpts, Secretary's Standards) The Secretary's Standards recommend "Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building." (Ex. H, excerpts, Secretary's Standards) Thus, instead of a two-story addition, the Board should modify the proposed project to utilize a one-story addition.

**6. Alternatively, the Board Should Order the Project Modified to Remove New Construction From the Green Spaces at the Top of Laurel Street and along Euclid Avenue.**

The Board should set the Euclid Building back approximately 30 feet from the Euclid green to avoid impairment to that green space and remove 2 Laurel Duplexes from the top of the green at Laurel Street to preserve the natural green space in those areas. (Ex. I, rendering showing areas to be left open)

**7. Alternatively, the Board Should Order a Portal Cut Through the First Two Floors of the Main Building With a Light Well on Top, Rather than an Approximate 40-Foot Cut Through the Top of the Main Building.**

The Project proposes to significantly impair the historic main building by cutting a 40-foot pathway through it that would divide the building into two pieces. The EIR admits that the Project would cause a substantial adverse change in the significance of a historic resource. One of the character-defining features of the main building is its horizontality. (Ex. D to October 7, 2019 LHIA appeal of certification of Final EIR. Adding a set-back, one story addition would conform with the Secretary's Standards for treatment of historic properties.

As explained in the accompanying appeal of certification of the Final EIR, the Planning Department only requested a north/south portal and did not request a cut all the way through the main building. Changing the 40-foot cut to a portal would reduce construction time and cost.

**8. The Board Should Overturn the Conditional Use/Planned Unit Development Authorization Because the Commercial Uses, Height Limit Increases and Shaded Open Spaces are Not Necessary or Desirable for the Neighborhood.**

The Planned Unit Development criteria of Planning Code section 304(d)(6) state that the proposed development “shall”:

(6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code.

The Special Use Districts would allow heights of 92 feet, 80 feet, 67 feet and 45 feet, which are greater than the 40-foot height limit now applicable to the site. (Ex. J, proposed height map) The Board should overturn the Planning Commission’s authorization of heights in excess of the existing 40-foot height limit because the authorization is not consistent with the criteria for authorization of a Planned Unit Development.

Increased heights are also not necessary or desirable because adding two additional stories to the top of a divided main building would impair the characteristic horizontality of the historic resource.

The Board should also overturn the conditional use authorization because significant portions of open space in the project would be shaded most of the time and are not desirable. The Initial Study admits that “the network of proposed new common open spaces, walkways, and plazas within the project site” “would be shaded mostly by proposed new buildings for much of the day and year.” Initial Study p. 161; Ex. K, open space plan and excerpts of project shadow study).

The Board should also overturn the conditional use authorization because the non-residential uses described above are not necessary or desirable for, and compatible with, the neighborhood and community.

For the reasons stated herein, the Board should not adopt the Planning Code amendments recommended by the Planning Commission, including without limitation the adoption of the proposed Special Use District, changes to the height limit map, and any other Planning Code amendments recommended by the Commission. The public necessity, convenience and general welfare do not require the proposed amendment because the project was not designed in accordance with the Secretary’s Standards, which would serve as feasible mitigation for the project’s impacts on the historic resource, and alternatives are feasible that would reduce or avoid the project’s impacts on the historic resource, but the Commission erroneously rejected them, as more fully discussed in the accompanying appeal as to certification of the Final EIR.

The project is also not necessary or desirable because it conflicts with the Residential Design Guideline that “New buildings and additions to existing buildings cannot disregard or significantly alter the existing topography of the site. The surrounding context guides the manner in which new structures fit into the streetscape, particularly along slopes and hills. This can be

achieved by designing the building so it follows the topography in a manner similar to surrounding buildings.” (Residential Design Guidelines, p. 11) These guidelines must be followed in Residential Districts. Planning Code section 311. The project would excavate substantial portions of Laurel Hill, in violation of this Guideline. (Ex. L, plan sheet G2.08)

**9. If the Board Overturns the Planning Commission’s Certification of the Final EIR, the Board Must Also Overturn the Approval of the Tentative Conditional Use/PUD Authorization by the Planning Commission.**

For the reasons stated in LHIA’s appeal of the Planning Commission’s certification of the Final EIR for 3333 California Street, the Final EIR is inadequate, and if overturned by the Board of Supervisors, the Board must grant this appeal of the approval of the conditional use/planned unit development authorization. The Final EIR is the CEQA document upon which the approval of the conditional use/PUD is based, and if the Final EIR is overturned, the approval of the conditional use/PUD must necessarily also be overturned. The Final EIR identified significant adverse impacts which the Project would have, so CEQA review must have been completed in a lawful manner before the conditional use/PUD authorizations can be valid.

Planning Commission Resolution No. 20514 adopted on September 5, 2019 states at page 1 that a proposed Ordinance introduced on July 30 and amended on September 3, 2019 “would enable the Project” and at page 10 that “the Commission recommends approval of the proposed Ordinance” with certain modifications. Thus, the Planning Commission did not approve the rezoning needed for the project to be approved.

**10. Approval of the Conditional Use/PUD Authorization Must Be Overturned If the Board of Supervisors Does Not Approve the Zoning Changes Required to Allow the Proposed Project to be Built.**

The Preliminary Project Assessment explains that only the Board of Supervisors can change the height limits requested by the Project or change the Planning Commission Resolution 4109 that prohibits development of the parcel in the manner proposed by the Project. (Ex. M to June 8, 2018 Comments of Devincenzi on 3333 California Street Initial Study, PPA excerpts)

If the Board does not approve the zoning changes set forth in the proposed Special Use District, the Board must overturn the approval of the conditional use/PUD authorization.

**Conclusion**

For the foregoing reasons, the Board should overturn or modify the conditional use/planned use development authorization approved by the Planning Commission because the uses or features at the size and intensity contemplated and at the proposed location will not



Board of Supervisors  
October 7, 2019  
Page 7

provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

Further, the project would not provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code, as required for a planned unit development by Planning Code section 304(d)(3). Significant portions of the open spaces proposed by the Project would be shaded most of the day.

The proposed project would be inconsistent with provisions of the Urban Design Element and Housing Element of the General Plan because the bulk of the buildings does not relate to the prevailing scale of development and would have an overwhelming or dominating appearance, and the height of buildings does not relate to important attributes of the city patterns and the height and character of existing development. Urban Design Element Policies 3.5 and 3.6. Policy 3.6 explains that it was intended to avoid disruption to the city's character from buildings that reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area which "can overwhelm other buildings."

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.

A handwritten signature in cursive script that reads "Kathryn Devincenzi".

By: Kathryn Devincenzi, President

Attachments: A through M