

Part 3

530 Sansome Street

Part 3 contains the following documents:

- Project Sponsor's Response Brief to Appeal Nos. 21-074, 21-075, 21-089 & 21-090
- Public Comment for the 530 Sansome Street appeals

BRIEF SUBMITTED BY THE DETERMINATION HOLDER(S)

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President Darryl Honda and Clerk of the San Francisco Board of Appeals
49 Van Ness Avenue
San Francisco, California 94103

Re: Response to Appellant Briefs for Appeal Nos. 21-074 & 21-075 Regarding Downtown Project Authorization and Appeal Nos. 21-089 & 21-090 Regarding Variance for 530 Sansome Street Project (Planning Case No. 2019-017481)

Dear President Honda and Clerk of the Board:

This firm represents EQX Jackson SQ Holdco LLC (“Related California”), which along with the San Francisco Bureau of Real Estate (“BRE”) and the San Francisco Fire Department (the “SFFD”) is the sponsor of the mixed-use development project (the “Project”) at the site commonly referred to as 530 Sansome Street in San Francisco, California, Assessor’s Block 0206, Lots 00013, 014 & 017 (the “Project Site”). We respectfully request that the Board of Appeals (“Board”) affirm the July 29, 2021 Planning Commission Motion 20956 to approve a Planning Code Section 309 Downtown Project Authorization for the Project (the “DNX Motion”) and the Zoning Administrator’s August 27, 2021 decision approving a Variance for the Project (the “Variance”).

I. INTRODUCTION AND BACKGROUND

For the reasons summarized below, we respectfully submit that the appeals are without merit and that the Board should affirm the DNX Motion and Variance and end further unwarranted delay of this important Project, which will provide the City with a much-needed replacement Fire Station 13 for SFFD, while also constructing a desirable new high-rise development in the City’s

Financial District that will include significant streetscape improvements and deliver significant affordable housing fees to the City. Appellants' arguments are confounding in that they attack long-standing interpretations and practice of the Planning Code section 309 exception process that are relied upon by nearly every large project in downtown San Francisco and would have this Board reverse the Zoning Administrator's partial relief from street frontage design controls, based only on guesswork opinions about the nature of the Project Site's constraints, the Project's design challenges, and without any showing of harm to the public welfare or material injury to property interests in the vicinity.

Given the largely overlapping nature of the appellants' arguments regarding both the DNX Motion and Variance, and for the sake of brevity, this response brief presents a consolidated response to appellant briefs submitted for Appeal Nos. 21-074 and 21-075 regarding the DNX Motion and for Appeal Nos. 21-089 and 21-090 regarding the Variance.¹ References to "Appellants" are to Wilad Properties LLC and 447 Partners, LLC jointly.

A. Background

At the urging of the Board of Supervisors in Resolutions Nos. 244-17 and 143-18 and following a public request for proposal process initiated in early 2019 by BRE with the input of SFFD and the San Francisco Fire Commission, Related California was selected as the private development partner to demolish the existing Fire Station 13 at 530 Sansome Street and construct a new Fire Station 13 as part of a new mixed-use development. In addition to providing the City with a much-needed new fire station, a stated intent of BRE's proposed project was to generate substantial affordable housing funds for the City. Related California's proposal included the

¹ We confirmed by an email exchange with Julie Rosenberg on October 11, 2021 that the form and length of this brief comports with Board of Appeals briefing regulations, given that Related California is responding to four appeals.

demolition of the existing buildings on the two private lots to the east of the existing Fire Station 13 (Block 0206, Lots 013 & 014) to maximize development potential and ensure a viable project that would timely deliver the new fire station to the City. The Board of Supervisors approved execution of a conditional property exchange agreement between Related California and the City by Resolution No. 220-19, and later approved substantive amendments to the now-executed conditional property exchange agreement by Resolution No. 242-20. Significantly, the finally executed conditional property exchange agreement between the City and Related California expressly contemplates that Related California's development of the new fire station could be accompanied by either mixed-use commercial development *or* a residential development.

Commencing in late 2019, Related California submitted development applications for the Project and coordinated carefully with the Planning Department, SFFD, the SFMTA and other City departments and agencies. In accordance with the executed conditional property exchange agreement between the City and Related California, the Project proposed and analyzed by the Planning Department includes two variants, one proposing a mixed-use commercial development (the "Commercial Variant") and one proposing a mixed-use residential variant (the "Residential Variant"). Each variant is described in detail in Appendix B to the DNX Motion, with separate floor plans, building elevations, building program tables, and architectural details provided for each variant at the same or greater level of detail typically required by the Planning Commission for any Downtown Project Authorization motion.² The two variants reflect nearly identical height, massing, new Fire Station 13 design and general exterior appearance, but the Commercial Variant

² For sake of limiting duplicate exhibits, we have not exhibited the DNX Motion to our brief, but note that the full plan set for both the Commercial Variant and Residential Variant is exhibited in Wilad Properties LLC's brief for Appeal No. 21-074, commencing at page 237 of the pdf file of their brief.

proposes a 200-room hotel, approximately 40,000 square feet of office, a fitness facility and ground floor and mezzanine restaurant space in the high-rise tower component of the Project, while the Residential Variant would instead institute 256 apartments and associated residential amenity space in the high-rise tower component of the Project.

On April 28, 2021, the Planning Department published the Preliminary Mitigated Negative Declaration (“PMND”) analyzing the Project and both its variants and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment. The 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 28, 2021. Numerous notices of availability of the PMND were posted around the Site on April 28, 2021. On May 18, 2021, an appeal was filed by 447 Partners, LLC.

On July 29, 2021, at a duly noticed public hearing, the Planning Commission denied the PMND appeal and approved entitlements required for both the Commercial Variant and Residential Variant of the Project, including the DNX Motion. On August 12, 2021, Wilad Properties LLC filed an appeal of the DNX Motion (Appeal No. 20-074) and on August 13, 2021, 447 Partners, LLC filed an appeal of the DNX Motion (Appeal No. 20-075).

On August 27, 2021, the Zoning Administrator issued a written decision on the Variance. On August 30, 2021, 447 Partners, LLC appealed the Planning Commission’s decision to uphold the PMND. On September 3, 2021, 447 Partners, LLC filed an appeal of the Variance (Appeal No. 21-089) and Wilad Properties LLC filed an appeal of the Variance (Appeal No. 21-090).

On October 5, 2021, the Board of Supervisors unanimously denied 447 Partners, LLC’s appeal of the PMND. Appeals No. 21-074, 21-075, 21-089 and 21-090 are now before this Board.

B. Note Regarding Appellants

As an initial matter, we respectfully submit that it would be appropriate for this Board to question the underlying nature and motivations of both Appellants' objections to the Project. Both Appellants have ownership interests in the two properties along the eastern boundary of the Project Site (447 Partners, LLC is the owner of the property commonly known as 447 Battery Street, while Wilad Properties LLC has an ownership interest in the property commonly referred to as 401 Washington Street), which would be adjacent to the new fire station. An examination of each Appellants' arguments reveals that they have made *no actual or constructive showing of harm to the public, much less a cognizable harm to their actual private property rights or interests*. In the case of 447 Partners LLC, (owner of the adjacent property located at 447 Battery Street), their arguments fail to demonstrate how implementation of the Project would harm their existing or proposed use of their property.

It is also the case that Wilad Properties LLC has not made any clear showing of harm to the public or its property interests, but for a peripheral mention of concerns about disruptions caused by the elimination of existing *on-street* parking in front of their building.³ As an initial matter, Wilad Properties LLC has no property right to on-street parking in front of their building, and while on-street parking is desirable, Wilad has conveniently omitted from its brief and other letters opposing the Project that its building is located *across the street* from one of the largest downtown public parking garages (the One Maritime parking garage, which comprises three parking levels covering an unusually large City block and according to the City has almost 1,100 parking spaces as evidenced in **Exhibit A**) in downtown San Francisco. Eliminating a relatively

³ The elimination of this on-street parking is necessary in order to accommodate an SFFD-only eastbound contraflow access lane and an adjacent curbside SFFD-only loading area

small number of on-street parking to provide safe access to a major downtown fire station seems an apparently fair and reasonable trade off, particularly given that a major public parking garage can be accessed by simply walking across the street. Wilad seems to be well aware of this and that facially challenging the Project on the grounds of the lost on-street parking would not be successful on the merits. Accordingly, and we think quite apparently, Wilad has crafted its arguments to this Board such that objections to the loss of on-street parking are all but tangential to its appeal of the Project. Instead, Wilad purports to object only to Related California's "portion" of the Project (which has nothing to do with the loss of existing on-street parking in front of Wilad's property). Yet notably, as shown by the email exchange attached as **Exhibit B**, when representatives of Related California attempted to reach out to representatives of Wilad well in advance of the July 29, 2019 public hearing on the Project to review the Project's design with the Project architect, Wilad's representative decided to forego learning more about the Project from Related California and its architect, acknowledging that their "items of concerns" included the fire station relocation, parking, and traffic redirection and stating that they first wanted to discuss these matters with the City so that Wilad could "understand their reasons and communicate our concerns." Wilad never again contacted Related California, yet now raises an appeal entirely focused on technical and procedural objections focused on Related California's "portion" of the Project, often offering completely unsupported opinions about the design of the Project and its high-rise tower.

We mention all this to expressly call out what we think this Board will be able to readily discern at the appeal hearing: Wilad's only honest objection to the Project has to do with SFFD-related changes to Washington Street to which it has no property right nor to which it can ascribe any actual harm to public welfare. Indeed, because the Project so clearly promotes the public welfare, we think it is apparent that Wilad has strategically concluded that it would be unwise and

unwarranted to argue that their “right” to convenient on-street parking is more important than the public’s interest in a safe and functional state-of-the-art fire station, so they instead have attempted to mask their actual reason for opposing the Project with a slew of ticky-tacky procedural and technical arguments in the hopes that the “tail can wag the dog” and this Board will delay and otherwise frustrate this important Project on purely procedural grounds to the desired end that the Project’s implementation is no longer feasible.

We mention this background not out of concern about the procedural and substantive soundness of the DNX Motion and Variance, but so that this Board is aware of the apparent lack of good faith behind both Appellants’ appeals.

C. Wilad Properties, LLC Has Misstated This Board’s Standard of Review for the DNX Motion

Counsel for Wilad Properties, LLC incorrectly asserts that this Board reviews the Planning Commission’s decision on the DNX Motion *de novo*. As is expressly set forth in the Planning Code, the Board of Appeals reviews the Planning Commission’s decisions on Section 309 Downtown Project Authorizations for “error in interpretation of [the Planning Code] or abuse of discretion” and requires that, if the Board disagrees with the Planning Commission’s decision, the Board issue a written decision that specifies the error in interpretation or abuse of discretion and specify in its written decision “the facts relied upon in arriving at its determination.” Planning Code Section 309(e)(3).

As summarized below, the DNX Motion before this Board reflects that the Planning Commission neither erred in interpreting the Planning Code, nor abused its discretion. This Board should also affirm the Zoning Administrator’s Variance decision under a *de novo* standard of review, for the reasons discussed below.

D. Arguments Raised Regarding Adequacy of Noticing Are Clearly Unfounded and Not Properly Before this Board

Counsel for Wilad Properties LLC puts forward a misleading and spurious argument that Wilad did not “receive” adequate notice of the Project and therefore the public notice was not properly completed for the Project pursuant to CEQA and Administrative Code Section 31.11. As an initial matter, the legal adequacy of the Project’s PMND noticing is not before this Board and instead has already been finally resolved (and deemed adequately completed) by the Board of Supervisors in its October 5, 2021 unanimous denial of the CEQA appeal by 447 Partners, LLC. Instead, the only noticing argument that could conceivably be put before this Board is the required public noticing for the Planning Commission hearing on the DNX Motion and Zoning Administrator hearing on the Variance, which counsel for Wilad concedes they timely received in Exhibit 3 of their brief for Appeal No. 21-074. As such, there are no grounds to reverse the DNX Motion or Variance on the grounds of noticing. Further, as noted above, and prior to the Project being approved, Related California also reached out to the representative of Wilad Properties LLC to discuss Wilad’s concerns about the Project and has received no constructive response. *See Exhibit B.*

II. RESPONSE TO APPELLANTS’ ARGUMENTS REGARDING THE DNX MOTION

A. The DNX Motion’s Exception from Rear Yard Requirements Was Properly Authorized

Appellants put forward unsupported arguments that would have this Board disregard long-standing interpretations of Planning Code Section 309 and Planning Commission practice and drastically narrow the circumstances under which the Planning Commission may authorize rear yard exceptions. This Board should not entertain Appellants’ attempt to ignore years of interpretational precedent and practice for high-rise residential projects in C-3 districts, which

makes clear that an exception for rear yard requirements—including an elimination of the requirement—may be appropriately authorized by the Planning Commission, so long as the building location and configuration assure adequate light and air to windows and useable open space.

The findings in the DNX Motion and plan set attached thereto amply set forth the facts and circumstances supporting the Planning Commission’s decision to authorize the rear yard exception for the Residential Variant of the Project. *See, e.g.*, pp. 9 and 21–22 of the Residential Variant plan set included in Wilad Properties, LLC’s brief for Appeal No. 21-074 at pdf file pp. 299 and 309-310. The record demonstrates that the Project is set back 33-feet from the western boundary of the Project Site, creating a courtyard (proposed in-lieu of a rear yard) sufficiently large to ensure light and air to the residential units facing the courtyard. *See, e.g., id.*

We note that this Board has previously upheld a Downtown Project Authorization exception from rear yard requirements on a similar factual record (*see* Appeal No. 15-191 re 75 Howard Street). Further, a decision by the Board to overturn the Planning Commission’s decision for this Project would upset years of Planning Commission practice, as it has commonly authorized the reduction, modification and/or elimination of required rear yards for projects in the C-3 district, generally reflecting design circumstances common to high-rise residential developments in a dense urban environment and the overall desirability of the projects’ designs in such a setting. The following are merely a cohort of the many projects that obtained similar rear yard exceptions to the one now challenged by Appellants:

- 200 Van Ness Avenue San Francisco Conservatory of Music project (excerpted copy of February 2018 Planning Commission Motion No. 20107 attached as **Exhibit C**);⁴
- 542-550 Howard Street (Transbay Parcel F) (excerpted copy of January 2020 Planning Commission Motion No. 20616 attached as **Exhibit D**);
- 524 Howard Street (excerpted copy of November 2016 Planning Commission Motion 19771 attached as **Exhibit E**);
- 150 Van Ness Avenue (excerpted copy of July 2015 Planning Commission Motion No. 19351 attached as **Exhibit F**);
- 41 Tehama Street (excerpted copy of November 2013 Planning Commission Motion No. 19021 attached as **Exhibit G**);
- 706 Mission Street (excerpted copy of May 2013 Planning Commission Motion No. 18894 attached as attached as **Exhibit H**);
- 1436 Mission Street (excerpted copy of April 2007 Planning Commission Motion No. 17414 attached as **Exhibit I**); and

⁴ As an example, the Downtown Project Authorization for the 200 Van Ness Project grants a rear yard exception with the following explanation:

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas. All 30 dwelling units face the street, providing more than adequate access to light and air and have access to the 800 sf of open space in the courtyard, and are one block from the Civic Center Plaza open space. Due to the adequate air and light and open space provided by the project, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

- 1167 Market Street (excerpted copy of August 2006 Planning Commission Motion No. 17296 attached as **Exhibit J**).

The Appellant has not put forward a merited argument supporting that the Planning Commission erred in an interpretation of the Code, but rather has attempted to supplant a long-standing interpretation with its own preferred, novel, and problematic interpretation. Further, the Appellant has not shown that the Planning Commission abused its discretion in authorizing the rear yard exception for the Project's Residential Variant; instead, the Planning Commission followed its long-established practice in reviewing and granting rear yard exceptions for many high-rise residential projects in the C-3 district, based on a detailed Project plan set and reasoning that the residential units would have more than adequate light and air. As such, this Board should uphold the Planning Commission's decision.

B. The DNX Motion's Exception from Exposure Requirements Was Properly Authorized

Appellant next challenges the Planning Commission's authority to authorize dwelling unit exposure exceptions through Section 309 Downtown Project Authorizations. Appellant's position is that Section 309 only permits the Planning Commission to approve dwelling unit exposure exceptions for "historic buildings, the conversion of a nonconforming use in an existing building to a residential use in districts where the residential use is principally permitted, or accessory dwelling units." *See* Wilad Properties LLC Brief for Appeal No. 21-074 at p. 5. Appellant's argument is contrary to practice and recently enacted law, and would contravene the clear intent of the Board of Supervisors in allowing exposure exceptions to be granted through the Section 309 Downtown Project Authorization process, including for the following other recent projects:

- 10 South Van Ness Avenue (excerpted copy of Planning Commission Motion No. 20743 attached as **Exhibit K**); and

- 542-550 Howard Street (Transbay Parcel F) (excerpted copy of Planning Commission Motion No. 20616 attached as **Exhibit D**).

Appellant’s position ignores the readily apparent intent of the 2018 Board of Supervisors amendment to Code Section 309, which broadly granted the Planning Commission to authorize exceptions from both exposure and open space requirements (rather than to require such modifications to be approved through the variance process) in order to reduce wasteful process and streamline housing development. *See* Ordinance 179-18. This is reflected in the Planning Commission’s resolution recommending the passage of the ordinance (referred to as the “Mayor’s Process Improvements Ordinance”) to the Board of Supervisors, which states the intended purpose of the amendment is to eliminate the need that “high-rise residential developments in C-3 districts” obtain “routinely granted” exposure and open space variances. The Planning Commission resolution more specifically expresses that that intent is to:

remove an additional layer of review for most large residential projects in the downtown C-3 districts by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts. (emphasis added).⁵

⁵ Indeed, in plain contravention of Appellants’ flawed reasoning that relief from unit exposure requirements may only be granted for historic buildings, certain nonconforming uses or accessory dwelling units, there are no shortage of examples in which the Zoning Administrator—prior to the amendment of the Planning Code by Ordinance 179-18—lawfully granted unit exposure variances for new construction projects in C-3 district projects via a Code Section 305 variance. Such

See Planning Commission Resolution No. 20198 at p. 3 attached as **Exhibit L**.

If accepted by this Board, Appellant’s argument would vitiate the clearly expressed purpose of Ordinance 179-18. Appellant claims that—notwithstanding that Ordinance 179-18 amended Planning Code section 309 to permit the Planning Commission to grant exceptions from the Section 140 dwelling unit exposure requirements, for the stated purpose of “remov[ing] an additional layer of review *for most large residential projects in the downtown C-3 districts* by eliminating the need for a Variance in most cases”—this Board should restrict the Planning Commission’s ability to grant the exception to historic buildings, certain nonconforming uses, or accessory dwelling units. We respectfully submit that “most large residential projects in downtown C-3 districts”, particularly “high-rise residential developments” are new construction projects that do not involve any of the three Appellant-approved circumstances.

Appellants’ reading of Section 309 would also mean that the Planning Commission is prohibited from granting open space exceptions, despite that Section 309 explicitly states that the Planning Commission is authorized to do so, and the clear intent of Ordinance 179-18 was to grant

examples include, 150 Van Ness Avenue (excerpted copy of Variance Decision dated April 24, 2015 for Case No. 2013.0973VAR attached as **Exhibit M**); 41 Tehama Street (excerpted copy of November 2013 Planning Commission Motion 19021 reflecting grant of variance attached as **Exhibit G**); and 1401 Market Street (excerpted copy of Variance Decision dated June 28, 2007 for Case No. 2006.0584V attached as **Exhibit N**). In addition, there are numerous examples of pre-2018 property-specific special use districts created that allowed the Planning Commission to grant a Section 309 exception from unit exposure requirements under essentially the same standards as applied by the Planning Commission since the enactment of Ordinance 179-18 and its citywide provision allowing Section 309 exceptions from unit exposure and open space requirements. Such examples include: 200 Van Ness Avenue San Francisco Conservatory of Music project (excerpted copy of February 2018 Planning Commission Motion No. 20107 attached as **Exhibit C**) and 1167 Market Street (excerpted copy of August 2006 Planning Commission Motion No. 17296 attached as **Exhibit J**). All of these examples support that the Planning Commission has interpreted and applied Ordinance 179-18 in a reasoned and predictable manner based on many years of established practice and procedure regarding the grant of relief from unit exposure requirements for high-rise residential developments in the C-3 zoning district.

the Planning Commission authority to grant open space exceptions. This is the case because Appellants argue that the Planning Commission is limited to granting exceptions “as permitted” in the specific Planning Code section that details the applicable building control. For example, Appellants claim that the Planning Commission is prohibited from granting exposure exceptions except “as permitted” in Section 140. Applying the same logic to open space exceptions, the Planning Commission would be limited to granting such exceptions except “as permitted” in Section 135. However, Section 135 does not state or describe *any* circumstances in which an open space exception may be permitted. Were the Board to adopt Appellants’ flawed interpretation of the Code, the logical effect would be to make it such that there would be no circumstances under which the Planning Commission could grant open space exceptions, rendering Code Section 309’s provisions regarding open space exceptions meaningless. Instead, and as clearly reflected in the legislative history of Ordinance 179-18 and upon a commonsense reading of the Planning Code, the Planning Commission has broad authority to grant exceptions from exposure and open space requirements as part of its overall Section 309 design review process for large downtown projects.

Accordingly, the DNX Motion clearly sets forth the Planning Commission’s sound rationale for authorizing the exposure exception, which is that the four out of 256 dwelling units (*i.e.*, the fewer than 2% of the total dwelling units proposed by the Residential Variant) that do not meet the strict technical exposure requirements of Code Section 309 “would have adequate light and air and be part of an overall desirable design of a mixed-use development that will maximize residential density in a vibrant, mixed-use project.” *See* pp. 21–22 of the DNX Motion, exhibited in Wilad Properties, LLC’s brief for Appeal No. 21-075 at pdf file pp. 93-94. These findings are supported by attached Residential Variant plan sheets that clearly demonstrate the nature of the exposure exception being granted for the four of the 256 dwelling units. For example, the

Residential Variant plan set's elevation and section drawings show that, although the four units would be in relatively close proximity to the new SFFD fitness center and roof parapet, the units would be open to the Project's large courtyard above. *See* pp. 8–9 & 20–23 of the Residential Variant plan set, exhibited in Wilad Properties, LLC's brief for Appeal No. 21-075 at pdf file pp. 297–298 and 309-311.

We note that the Planning Commission's stated rationale makes clear the practical implication of Appellants' effort to have the Board accept an interpretation of Section 309 that would plainly contravene the City's efforts to streamline housing delivery. Accepting Appellants' interpretation would not stop developments such as the Residential Variant of the Project, but instead would simply result in a longer timeline for housing delivery and/or a reduction in the amount of much needed housing provided by such residential projects (*e.g.*, here the Project sponsor could conceivably redesign the Residential Variant to avoid the need for an exposure exception by eliminating the four dwelling units that require the exception, but such redesign would contravene the City's efforts to maximize opportunities for new housing development, when such housing meets the spirit of the Planning Code's requirements, if not the Code's strict technical standards).

The Planning Commission neither erred in its interpretation of the Planning Code nor abused its discretion in granting the exposure exception for the Residential Variant of the Project, but instead interpreted the Code in a commonsense manner and followed established practice and procedure in authorizing the exposure exception. As such, this Board should uphold the Planning Commission's decision.

C. The DNX Motion’s Exception from Off-Street Loading Requirements Was Properly Authorized

In their brief to this Board, counsel for 447 Partners, LLC would have this Board overturn long-standing Planning Commission practice and ignore a record that clearly supports the Planning Commission’s decisions to authorize an exception from off-street loading requirements for the Commercial Variant of the Project and overturn the Planning Commission’s DNX Motion for sake of form, not substance. The DNX Motion and plan set attached thereto clearly set forth the circumstances supporting that the “proposed mix of uses for the Commercial Variant, including the new SFFD Station 13, creates unique site constraints making infeasible the provision of the adequate number of off-street loading spaces meeting the Code’s technical requirements.” *See* pp. 23–24 of the DNX Motion included in Wilad Properties LLC’s brief for Appeal No. 21-074 at pdf file pp. 95–96. The DNX Motion goes on to state:

Specifically, SFFD Station 13 requires that Washington Street—the street most suitable for large delivery truck loading facilities—be nearly devoid of non-SFFD vehicle facilities to avoid potential conflicts between SFFD engines and other vehicular activity associated with the Commercial Variant. The Commercial Variant design reflects careful coordination between SFFD, SFMTA and the Project Sponsor to accommodate one (1) standard-sized, off-street freight loading space, accessible from the Washington Street frontage, in a manner that would not conflict with the operations at SFFD Station 13. Moreover, the Commercial Variant also proposes two Code-compliant substituted service vehicle spaces on basement level (B1), accessible from Merchant Street. A qualified transportation consultant (Fehr & Peers) prepared a transportation impact study which analyzed whether the Commercial Variant could result in a loading deficit that could create

potentially hazardous conditions for people walking, bicycling, or driving or substantial delay public transit. The consultant's analysis supports that the Commercial Variant would not create hazardous conditions for people walking, bicycling, or driving, or create substantial delays to transit. In addition, the Commercial Variant would be subject to a Driveway Loading and Operations Plan (DLOP) as a condition of approval in Exhibit A, intended to reasonably ensure safe and orderly loading activity at the Site. It is therefore appropriate to grant an exception from the strict requirements of Code Section 152.2.

See id.

This analysis clearly addresses the substantive considerations to be made by the Planning Commission under Section 309 in authorizing an exception. This Board should not take seriously counsel for 447 Partners, LLC's unqualified and shallow effort to explain how the Commercial Variant could conceivably include strictly Code-compliant off-street loading. The back-of-envelope reasoning by an attorney—not an architect—would not be persuasive under a *de novo* standard of review, much less the abuse-of-discretion standard of review applicable to this appeal. Instead, this Board should uphold the Planning Commission's clear and thorough rationale for granting the exception.

D. The Argument That The Project Would Disrupt Existing Business Operations Are Unsupported And Not Grounds to Overturn the Planning Commission's DNX Motion

Appellant asks this Board to conclude that the Project violates the City's General Plan, because the Project would disrupt existing businesses and overburden streets or neighborhood parking and is therefore inconsistent with the eight priority-planning policies in Code Section 101.1(b). As an initial matter, Appellant's argument relies on its incorrect assertion that this Board

reviews the Planning Commission’s decision *de novo* rather than for abuse of discretion. The DNX Motion clearly sets forth the reasons why the Planning Commission appropriately concluded that the Project would support existing neighborhood business and improve street conditions. Appellant’s contentions that noise and traffic from SFFD’s use of Washington Street and the loss of existing on-street parking spaces on Washington Street would somehow “significantly affect” existing commercial and office uses at 401 Washington” is wholly unsupported by actual substantive evidence, but rather is merely that appellant’s opinion (an opinion that fails to recognize that this Project is proposed in a dense urban environment where noise and traffic are a facet of everyday life and that employees and visitors have ample means of traveling to and from the area by transit or, as noted above, by use of ample off-street parking facilities located at Maritime Plaza (just steps from Appellants’ properties), as well as on-street parking located nearby on Battery Street.

As such, the DNX Motion appropriately considered the eight priority-planning policies and the DNX Motion should be upheld.

III. RESPONSE TO APPELLANTS’ ARGUMENTS REGARDING THE VARIANCE

A. The Locker Room Screening and Ground Floor Ceiling Height Variance Were Properly Granted

Appellants’ arguments in support of their appeals of the Variance coyly attempt to curry favor with this Board by focusing their objections to the Variance solely on Related California’s “portion” of the Project and attempting to have this Board consider the Project’s design and approvals in silos rather than a single, complex, project. Appellant further cites a slew of out-of-context and readily distinguishable case law and misconstrues or mischaracterizes the Zoning Administrator’s findings and case record in an apparent attempt to scare this Board into thinking the Zoning Administrator somehow erred in granting two relatively minor variances—the first

related to *partial* relief from ground-floor ceiling heights in back-of-house portions of the Project's high-rise tower and the second pertaining to *partial* relief from upper-level façade transparency requirements for architectural screening added to the Commercial Variant's third-floor façade to obscure back-of-house gym lockers and showers. This Board should reject these arguments and Appellants' attempts to disrupt the Project and instead rest its decision to uphold the Variance on a decision and case record that provides clear and thorough evidence of the consideration of the five required criteria required by Planning Code Section 305.

As an initial matter, we note that this Board should consider the Zoning Administrator's Variance decision not in isolation, but rather in conjunction with the DNX Motion, the detailed plans for each of the Commercial Variant and Residential Variant incorporated into and attached to the DNX Motion and the Planning Department's Executive Summary for the Project made available to the Planning Commission, Zoning Administrator and members of the public in advance of the July 29, 2021 public hearing on the Project. This Board in its *de novo* review may appropriately consider the entire case record before it in upholding the Zoning Administrator's decision.

For example, Appellants would have this Board give significant weight to the fact that the written decision on the Variance does not clearly set forth in its preamble the variance relief needed for the non-SFFD groundfloor ceiling heights and upper-level screening requirements; however, the need for these variances was clearly called out in the Executive Summary. *See* p. 4 of the Executive Summary included in Wilad Properties LLC's brief for Appeal No. 21-074 beginning at p. 66 of the pdf file. As such, where appropriate we have called out areas where the case record clearly supports and supplements the Zoning Administrator's written justifications for the Variance.

1. Exceptional and Extraordinary Circumstances Apply

Appellants put forward an overly demanding standard for meeting the first variance criteria (that exceptional and extraordinary circumstances apply) and their invocation of *Broadway Laguna v. Board of Permit Appeals*, 66 Cal. 2d 767 (1967) is out of context. California case law has evolved significantly since the 1960s and the grounds for a variance need not rest solely on the physical characteristics of a property in isolation, but instead may (as is the case in Planning Code Section 305) consider disparities between properties. *See Craik v. Cnty. Of Santa Cruz*, 81 Cal.App.4th 880, 883 & 890 (6th Dist. 2000) (“there is no authority to support that a ‘physical’ disparity is a precondition for a variance,” but more broadly can consider “disparities between properties”, including surrounding existing structures and applicable regulations).

The Variance and case record set forth the reasons both variances meet Code Section 305’s first criteria regarding exceptional and extraordinary circumstances applying to the property and its intended use. Plainly stated, achieving a *feasible design* for the redevelopment of an existing public property containing a public-serving fire station and private property with a mixed-use tower—all at a Project Site bounded on three sides by public streets—in-and-of-itself presents exceptional and extraordinary circumstances. This is even more the case given site constraints presented in the context of one of the City’s densest urban environments (*i.e.*, the financial district), and that the SFFD and public safety *requires* that the floorplates of the new fire station be sufficiently large to accommodate large fire vehicles and therefore extends significantly into the base of the mixed-use tower.

The approved plans for each of the Residential Variant and Commercial Variant demonstrate how the fire station building constrains the lower-tower floor area available for non-SFFD uses and building features commonly included in lower levels of high-rise towers, such as back-of-house, service, and mechanical space. This is particularly well illustrated by excerpted

sheets from the approved Commercial Variant and Residential Variant plan set, including the project summary and area tables, the building section drawings, ground floor exception diagrams, and floor plans for building levels 1 through 3, all attached as **Exhibit O** (Commercial Variant plan sheets) and **Exhibit P** (Residential Variant plan sheets). Together, these plan sheets show how the fire station—the floor area of which is being *expanded* by at least 2,100 square feet as compared to the existing fire station—limits available lower-level floor area for non-SFFD uses.

More specifically, as shown in **Exhibits O and P**, a substantial portion of what would be the first three floors of the mixed-use tower is *occupied by the new fire station*, which highly constrains the space available for non-fire station uses, especially as compared to most other high-rise buildings in downtown San Francisco. Above the third floor, the mixed-use tower *extends over* the fire station, providing the tower with larger and more efficient (and typical) floor plates as compared to the first three floors. This design was necessary to provide the fire station with sufficiently large floor plates. A fire station is inherently more a horizontal than a vertical building typology, given the need for vehicle storage and maintenance areas. The constrained nature of the site (particularly being bounded by three streets) and the programmatic needs of SFFD necessitates that the fire station occupy a materially large portion of the ground floor of the tower building. This means that the first three levels of the tower building are constrained. Given that the remaining non-SFFD space on these floors is dominated by an elevator core and building lobby areas, the Project simply has less space for necessary back of the house and service spaces on its first three floors than most comparable tower buildings.

By way of brief example, the approved plans for the recently approved 555 Howard Street high-rise hotel and 150 Van Ness Avenue high-rise residential tower (both located in a C-3 district) show a much more typical ground floor and lower-building condition where there is ample space

for service and back-of-house functions required to be located at ground level or otherwise typically provided in the lower levels of a tower. *See* excerpted plan sheets attached to Planning Commission Motion No. 20787 for 555 Howard Street attached as **Exhibit Q** and excerpted plan sheets attached to Planning Commission Motion No. 19351 for 150 Van Ness Avenue attached as **Exhibit R**.

As such, the case record contains appropriate support and findings for the first criteria in Code Section 305, meaning this Board should uphold the Zoning Administrator's decision.

2. Literal Enforcement Would Result in Practical Difficulty and Unnecessary Hardship

The second required criteria for a variance is met where strict application of zoning regulations would result in practical difficulties or unnecessary hardships. *See Topanga Assoc. for a Scenic Community v. Cnty. Of Los Angeles*, 11 Cal.3d 506, 512 (1974). Without actually submitting evidence detailing the availability of a design alternative, but instead relying only on unsupported and conclusory design guesswork, Appellants assert that Related California would suffer no practical difficulty or unnecessary hardship in fully complying with the groundfloor ceiling height and third-level façade transparency requirements because it could simply redesign the Project's high-rise tower to avoid the need for a variance from the ground-floor height and third-level transparency controls. Given the above-described extraordinary circumstances and comparable building conditions owners of other commercial and residential high-rise towers typically enjoy, it should not surprise this Board that the Project required complex architectural design and programmatic layout to accommodate the state-of-the-art fire station and a non-SFFD high-rise development (the latter of which is a necessary component part of any proposal to provide the City with a new fire station, as established by the public request for proposal process summarized in the Background section of this brief). As discussed above, the Zoning

Administrator's variance from literal application of relatively minor aesthetically oriented design controls avoids exactly the type of practical difficulty and unnecessary hardship contemplated by Code Section 305.

It is theoretically correct that the Commercial Variant and Residential Variant *could* be designed to comply with the groundfloor ceiling height requirement. However, that is not the applicable standard for criteria 2 of Section 305. Instead, the inquiry is whether a practical difficulty or unnecessary hardship would be created by achieving such compliance. For purposes of the groundfloor ceiling requirements, achieving compliance would mean, under either variant of the Project, eliminating a floor or mezzanine of the non-SFFD portion of the tower and forcing the Project to cram building functions on those floors (primarily back-of-house and service functions) elsewhere or eliminate them to the detriment of the principal uses otherwise permitted by Code. This would not be necessary but for the lower-level floor space demands on levels 1 through 3 of the Project created by fire station, which helps explain the Zoning Administrator's rationale for focusing on the constraints presented by the fire station in his written decision for the Variance.

Next, Appellant's challenge a variance from Planning Code requirements that the first 15 feet of a building facing a street over 30 feet in width (*i.e.*, the case for each of Washington, Sansome and Merchant streets) not contain uses requiring *non-transparent walls* facing a public street. *See* Planning Code Section 145.1(b)(2) and 145.1(c)(3). Appellants challenge the variance from this requirement for level 3 of the Project's Commercial Variant. Underscoring the relatively small size of occupiable area of the level 1-3 floorplates, the *entirety* of level 3 is occupied by locker rooms, showers, and a spa, none of which are unusually large, and all of which are uses that clearly require privacy that would not be possible with transparent building frontages. Both the floor area constraints *and* the fact that the Project Site is surrounding by public streets on three

sides significantly limits available floor area for these private uses. The Commercial Variant addresses this practical difficulty by condensing privacy-oriented gym spaces to the third level's relatively smaller floor plate and by obscuring the level three windows with architectural screening. Again, while the Commercial Variant could conceivably create a tortured floor plan to locate privacy-requiring spaces on level four or five of the high-rise, this would occur in the context of the Commercial Variant already having to reduce floor space to achieve groundfloor ceiling height compliance, forcing an awkward plan of development that would not be necessary but for the available floor space being constrained by fire station and the Project Site fronting streets on three boundaries (a circumstance that does not arise for most other high-rise developments in the C-3 district, which are not subject to such material lower-level tower floor space constraints).

Under these circumstances, the case record and written decision supporting the Variance make clear that the partial variance from groundfloor ceiling height requirements and partial variance from upper-level façade transparency requirements avoid a practical difficulty and unnecessary hardship.

3. The Variance Preserves Substantial Property Rights Possessed by Other Properties in the Same District

Appellants would have this Board look solely at a few excerpted words in the Variance rather than its totality in arguing the Variance does not contain adequate findings regarding preservation of a property right possessed by other properties in the same district. Further, Appellants would further have this Board believe that the variances cannot properly be granted if they make the Project more profitable or attractive. *See, e.g.*, Wilad Property LLC's Brief at pp. 6-7. Instead, the third criteria for a variance is that the variance preserve a substantial property right possessed by other properties in the same district. *See* Cal. Govt. Code Section 65906. The Variance clearly sets forth that the variance allows a mix and square footage amount of uses

consistent with the Planning Code and General Plan. The comparison to the 555 Howard Street and 150 Van Ness Avenue projects summarized in the discussion of criteria one above further supports the Zoning Administrator's decision. Simply put, but for the constraints imposed on the Project Site by the fire station and that the site is bordered by three streets (as described in the section immediately above), the Project would not be limited in instituting the mixed-use program in each of the Commercial Variant and Residential Variant in a manner consistent with the ground floor ceiling height and upper-level façade transparency controls.

4. The Variance Is Not Materially Detrimental to the Public Welfare or Materially Injurious to the Property or Improvements in the Vicinity

This Board should not hesitate to discard Appellants' unsupported contention that the grant of minor variances from aesthetically oriented design controls is somehow detrimental to the public welfare or injurious to property or improvements in the vicinity. As detailed above, the nature of the partial variance from groundfloor ceiling height requirements is such that the public would be unaware that the exception had even been granted, given that only ceiling heights for off-street and/or service and back-of-house oriented spaces on the ground level require the variance. And without discounting the value of aesthetic design controls on the upper levels of buildings, the notion that the existence of architectural screen at level 3 of the Commercial Variant somehow detracts public welfare or materially injures property or improvements in the vicinity stretches the imagination.

Further, it bears mentioning that case law supports that this Board can consider the nature of the variance(s) being requested. For example, the decision in the *Broadway Laguna* case was clearly influenced by the nature of the floor-area-ratio variance requested, which the court noted were "uniquely valuable" for controlling population and congestion and in the same category as building height and massing controls. *See* 66 Cal. 2d at 779, n.10. Here, the expressed intent of the

Code’s ground floor ceiling and façade transparency controls are “to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings in Commercial [Districts].” Code Section 145.1(a). The controls in question were applied to C-3 zoning districts in 2010, after most all the development in the surrounding financial district. A walk through the financial district readily reveals that owners of many surrounding properties enjoy ground-floor ceiling heights and upper-level façade obstructions that do not strictly comply with the current Code. Instead, property owners of the surrounding area commonly enjoy high-density developments that were not subjected to the “fine-grained” ground-floor ceiling height and upper-level transparency controls that Appellants have taken issue with in this appeal.

5. The Variances Are Clearly in Harmony with the General Purpose and Intent of the Code and General Plan

The Zoning Administrator’s Variance repeatedly emphasizes how the Project, including with the granted variances not only is in harmony but furthers the general purpose of the Code and General Plan. The decision notes that the “development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development,” noting that the Project “will be in keeping with the existing housing and neighborhood character.” *See* pp. 6–7 of the Variance decision included in Wilad Property LLC’s Brief for Appeal No. 21-090 at pdf file pp. 17–18. These findings are in addition to those set forth in the Executive Summary, which notes that the “Commercial Variant . . . would reinforce one of the primary roles of downtown San Francisco’s C-3 district” while the Residential Variant would add a “significant amount of housing to a Site that is currently well-served by existing transit, and is within walking distance of substantial goods and services.” *See* Executive Summary p. 6 including in Wilad Property LLC’s Brief for Appeal No. 21-074 at pdf file p. 71.

Further, as noted in the section immediately above, Appellants have made no showing that the nature of the groundfloor ceiling height and level three façade transparent requirements represents a particularly substantial deviation from the general purpose and intent of the Planning Code and General Plan. Instead, the limited nature of the variances largely meets the intent of the Code, if not its strict technical requirements, while furthering the Code and General Plan policies noted in the Zoning Administrator’s Variance decision and Executive Summary.

As such, this Board should conclude that the fifth criteria for a variance, like the first four criteria have been satisfactorily met for the variances opposed by Appellants and the Variance decision should be upheld.

IV. CONCLUSION

In sum, we respectfully request that the Board uphold the DNX Motion and Variance and deny the Appellants’ appeals.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'A' followed by a horizontal line extending to the right.

Jim Abrams

EXHIBIT A

SFMTA Summary of One Maritime Parking Garage

[Remainder of Page Intentionally Blank]

Alerts ATTN: Due to a funeral procession at McAllister/Fulton, the IB/OB 5 & 5R coaches are rerouting via Baker-Fulton-Web
<https://t.co/xl19BZ0KSF> (More: 27 in last 48 hours) (/tweets/sfmta_muni)

Subscribe (/signup-alerts?type=new&qsp=CASFMTA_2)

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Golden Gateway Garage

250 Clay Street San Francisco, CA 94111

Share this: [Facebook \(https://www.facebook.com/sharer.php?u=https://www.sfmta.com/fbk/garages-lots/golden-gateway-garage\)](https://www.facebook.com/sharer.php?u=https://www.sfmta.com/fbk/garages-lots/golden-gateway-garage) [Twitter \(https://twitter.com/share?url=https://www.sfmta.com/twr/garages-lots/golden-gateway-garage\)](https://twitter.com/share?url=https://www.sfmta.com/twr/garages-lots/golden-gateway-garage) [Email \(mailto:?subject=Golden Gateway Garage - from the SFMTA website&body=I am sharing a page from the San Francisco Municipal Transportation Agency \(SFMTA\) website with you.%0D%0A%0D%0AGolden Gateway Garage%0D%0Ahttps://www.sfmta.com/eml/garages-lots/golden-gateway-garage%0D%0A%0D%0AI hope you find this useful.\)](mailto:?subject=Golden Gateway Garage - from the SFMTA website&body=I am sharing a page from the San Francisco Municipal Transportation Agency (SFMTA) website with you.%0D%0A%0D%0AGolden Gateway Garage%0D%0Ahttps://www.sfmta.com/eml/garages-lots/golden-gateway-garage%0D%0A%0D%0AI hope you find this useful.)

415-433-4722

Garage
 Bike Parking Location

Mon - Fri: 4:00 am - 10:00 pm

**Garage will be closed on Thanksgiving and Christmas Day.
 Garage hours reflects the current COVID-19 situation under the City's Shelter in Place Order.**

Rate Tables

Price Per Hour	CURRENT RATE
Midnight to 9:00 am	\$7 per hour
9:00 am to 12:00 pm	\$7 per hour
12:00 pm to 3:00 pm	\$7 per hour
3:00 pm to 6:00 pm	\$7 per hour
6:00 pm to Close	\$3 per hour

GARAGE CLOSSES AT 10 P.M.

Flat Rates

	CURRENT RATE
Early Bird (Mon-Fri) (enter before 9:30 am and exit before close)	\$20
12 Hour Maximum	\$38
24 Hour Maximum / Lost Ticket Per Day	\$44



Plan a Trip

Get directions for Golden Gateway Garage at 250 Clay Street San Francisco, CA 94111:

Let's go here...
<https://www.google.com/maps/dir//Golden Gateway Garage,+250 Clay Street San Francisco, CA 94111/@37.7576834,-122.4766803,12z/?hl=en-US>

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<https://www.google.com/maps/dir//Golden Gateway Garage,+250 Clay Street San Francisco, CA 94111//@37.7576834,-122.4766803,12z/?hl=en-US>

Garage Details

Neighborhoods:
 Financial District (/neighborhoods/financial-district)
Garage Type:
 Pay Station
Number of Vehicle Spaces:
 1095
Garage Services:
 Carpool Rate, Early Bird Rate, Motorcycle Rate, New EV Charger, Special Event

Monthly	
	RATE
Reserved	\$530
Regular	\$420
Carpool / Car share	\$210

Motorcycle	
	RATE
Monthly	\$120

Other Rates, Fees and Charges

	RATE
New Account Activation Fee	\$38
Access Card Replacement	\$38
Late Monthly Payment	\$38
Re-opening Garage	\$60
No-key Valet Parking	\$38
Special Event Rate (SFMTA staff review/approval required)	\$7 - \$55

Additional Services Offered:

Due to the COVID-19 situation, the City of San Francisco has implemented a Shelter in Place order effective March 17, 2020. Because of this order, the Chinatown Park and Ride program is temporarily suspended until further notice.

Height Clearance:

6'-6"

Website:

Available Spaces (<http://sfpark.org/>)

Automated License Plate Recognition Policy

When your vehicle enters or leaves an SFMTA garage or lot, automated cameras may photograph your license plate.

View ALPR policy (</about-us/sfmta-board-directors/sfmta-policies/automated-license-plate-recognition-policy>)

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- [SF 311 \(https://sf311.org/\)](https://sf311.org/)
- [511 Regional Info \(https://511.org/\)](https://511.org/)

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- SFMTA Customer Service Center**
11 South Van Ness Avenue
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- [Contact Us \(/contact-us\)](/contact-us)

About Us

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[\(https://www.sfmta.org/\)](https://www.sfmta.org/)
[\(https://www.sfmta.org/\)](https://www.sfmta.org/)
[\(https://www.sfmta.org/\)](https://www.sfmta.org/)

EXHIBIT B

Email Communication Between Representatives of Related California and Wilad Properties LLC Regarding Opposition to the Project

From: "Witte, Matthew" <Matthew.Witte@related.com>
Date: October 13, 2021 at 5:52:27 PM PDT
To: Stuart Corvin <scorvin@bigelowgroup.net>
Cc: "Witte, Bill" <WWitte@related.com>, James Abrams <jabrams@jabramslaw.com>
Subject: Re: 530 Sansome

Stuart: It's been over 3 months since you indicated (below) that you did not see any reason to meet with us at that time and were instead intending to discuss your concerns with the City. We've never heard from you again other than receiving notice of your appeal to BOPA. Given that we are the Project Sponsor one would have thought you would have followed up after talking to the City as your email suggested. If you change your mind, feel free to email me and we can set up a time to talk by phone.

Matthew Witte
Principal
Related California
(949) 697-8123 (c)
(415) 653-3181 (o)
mwitte@related.com

On 6/18/21, 11:32 AM, "Stuart Corvin" <scorvin@bigelowgroup.net> wrote:

Matthew,

Thanks for your follow up. Yes, I contacted planning and they stated the hearing was being continued possibly to July 15 so I'll monitor the date. Since you indicated that many of the items of concern including fire station relocation, parking, and traffic redirection, were driven by the city it seems to be most productive for me to have a conversation with city departments prior to our meeting. I'll be able to understand their reasons and communicate our concerns. Let's postpone our meeting until I gather that info.

Regards,
Stuart Corvin
Wilad Properties

On Jun 18, 2021, at 9:56 AM, Witte, Matthew <Matthew.Witte@related.com> wrote:

Stuart
Following our brief phone conversation yesterday we discussed with the City your request to continue the June 24th hearing and we agreed to move it to the next available date which appears to be July 8th.

Our architect (SOM) and I am available to meet with you in person on Monday or if that's not feasible, by zoom later in the week
Let me know what you'd like to do

Matthew Witte
Principal
Related California
Sent from my iPhone

EXHIBIT C

Excerpted Copy of February 2018 Planning Commission Motion No. 20107



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Transportation Sustainability Fee (Sec. 411) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Public Art (Sec. 429) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 20107 Downtown Project Authorization HEARING DATE: FEBRUARY 8, 2018

Case No.: 2015-012994GPA/PCA/MAP/DNX/CUA
Project Address: 200 – 214 Van Ness Avenue Street
Existing Zoning: C-3-G Downtown General
96-X Height and Bulk District
Proposed Zoning C-3-G Downtown General
120-X Height and Bulk District
Block/Lot: 0342/001, 002, 004, and 014
Project Sponsor: Suzanne Brown, on behalf of
SF Conservatory of Music
50 Oak Street
San Francisco, CA 94102
Staff Contact: Claudine Asbagh – (415) 575-9165
Claudine.asbagh@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, USABLE OPEN SPACE PER SECTION 135, OBSTRUCTIONS OVER STREETS AND ALLEYS PER SECTION 136, EXPOSURE REQUIREMENTS PER SECTION 140, GROUND FLOOR HEIGHT REQUIREMENTS PER PLANNING CODE SECTION 145.1, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, AND OFF-STREET LOADING REQUIREMENTS PER PLANNING CODE SECTION 161 TO ALLOW A PROJECT TO DEMOLISH THE EXISTING THREE-STORY RESIDENTIAL BUILDING AT 200 VAN NESS AVENUE AND THE TWO STORY COMMERCIAL BUILDING AT 214 VAN NESS AVENUE AND CONSTRUCT A 12-STORY, 120-FOOT TALL, 168,200 SQUARE-FOOT MIXED-USE BUILDING FOR AN EDUCATIONAL INSTITUTION. THE PROJECT WOULD INCLUDE 113 STUDENT GROUP HOUSING UNITS (420 BEDS), 30 DWELLING UNITS (27 REPLACEMENT UNITS AND 3 NEW UNITS FOR FACULTY), APPROXIMATELY 49,600 SQUARE FEET OF EDUCATIONAL AND PERFORMANCE SPACE, 4,320 SQUARE FEET OF BROADCASTING STUDIO SPACE, AND 2,600 SQUARE FEET OF GROUND-FLOOR RESTAURANT/RETAIL SPACE, AT 200-214 VAN NESS AVENUE, ASSESSOR'S BLOCK NO. 0811, LOTS 010 AND 012 WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND THE PROPOSED 120-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

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

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas.

Motion No. 20107
February 8, 2018

CASE NO. 2015-012994DNX
200 – 214 Van Ness Avenue

All 30 dwelling units face the street, providing more than adequate access to light and air and have access to the 800 sf of open space in the courtyard, and are one block from the Civic Center Plaza open space. Due to the adequate air and light and open space provided by the project, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

- b. **Section 135: Open Space.** Under Planning Code Section 135, the standard residential open space requirement is 36 sf per dwelling unit if the open space is private and 48 sf per dwelling unit if it is provided through common open space. For group housing units (here, student housing), the requirement is reduced to one-third of the otherwise required open space pursuant to Section 135(d)(2), which equals 16 sf per bedroom where there are a minimum of 2 beds per room.

Section 135(g)(1) sets forth the minimum dimensions of an open space, requiring that common usable open space shall be at least 15 feet in every horizontal dimension. The Project is seeking a 309 exception from the Dwelling Unit and Student Group Housing requirements of Section 135 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The Project is required to provide 1,440 square feet of common open space for 30 dwelling units, and 3,360 sf of common open space for 420 student-housing beds in 113 student-housing units. The Project includes an 800 square-foot second floor courtyard devoted to the dwelling units, however due to its dimensions, it does not count towards Usable Open Space. The Project includes a 1,937 square-foot roof terrace devoted to the student housing, 1,391 square feet less open space than strictly required.

While the Project does not provide the minimum amount of open space required, the project increases the amount of open space to dwelling units from that of existing conditions, and provides an adequate roof-top deck for the new student housing units. Additionally, the project is located in an area with many public open spaces and is within on block of Civic Center Plaza. Granting the limited relief requested by this exception will not be materially detrimental to the public welfare or materially injurious to nearby land or improvements.

- c. **Section 136(c): Obstructions Over Streets and Alleys.** Planning Code Section 136 outlines the requirements for features, which may be permitted over street, alleys, setbacks, yards or useable open space.

The Project proposes bays projecting over Van Ness Avenue, Hayes Street and Tom Waddell Place and is seeking an exception to the requirements pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The Project is designed in a modern aesthetic and has a publically accessible performance space on the 11th and 12th Levels. The performance space has minimum dimensions and proportions set by concert and acoustical requirements, necessitating a broader projection than is permitted by the Planning Code. The Project's envelope is constrained by the desire to replace 27 dwelling units on site and to avoid shadowing Civic Center Plaza as well as the acoustic and design requirements of a performance spaces in the Project.

Code-complying bays could result in projections totaling 6,732 sf, while the projections from the proposed bays would only be approximately 2,751 sf, approximately 40 percent of the square footage of Code-complying bay windows. This reduced amount of potential bay space demonstrates that the

Motion No. 20107
February 8, 2018

CASE NO. 2015-012994DNX
200 – 214 Van Ness Avenue

Project Sponsor is applying for this exception to promote visual interest in the Project and not to maximize the Project's square footage.

For all of these reasons, it is appropriate to grant an exception from the Obstructions over Streets and Alleys requirements of Planning Code Section 136.

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

Twenty-six units out of 113 student group housing units face on the interior courtyard that does not meet the minimum dimension requirements, and as such, the Project Sponsor seeks an exception to the requirements pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The purpose of the Project is to address SFCM's student housing needs, a City goal and something that many higher education institutions do not attempt to address. The Project's allowable envelop is constrained by the requirement to avoid shadowing the Civic Center Plaza playground and the desire to replace the existing 27 dwelling units on site. The units in question are located on the interior light court that faces east over 150 Hayes Street, a six story, 76 foot-tall building. The courtyard lacks sufficient depth by only 6 inches, however is 55-feet in length. Although the area onto which the units face does not strictly meet dimensional requirements for exposure, the area should be sufficient to provide substantial light and air, to the units. Additionally, only 26 or 22% of the group housing units require the exception.

For all of these reasons, it is appropriate to grant an exception from Exposure for Group Housing Units requirements of Planning Code Section 140.

EXHIBIT D

Excerpted copy of January 2020 Planning Commission Motion No. 20616



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20616

HEARING DATE: JANUARY 9, 2020

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record Number: 2016-013312DNX
Project Address: 542-550 Howard Street (Transbay Parcel F)
Existing Zoning: C-3-O(SD) Downtown-Office (Special Development) Zoning District
750-S-2 and 450-S Height and Bulk Districts
Transit Center C-3-O(SD) Commercial and
Transbay C-3 Special Use Districts
Downtown and Transit Center District Plan Areas
Block/Lot: 3721/016, 135, 136, 138
Project Sponsor: F4 Transbay Partners, LLC
101 California Street, Suite 1000
San Francisco, CA 94111
Property Owner: Parcel F Owner, LLC
101 California Street, Suite 1000
San Francisco, CA 94111
Staff Contact: Nicholas Foster, AICP, LEED GA
nicholas.foster@sfgov.org, (415) 575-9167

ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH REQUESTS FOR EXCEPTIONS FOR SETBACK, STREETWALL, TOWER SEPARATION, AND REAR YARD REQUIREMENTS (SECTIONS 132.1 AND 134(D)); DWELLING UNIT EXPOSURE (SECTION 140); REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS (SECTION 148); OFF-STREET FREIGHT LOADING (SECTIONS 152.1 AND 161); USE REQUIREMENTS IN THE C-3-O(SD) COMMERCIAL SPECIAL USE SUBDISTRICT (SECTION 248); HEIGHT LIMITS FOR BUILDINGS TALLER THAN 550 FEET IN HEIGHT IN THE S-2 BULK DISTRICT FOR ALLOWANCE OF NON-OCCUPIED ARCHITECTURAL, SCREENING, AND ROOFTOP ELEMENTS THAT MEET THE CRITERIA OF SECTION 260(B)(1)(M); AND BULK CONTROLS (SECTIONS 270 AND 272) TO PERMIT THE NEW CONSTRUCTION OF AN APPROXIMATELY 957,000 GROSS SQUARE FOOT, 750-FOOT TALL (800 FEET INCLUSIVE OF ROOFTOP MECHANICAL FEATURES), 61-STORY, MIXED-USE TOWER LOCATED AT 542-550 HOWARD STREET (TRANSAY PARCEL "F"), LOTS 016, 135, 136, 138 OF ASSESSOR'S BLOCK 3721, WITHIN THE C-3-O(SD) DOWNTOWN-OFFICE (SPECIAL DEVELOPMENT) ZONING DISTRICT AND 750-S2 AND 450-S HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROJECT WOULD INCLUDE 165 DWELLING UNITS, 189 HOTEL ROOMS, 275,674 SQUARE FEET OF OFFICE SPACE, AND APPROXIMATELY 9,000 SQUARE FEET OF RETAIL SPACE. THE PROJECT WOULD INCLUDE FOUR BELOW-GRADE LEVELS TO ACCOMMODATE UP TO 183 VEHICLE PARKING SPACES, AND 178 CLASS 1 AND 34 CLASS 2 BICYCLE PARKING SPACES

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

With a total lot depth of 165' (as measured from Howard Street), the required rear yard for the subject lot is 41'-3". Due to significant constraints on the buildable area of the Site (i.e., the presence of a below-

Motion No. 20616
January 9, 2020

Record No. 2016-013312DNX
542-550 Howard Street (Transbay Parcel F)

grade "Train Box" located within the northwest corner of the Site and the bus ramp easement along the western boundary of the Site), the position, configuration, and building type of the proposed tower require development within the required rear yard. Therefore, strict compliance with the Rear Yard requirement is not feasible. In addition to the common and publicly accessible open space provided on-site, the Project includes a direct connection to the planned 5.4 acre rooftop park atop the Salesforce Transit Center, and is adjacent to the planned Under Ramp Park. As such, residents, employees, and guests of the Project will have extraordinary access to nearby open/green spaces. In addition, the location and configuration of the tower assure that residential units in the Project will have ample access to light and air.

- D. **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 Site is a through lot with frontages along both Howard Street to the south, and Natoma Street to the north, with Howard and Natoma Streets both meeting the minimum requirements established by Code. The dwelling units that face onto one of the abutting streets (Howard or Natoma Streets) would fully comply with Section 140. However, the dwelling units located on floors 33 through 61 that solely face onto the interior property lines do not comply with this requirement because the area of the side setbacks from the interior property lines do not meet the dimensional requirements of Section 140. Therefore, an exception from the exposure requirements of Planning Code Section 140 is sought for the 56 dwelling units that do not meet the dimensional requirements of Section 140. In total, 109 of the 165 dwelling units (or approximately 66%) conform to Section 140, leaving 56 dwelling units (or approximately 34%) that do not conform to Section 140.

EXHIBIT E

Excerpted Copy of November 2016 Planning Commission Motion 19771



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- First Source Hiring (Admin. Code)
- Child Care Fee – Residential (Sec. 414A)
- Affordable Housing (Sec. 415)
- Public Art (Sec. 429)
- Transit Sustainability Fee (Sec. 411A)

- Transit Center District Open Space Impact Fee (Sec. 424.6)
- Transit Center Transportation and Street Improvement Impact Fee (Sec. 424.7)
- Transit Center District Mello Roos Community Facilities (Sec. 424.8)

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Planning Commission Motion No. 19771

HEARING DATE: NOVEMBER 3, 2016

Case No.: 2013.0882ENV/DNX/GPR/SHD/VAR
Project Address: 524 Howard Street
Zoning: C-3-O(SD) Downtown-Office (Special Development)
450-S Height and Bulk District
Transbay C3 Special Use District
Transit Center C-3-O(SD) Commercial Special Use District
Transbay Zone 2 Redevelopment Area
Downtown, Transbay, and Transit Center District Plan Areas
Block/Lot: 3721/013
Project Sponsor: James Abrams
J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
jabrams@jabramslaw.com
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR STREET WALL BASE UNDER PLANNING CODE SECTION 132.1, TOWER SEPERATION UNDER PLANNING CODE SECTION 132.1, REAR YARD UNDER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS UNDER PLANNING CODE SECTION 148, AND HEIGHT AND BULK LIMITS UNDER PLANNING CODE SECTIONS 263.9, 270 AND 272, TO CONSTRUCT A 48-STORY-OVER-BASEMENT, APPROXIMATELY 495-FOOT TALL BUILDING WITH UP TO 334 DWELLING UNITS AND APPROXIMATELY 7,800 SQ. FT. OF GROUND FLOOR COMMERCIAL SPACE, AT 524 HOWARD STREET WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 450-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Moreover, Code Section 132.1(d)(2)(B)(i) specifically states that the minimum setback for facades shall be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for lots on Assessor's Blocks 3719, 3720, and 3721 which have property lines that directly abut the Transbay Transit Center or directly face it across Minna or Natoma Streets. Given that the Project Site is located within Assessor's Block 3721 and also directly abuts the Transbay Transit Center, it is therefore eligible for partial or full relief from the Code as it pertains to Tower Separation.

Therefore, the Project seeks partial relief from the Code provisions for tower separation for: 1) the small area of non-conformity along the Natoma Street frontage (floors 30-35); and 2) the portions of the building along the east and west façades (floors 11-19, and 30-48 along the east façade; floors 30-48 along the west façade).

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

Pursuant to Code Section 134(a)(1), the Project is required to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Additionally, rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. With a total lot depth of 165 feet, the required rear yard for the subject lot would be approximately 41 feet. Given the narrowness of the subject lot (only 74 feet wide), the building envelope would be substantially reduced to a depth of approximately 123 feet. A strict enforcement of the Code would result in a reduced building envelope with a substantial reduction in the overall number of dwelling units being provided.

- D. Ground-level Wind Current (Section 148).** In the C-3 zoning districts, new buildings are required to be shaped, or other wind-baffling measures adopted, so that the building will not cause ground-level wind currents to exceed the comfort level of 11 m.p.h equivalent wind speed in areas of substantial pedestrian use or 7 m.p.h. equivalent wind speed in public seating areas, for more than 10 percent of the time year-round, between 7 am and 6 pm. If pre-existing wind speeds exceed the comfort level, or if the building would cause speeds to exceed the comfort level, the building should be designed to reduce wind speeds to the comfort level.

Exceptions can be granted pursuant to Section 309 allowing the building to add to the amount of time the comfort level is exceeded if (1) the building cannot be shaped and other wind-baffling features cannot be adopted without creating an unattractive and ungainly building form, and without unduly restricting the development potential of the site; and (2) the addition is insubstantial, either due to the limited amount of exceedances, the limited location where the exceedances take place, or the short time when the exceedances occur. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Independent consultants RWDI analyzed ground-level wind currents in the vicinity of the Project Site, and performed a wind tunnel analysis of three scenarios: existing, existing plus Project, and Project plus



EXHIBIT F

Excerpted Copy of July 2015 Planning Commission Motion No. 19351

**SAN FRANCISCO
PLANNING DEPARTMENT**

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Market Octavia Impact Fees)

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**Planning Commission Motion 19351
Amended July, 20, 2015**

HEARING DATE: APRIL 2, 2015

Date: April 2, 2015
Case No.: **2013.0973ECVX**
Project Address: **150 VAN NESS AVENUE**
Zoning: C-3-G (Downtown General)
 Van Ness & Market Downtown Residential Special Use District
 120-R-2 Height and Bulk District

Area Plan: Market and Octavia
Block/Lot: 0814/001, 14, 15, 16 and 21
Project Sponsor: Marc Babsin
 Emerald Fund
 235 Montgomery Street, 27th Floor
 San Francisco, CA 94104

Staff Contact: Claudine Asbagh – (415) 575-9165
claudine.asbagh@sfgov.org

ADOPTING FINDINGS RELATING TO A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH EXCEPTIONS TO THE REQUIREMENTS FOR GROUND LEVEL WIND CURRENTS PURSUANT TO PLANNING CODE SECTION 148, PARKING EXCEEDING PRINCIPALLY-PERMITTED AMOUNTS PURSUANT TO PLANNING CODE SECTION 151.1, AND REAR YARD—LOT COVERAGE PURSUANT TO PLANNING CODE SECTION 249.33. THE PROPOSED PROJECT IS TO DEMOLISH ONE EXISTING OFFICE BUILDING, FOUR PARKING LOTS AND THE PEDESTRIAN BRIDGE OVER HAYES STREET, AND TO CONSTRUCT A 120 FOOT, 13-STORY BUILDING WITH APPROXIMATELY 450,577 SQUARE FOOT, 420 DWELLING UNITS, THREE HOTEL ROOM GUEST SUITES, AND 9,000 SQUARE FOOT OF GROUND FLOOR RETAIL ON FIVE LOTS. THE PROJECT SITE IS LOCATED WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING, 120-R-2 HEIGHT AND BULK DISTRICT IN THE VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT (SUD), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

- C. **Section 134: Rear Yard—Lot Coverage.** Planning Code Section 134 requires a rear yard equal to 25% of the lot depth in C-3 districts. Section 249.33(b)(5) modifies the Section 134 rear yard requirement in the Van Ness & Market Downtown Residential Special Use District (SUD) to require a maximum of 80% lot coverage and does not specify the required location of the rear yard. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): “C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.”

The Project provides residential units at all levels including the ground floor where most, but not all the units, face the public right-of-way. Consequently, the lot coverage for the project must be determined at the ground floor level, pursuant to Section 249.33. The total building footprint at the ground level is 38,785 square feet, resulting in lot coverage of 83.4%. The remaining 7,705 square feet of the site (16.6%) is left open to the sky at ground level.

While the project exceeds the maximum lot coverage of 80% at the ground level, the site coverage at the typical floor is 69.9%, well below the 80% allowed. In addition, the project has as a “T” building shape with a larger proportion of bulk and massing facing Hayes Street and hence minimizing lot coverage in the interior part of the block. This design approach meets the intent of the rear yard concept, which is to provide an open area towards the “rear” of a given property. The building “T” shape is enhanced by providing two courtyards comprising 30.1% open to the sky areas.

Motion No. 19351
April 2, 2015

CASE NO. 2013.0973ECVX
150 Van Ness Avenue

The resulting proposed site design improves light and air access for both units in the project as well. The closest building to the project is a two-story building along the 50 Fell property line. The project is designed to provide 5’6” from the “T”, 83’1” from the west courtyard building, and 82’8” from the east courtyard building to the 50 Fell building. The project has 420 units, of which 406 face onto a public street or onto courtyards.

For these reasons, an exception from the lot coverage provision is appropriate.

EXHIBIT G

Excerpted Copy of November 2013 Planning Commission Motion No. 19021



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion 19021 Section 309

HEARING DATE: NOVEMBER 14, 2013

Date: October 31, 2013
Case No.: **2013.0256VX**
Project Address: **41 Tehama Street**
Zoning: C-3-O(SD) (Downtown Office, Special Development) District
360-S Height and Bulk District
Transbay C-3 Special Use District
Block/Lot: 3736/ Lots 74, 75, 76, 77, and 78A
Project Sponsor: Bob Tandler
Fritzi Realty
3490 California Street, Suite 209
San Francisco, CA 94118
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR SEPARATION OF TOWERS UNDER PLANNING CODE SECTION 132.1, REAR YARD UNDER PLANNING CODE SECTION 134, REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS UNDER PLANNING CODE SECTION 148, AND BULK UNDER PLANNING CODE SECTIONS 270 AND 272, FOR A PROJECT TO CONSTRUCT FOUR ADDITIONAL STORIES ATOP A PREVIOUSLY APPROVED, 31-STORY TOWER, RESULTING IN A NEW BUILDING OF 35 STORIES, AT A ROOF HEIGHT OF APPROXIMATELY 360 FEET WITH A MECHANICAL PARAPET REACHING A HEIGHT OF APPROXIMATELY 380 FEET, CONTAINING APPROXIMATELY 398 DWELLING UNITS, 700 SQUARE FEET OF RETAIL SPACE, 241 OFF-STREET PARKING SPACES, AND A PUBLICLY-ACCESSIBLE OPEN SPACE AND MID-BLOCK PEDESTRIAN CONNECTION TO THE FUTURE OSCAR PARK, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROJECT SITE IS LOCATED WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT, THE 360-S HEIGHT AND BULK DISTRICT, AND THE TRANSBAY C-3 SPECIAL USE DISTRICT.

PREAMBLE

On November 29, 2012, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and approved a Downtown Project Authorization and Requests for Exceptions pursuant to Planning Code Section ("Section") 309 (Motion No. 18753), in connection with a proposal to demolish an existing surface parking lot and construct a new 31-story building, reaching a roof height of 318 feet, with a mechanical enclosure reaching a height of 342 feet, containing approximately 325 dwelling units, approximately 700 square feet of retail space, approximately 241 off-street parking spaces, and a publicly-accessible open space and mid-block pedestrian connection to the future Oscar Park, on a property located at 41 Tehama Street Street, Lots 074-077 and 78A of Assessor's Block 3736 ("Project Site"). At the same hearing, the Zoning Administrator indicated an intent to grant requested Variances for the project from the Planning Code requirements for dwelling unit exposure (Section 140), and vehicular entry width (Section 145.1). On January 25, 2013, the Zoning Administrator issued a Variance Decision Letter formally granting the requested Variance (collectively, "Previous Project", Case No. 2008.0801EVX).

On July 3, 2013, Andrew Junius, acting on behalf of Fritzi Realty ("Project Sponsor") applied for a Downtown Project Authorization and Requests for Exceptions, pursuant to Section 309, in order to amend the Previous Project to add four additional floors on top of the building approved for the Previous Project. On August 7, 2013, Andrew Junius, acting on behalf of the Project Sponsor, applied for a Variance from the requirements for dwelling unit exposure (Section 140). The project, as amended, would construct a new building of up to 35 stories, at a roof height of approximately 360 feet, with a mechanical parapet height of approximately 380 feet, containing approximately 398 dwelling units, 700 square feet of retail space, approximately 241 off-street parking spaces, and a publicly-accessible open space and mid-block pedestrian connection to the future Oscar Park, located at the Project Site, within the C-3-0 (SD) (Downtown Office-Special Development) District, and the Transbay C-3 Special Use District. (collectively, the "Project", Case No. 2013.0256VX).

On May 24, 2012, the Planning Commission held a duly advertised public hearing and recommended approval of the Transit Center District Plan ("TCDP" or "Plan") and related implementing Ordinances to the Board of Supervisors. The result of a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. Implementation of the Plan would result in generation of up to \$590 million for public infrastructure, including over \$400 million for the Downtown Rail Extension. Adoption of the Plan included height reclassification of numerous parcels in the area to increase height limits, including a landmark tower site in front of the Transit Center with a height limit of 1,000 feet and several other nearby sites with height limits ranging from 600 to 850 feet.

On July 24, 2012, the Board of Supervisors held a duly noticed public hearing, affirmed the Final EIR and approved the Plan, as well as the associated ordinances to implement the Plan on first reading.

On July 31, 2012, the Board of Supervisors held a duly noticed public hearing, and approved the Plan, as well as the associated ordinances to implement the Plan on final reading.

1 FAR (approx. 57,825 square feet), and to participate in the Transit Center District Mello-Roos Community Facilities District to pursue development above a FAR of 9.0 to 1.

- B. **Streetscape Improvements (Section 138.1).** Section 138.1(b) requires that when a new building is constructed in C-3 Districts, street trees, enhanced paving, and other amenities such as lighting, seating, bicycle racks, or other street furnishings must be provided.

The Project will include appropriate streetscape improvements and will comply with this requirement. The conceptual project plans show the installation of street trees along the Tehama Street frontage of the building, as well as street furnishings. The precise location, spacing, and species of the street trees, as well as other streetscape improvements, will be further refined throughout the building permit review process.

- C. **Dwelling Unit Exposure (Section 140).** Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for dimensions.

Approximately half of the dwelling units have exposure onto Tehama Street, and therefore comply with the requirements of Section 140. Units on the south side of the building at each floor are situated near the property line, and do not face an open area on-site that meets the required minimum dimensions specified by Section 140. However, the units face onto the area of the future Oscar Park. In addition, units at the east end of the Project will face a terrace located at the third level, with a minimum dimension of 38 feet, while units at the west end of the Project will face an open area at the ground floor with a minimum dimension of 59 feet. These areas would not meet the strict dimensional requirements of Section 140, therefore, the Project Sponsor is requesting a Variance.

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

The Project includes an 18-foot wide entry to the parking garage, as well as a separate 15-foot wide loading entry, both accessed via Tehama Street, for a total width of 33 feet. This width exceeds the maximum 20-foot width limitation specified by Section 145.1(c)(2). A Variance from the maximum driveway width was granted in association with the Previous Project.

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

line setback for the Project as indicated in the Code provisions.

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

Motion 19021
Hearing Date: November 14, 2013

CASE NO. 2013.0256VX
41 Tehama Street

The building is separated from the westerly property line of the Project Site by an at-grade plaza measuring approximately 59 feet in depth, and from the easterly property line by a third floor terrace measuring approximately 38 feet in depth. Because the property fronts on Tehama Street, a complying rear yard would be situated toward the southerly portion of the lot. Therefore, neither the plaza or the terrace may be counted as a rear yard area. However, all dwelling units face onto either Tehama Street, the third-floor terrace, the at-grade plaza, or the adjacent future Oscar Park to the south. Therefore, ample separation for light and air is provided for the residential units within the Project. In addition, the Project provides abundant open space in the form of the plaza, the third-floor terrace, a common rooftop deck, and numerous private balconies. Therefore, it is appropriate to grant an exception from the rear yard requirements to reduce the required interior property line setback for the Project as indicated in the Code provisions.

C. Section 148: Ground Level Wind Currents. In C-2 Districts, buildings and additions

EXHIBIT H

Excerpted Copy of May 2013 Planning Commission Motion No. 18894



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion 18894 Section 309

HEARING DATE: MAY 23, 2013

Date: March 28, 2013

Case No.: **2008.1084EHKXRTZ**

Project Address: **706 Mission Street**

Project Site Zoning: C-3-R (Downtown, Retail, Commercial)
400-I Height and Bulk District

Block/Lots: 3706/093, 275, portions of 277 (706 Mission Street)
0308/001 (Union Square)

Project Sponsor: 706 Mission Street, LLC
c/o Sean Jeffries of Millennium Partners
735 Market Street, 4th Floor
San Francisco, CA 94107

Staff Contact: Kevin Guy – (415) 558-6163
Kevin.Guy@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR "REAR YARD" UNDER SECTION 134, "REDUCTION OF GROUND-LEVEL WIND CURRENTS" UNDER SECTION 148, "OFF-STREET PARKING QUANTITY" UNDER SECTION 151.1, AND "GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING" UNDER SECTION 155(r), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FOR A PROJECT TO REHABILITATE AN EXISTING 10-STORY, 144-FOOT TALL BUILDING (THE ARONSON BUILDING), AND CONSTRUCT A NEW, ADJACENT 43-STORY TOWER, REACHING A ROOF HEIGHT OF 480 FEET WITH A 30-FOOT TALL MECHANICAL PENTHOUSE. THE TWO BUILDINGS WOULD BE CONNECTED AND WOULD CONTAIN UP TO 190 DWELLING UNITS, A "CORE-AND-SHELL" MUSEUM SPACE MEASURING APPROXIMATELY 52,000 SQUARE FEET, AND APPROXIMATELY 4,800 SQUARE FEET OF RETAIL SPACE. THE PROJECT WOULD RECONFIGURE PORTIONS OF THE EXISTING JESSIE SQUARE GARAGE TO INCREASE THE NUMBER OF PARKING SPACES FROM 442 SPACES TO 470 SPACES, ADD LOADING AND SERVICE VEHICLE SPACES, AND WOULD ALLOCATE UP TO 190 PARKING SPACES WITHIN THE GARAGE TO SERVE THE PROPOSED RESIDENTIAL USES. THE PROJECT SITE IS LOCATED AT 706 MISSION STREET (ASSESSOR'S BLOCK 3706, LOTS 093, 275, AND PORTIONS OF LOT 277), WITHIN THE C-3-R (DOWNTOWN OFFICE) DISTRICT AND THE 400-I HEIGHT AND BULK DISTRICT.

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

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

The property fronts on both Mission and Third Streets. Therefore, a complying rear yard would be situated toward the interior of the property, either abutting the Westin walkway or Jessie Square. It is unlikely that these open areas on the adjacent properties would be redeveloped in the foreseeable future. Therefore, adequate light and separation will be provided by the open spaces for residential units within the Project. As described in Item #6C above, the Project exceeds the Code requirements for common and private residential open space. In addition, residents would have convenient access to Jessie Plaza, Yerba Buena Gardens, and other large open public open spaces in the vicinity. Therefore, it is appropriate to grant an exception from the rear yard requirements.

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

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a

EXHIBIT I

Excerpted Copy of April 2007 Planning Commission Motion No. 17414

April 5, 2007.

PLANNING COMMISSION

Case No. 2006.0584KXCV
1407-1435 Market Street
Block 3507, Lot 041

Subject to: (check if applicable)

- Inclusionary Housing
- Childcare Requirement
- Downtown Park Fund
- Public Art
- Public Open Space
- Jobs-Housing Linkage
- Transit Impact Development Fee
- First Source Hiring

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 17414

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR THE CONSTRUCTION OF A RESIDENTIAL PROJECT CONTAINING APPROXIMATELY 719 DWELLING UNITS, APPROXIMATELY 19,000 SQUARE FEET OF RETAIL SPACE, AND A GARAGE WITH A CAPACITY OF UP TO 593 PARKING SPACES THE PROPERTY AT 1407-1435 MARKET STREET AND 16-70 TENTH STREET (ASSESSOR'S BLOCK 3507, LOT 041), LOCATED WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT AND 200-S AND 320-S HEIGHT AND BULK DISTRICTS.

RECITALS

1. On March 10, 2003, TCM Mid-Market Venture, Inc. filed an application for environmental review related to a mixed-use development (Myers Project) on the Project Site and the parcel south of the Project Site. The Myers Project consisted of two residential highrises (a 15-story, 150-foot-high, 200-unit senior housing building and a 20-story, 200-foot-high, 250-unit building) plus a 24-story, 320-foot-high office building for occupancy by the City and County of San Francisco. Environmental review of the Myers Project was conducted pursuant to the California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code.
 2. On October 14, 2004, the Planning Commission (Commission) certified the Final Environmental Impact Report (FEIR) for the Myers Project.
 3. On October 28, 2004, the residential component of the Myers Project was approved by the Commission. The office component of the Myers Project was never approved by the Commission, because the City and County of San Francisco pursued alternate plans to address its office needs.
 4. The Myers Project has been revised, and on October 17, 2005, Tenth and Market, LLC (Project Sponsor) requested that the Planning Department (Department) review the
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- d. **Rear Yard.** Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is a function of lot depth. Under Section 134(a)(1), the

PLANNING COMMISSION
April 5, 2007

Case No. 2006.0584KXCV
1407-1435 Market Street
Block 3507, Lot 041
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required rear yard for properties in C-3 Districts is 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Section 134(a)(1)(C) states that in C-3 Districts, "rear yards shall be provided at the lowest story containing a dwelling unit and at each succeeding level or story of the building."

Pursuant to Sections 134(d) and 309(a)(1), an exception to the rear yard requirement is allowed in C-3 Districts, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

The purpose of the rear yard requirement is to preserve mid-block open space and provide usable open space for residential uses. From the second through ninth floors, the footprint of the Project takes on a backward "C" shape, with the spine of the "C" running along Tenth Street. The result is an 18,650-square-foot rear yard on the western half of the Project Site that will partially satisfy the Project's usable open space requirement.

A rear yard exception is required, because the rear yard does not extend the full width of the lot. Instead of passing through from Jessie Street to Market Street, the rear yard is enclosed at its northern and southern ends.

Whether Market Street or Tenth Street is designated as the front of the Project Site, requiring a Code-complying rear yard would result in a Project that interrupts the street wall along Market Street or Tenth Street (the missing tooth effect), which would not be aesthetically pleasing or consistent with basic urban design principles. The area of the rear yard, which is approximately 28 percent of the total area of the Project Site, and the building configuration and location will assure that all of the dwelling units facing the rear yard will receive adequate light. Furthermore, there is no existing pattern of mid-block open space on the subject block. For these reasons, a rear yard exception is appropriate.

- e. **Usable Open Space.** Usable open space is required for dwelling units in all zoning districts. Under Section 135(d)(2), the minimum amount of usable open space for dwelling units in C-3 Districts is as follows: 36 square feet per unit if private and 48 square feet per unit if common.

The Project will provide a combination of private usable open space (balconies and patios) and common usable open space (a small park at the end of Jessie Street, a common yard at the second floor, a terrace on the roof of the north tower, and terraces and a solarium on the roof of the south tower) in compliance with the requirements of Section 135(d)(2).

Section 135(g)(2) requires that any area of an inner court that is credited as common usable open space must not be less than 20 feet in every horizontal

PLANNING COMMISSION
April 5, 2007

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Block 3507, Lot 041
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dimension and 400 feet in area; and the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

The Project includes an 18,650-square-foot rear yard that is intended to partially satisfy the Project's requirement for common usable open space. This rear yard is surrounded by a 352-foot-high tower to the north, a 93-foot-high building to the east, a 220-foot-high tower to the south, and the 90-foot-high podium of the Bank of America data processing center to the west. Given the heights of these buildings, the Project will not meet the requirements of Section 135(g)(2). The Project Sponsor has elected to seek and justify a variance, which will be considered by the Zoning Administrator.

EXHIBIT J

Excerpted Copy of August 2006 Planning Commission Motion No. 17296

PLANNING COMMISSION

Case No. 2002.1179EIKMZT\CW
1167 Market Street (aka Trinity Plaza)
Block 3702, Lots 039 and 051 through 053
and a portion of the former Jessie Street
between Seventh and Eighth Streets

Subject to: (check if applicable)

- Inclusionary Housing
- Childcare Requirement
- Downtown Park Fund
- Public Art
- Public Open Space
- Jobs-Housing Linkage
- Transit Impact Development Fee
- First Source Hiring

SAN FRANCISCO

PLANNING COMMISSION

MOTION NO. 17296

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS, FOR THE CONSTRUCTION OF THREE BUILDINGS RANGING IN HEIGHT FROM 148 TO 223 FEET AND CONTAINING A TOTAL APPROXIMATELY BUT NO MORE THAN 1,900 DWELLING UNITS, APPROXIMATELY 91,878 SQUARE FEET OF USABLE OPEN SPACE, APPROXIMATELY 60,000 SQUARE FEET OF USABLE OPEN SPACE, AND A GARAGE WITH UP TO 1,200 RESIDENTIAL PARKING SPACES AND COMMERCIAL PARKING IN THE AMOUNT SET FORTH IN THE DEVELOPMENT AGREEMENT, ON THE PROPERTY AT 1167 MARKET STREET (ASSESSOR'S BLOCK 3702, LOT 053), 670 STEVENSON STREET (ASSESSOR'S BLOCK 3702, LOT 051), 693 STEVENSON STREET (ASSESSOR'S BLOCK 3702, LOT 052), 1164 MISSION STREET (ASSESSOR'S BLOCK 3702, LOT 039), AND A PORTION OF THE FORMER JESSIE STREET BETWEEN SEVENTH AND EIGHTH STREETS, LOCATED WITHIN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT AND 120-X, 150-X, AND 240-S HEIGHT AND BULK DISTRICT.

RECITALS

1. On July 15, 2003, Trinity Properties, Inc. (Project Sponsor), applied for a Section 309 Determination of Compliance and Request for Exceptions, Application No. 2002.1179X, on the property at 1167 Market Street (Assessor's Block 3702, Lot 053), 670 Stevenson Street (Assessor's Block 3702, Lot 051), 693 Stevenson Street (Assessor's Block 3702, Lot 052), 1164 Mission Street (Assessor's Block 3702, Lot 039), and a portion of the former Jessie Street between Seventh and Eighth Streets (Project Site), in connection with a proposal to construct three buildings ranging in height from 148 to 223 feet and containing a total of approximately but no more than 1,900 dwelling units, approximately 91,878 square feet of usable open space, approximately 60,000 square feet of commercial space, and a garage with up to 1,200 residential parking spaces and commercial parking in the amount set forth in the development agreement (Project), in
-

back 40 feet from the center line of Eighth Street.

- d. **Rear Yard.** Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is a function of lot depth. Under Section 134(a)(1), the required rear yard for properties in C-3 Districts is 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Section 134(a)(1)(C) states that in C-3 Districts, "rear yards shall be provided at the lowest story containing a dwelling unit and at each succeeding level or story of the building."

Pursuant to Sections 134(d) and 309(a)(1), an exception to the rear yard requirement is allowed in C-3 Districts, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

The purpose of the rear yard requirement is to preserve mid-block open space and provide usable open space for residential uses, but the subject block does not exhibit a pattern of mid-block open space.

PLANNING COMMISSION
August 3, 2006

Case No. 2002.1179E!KMZT~~X~~CW
1167 Market Street (aka Trinity Plaza)
Block 3702, Lots 039 and 051 through 053
and a portion of the former Jessie Street
between Seventh and Eighth Streets
Motion No. 17296
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Regardless of whether Market Street or Mission Street is designated as the front of the Project Site, the configuration of the proposed buildings will not result in a Code-complying rear yard. Given the size of the Project Site, a Code-complying rear yard would result in a Project with a 319-foot-wide by 138-foot-deep rear yard fronting either Market Street or Mission Street. Such a design would not be aesthetically pleasing or consistent with basic urban design principles.

The granting of a rear yard exception will not adversely impact any of the dwelling units or the proposed usable open space. The size of the Project Site allows the proposed buildings to be spaced appropriately, so all of the proposed dwelling units will receive adequate access to light. The Project will include a total of approximately 91,878 square feet of usable open space, most of which will be in the form of three plazas interspersed between the proposed buildings and a number of roof terraces.

development agreement. The Project Sponsor will be responsible for making necessary repairs to and maintaining the sidewalks abutting the Project Site.

- g. **Downtown Park Fund.** Under Section 139, a project in a C-3 District that proposes a net addition of office space is required to pay a fee which will be deposited in the Downtown Park Fund. The fee is jointly established by the Planning Commission and the Recreation and Park Commission. The purpose of the Downtown Park Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees and visitors in downtown San Francisco.

The provisions of Section 139 are not applicable, because the Project does not include the net addition of office space.

- h. **Dwelling Unit Exposure.** Section 140 requires every dwelling unit in every use district to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All of the proposed dwelling units facing Eighth, Market, or Mission Streets will comply with the standards for dwelling unit exposure. The remaining units not facing one of the three streets bordering the Project Site will have adequate access to light. However, since the open areas between the buildings do not increase five feet in every horizontal dimension at each subsequent residential floor, some of the dwelling units on the lower levels of the proposed buildings will not meet the literal requirements for dwelling unit exposure.

As part of the entitlements being sought, the Project Sponsor is proposing to amend the Planning Code and establish the Trinity Plaza SUD, which would include a provision allowing the dwelling unit exposure requirement to be modified through the granting of an exception pursuant to Section 309. As set forth in Resolution No. 17295, the Commission has recommended that the Board of Supervisors adopt the proposed Trinity Plaza SUD.

The granting of an exception is warranted, because the configuration of the three buildings will (1) assure that all of the affected units will have adequate access to light and (2) meet the intent of the requirements for dwelling unit exposure.

- i. **Shadows on Public Sidewalks.** In order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods, Section 146
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EXHIBIT K

Excerpted Copy of Planning Commission Motion No. 20743

**SAN FRANCISCO
PLANNING DEPARTMENT**

Planning Commission Motion No. 20743

HEARING DATE: JUNE 11, 2020

1650 Mission St.
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San Francisco,
CA 94103-2479

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Information:
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Record No.: 2015-004568DNX
Project Address: 10 SOUTH VAN NESS AVENUE
Zoning: C-3-G (Downtown – General) Zoning District
(Existing) 120/400-R-2, 120-R-2 Height and Bulk Districts
(Proposed) 120/400-R-2 // 140/590-R-2, and
120/400-R-2/120-R-2 // 140/590-R-2
Van Ness and Market Residential Special Use District
Block/Lot: 3506 / 003A & 004
Project Sponsor: Adam Tartakovsky
10 SVN LLC
8 10th Street, Suite 1205
San Francisco, CA 94103
Property Owner: 10 SVN LLC
2200 Biscayne Blvd.
Miami, FL 33137
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@sfgov.org

ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309, AND GRANT EXCEPTIONS FROM PLANNING CODE REQUIREMENTS FOR: 1) DWELLING UNIT EXPOSURE (SECTION 140); 2) SUNLIGHT ACCESS TO PUBLIC SIDEWALKS (SECTION 146); 3) MAXIMUM GROUND-LEVEL WIND CURRENTS (SECTION 148); 4) MAXIMUM PROJECTIONS OVER THE PUBLIC RIGHT-OF-WAY (SECTION 136); 5) HEIGHT AND BULK LIMITS (SECTIONS 263.19 AND 270(f)); 6) MID-BLOCK ALLEYS FOR LARGE LOT DEVELOPMENT (SECTION 270.2); AND 7) DWELLING UNIT MIX (SECTION 207.6). THE PROJECT PROPOSES TO DEMOLISH THE EXISTING TWO-STORY COMMERCIAL BUILDING, AND CONSTRUCT A NEW 55-STORY, 590-FT TALL (610-FT TALL INCLUSIVE OF ROOFTOP SCREENING), MIXED-USE RESIDENTIAL BUILDING (APPROXIMATELY 906,811 GROSS SQUARE FEET) WITH 966 DWELLING UNITS (CONSISTING OF 347 STUDIOS, 433 1-BEDROOM UNITS, 165 2-BEDROOM UNITS, AND 21 3-BEDROOM UNITS), AND APPROXIMATELY 29,443 SQUARE FEET OF RETAIL SALES AND SERVICE USES, TWO BASEMENT GARAGE LEVELS CONSISTING OF 255 OFF-STREET PARKING SPACES, 4 OFF-STREET FREIGHT LOADING SPACES, 2 OFF-STREET SERVICE VEHICLE SPACES, 6 CAR-SHARE SPACES, AND 321 CLASS 1 BICYCLE PARKING SPACES, PLUS 61 CLASS 2 BICYCLE SPACES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY, AT 10 SOUTH VAN NESS AVENUE, LOTS 003A AND 004 IN ASSESSOR’S BLOCK 3506, WITHIN THE C-3-G (DOWNTOWN - GENERAL) ZONING DISTRICT, THE VAN NESS AND MARKET RESIDENTIAL SPECIAL USE DISTRICT, THE 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, AND THE PROPOSED 120/400-R-2//140/590-R-2 AND 120/400-R-2/120-R-2//140/590-R-2 HEIGHT AND BULK DISTRICTS UNDER THE MARKET AND OCTAVIA AREA PLAN AMENDMENTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

- A. **Exposure.** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Exceptions may be granted to projects within C-3 Districts pursuant to Planning Code Section 309(a)(14).

The majority of the dwelling units in the Project comply with exposure requirements by facing onto one of the public streets bordering the site or some other Code-compliant area that is at least 25' by 25' at the level of the dwelling unit and expands in area above the unit. However, there are 42 units in the project at levels three through eight, which face only onto the triangular open area above the mid-block alley. Of those units, and of the 966 total units proposed in the Project, 34 units (or approximately 3.5% of the overall units in the Project) do not meet the exposure requirements of the Code and require an exception pursuant to Section 309(a)(14) as part of the Downtown Project Authorization approval. The triangular shape of the lot and the overall layout and design of the building would otherwise result in underutilized space within the building. The triangular area that these units face onto measures 65 feet, 68 feet, and 94 feet on each side and will receive some amount of light and air as this area will be fully open above the eighth floor and open to the mid-block alley below.

- B. **Sunlight Access to Public Sidewalks in C-3 Districts.** Planning Code Section 146 requires that in C-3 Districts, in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical periods of use, new structures on parcels which abut certain streets in the downtown area shall be required to avoid penetration of a sun access plane. Exceptions may be granted to projects within C-3 Districts pursuant to Planning Code Sections 146(b) and 309(a)(3).

The Project Site is located on the southern side of Market Street between South Van Ness Avenue and 12th Street and is therefore required to avoid penetrating a sun access plane of 50-degrees above a height of 119 feet. The Project's podium along Market Street varies in height from 90 feet along its western portion to 140 feet along its eastern portion near the intersection of Market Street and South Van Ness Avenue. In addition to the eastern portion of the podium that directly penetrates the sun access plane beginning above 119 feet, the Project's proposed tower also penetrates the sun access plane much farther up in height. The Project seeks an exception from the requirement of Section 146(a) pursuant to Section 309 and the Downtown Project Authorization approval. The additional height seen at the project's podium along Market Street is consistent with the podium heights envisioned by the Market and Octavia Area Plan Amendments. As the Project is seeking exceptions from height and bulk consistent with the Market and Octavia Area Plan Amendments, it follows that an exception is similarly needed from this requirement. The Project will replace a two-story commercial structure with a 55-story mixed-use residential structure. Although the Project would create new shadows along Market Street, the additional shading caused due to the portion of the project above the required sun access plane would be minimal and consistent with the overall shading expected within a downtown urban area.



**SAN FRANCISCO
PLANNING DEPARTMENT**

EXHIBIT L

Excerpt of Planning Commission Resolution No. 20198

**Planning Commission
Resolution No. 20198**

HEARING DATE: JUNE 7, 2018
CORRECTED DATE: JUNE 11, 2018
CORRECTED DATE: JUNE 18, 2018

Project Name: Mayor's Process Improvements Ordinance
Case Number: 2018-004633PCA, [Board File No. 180423]
Initiated by: Mayor Farrell / Introduced April 24, 2018;
reintroduced May 15, 2018
Staff Contact: Jacob Bintliff, Senior Planner
jacob.bintliff@sfgov.org, 415-575-9170
Reviewed by: Kate Conner, Principal Planner
kate.conner@sfgov.org, 415-575-6914

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RESOLUTION APPROVING A PROPOSED ORDINANCE AMENDING THE PLANNING CODE TO STREAMLINE AFFORDABLE HOUSING PROJECT REVIEW BY ELIMINATING A PLANNING COMMISSION DISCRETIONARY REVIEW HEARING FOR 100% AFFORDABLE HOUSING PROJECTS UPON DELEGATION BY THE PLANNING COMMISSION; TO PROVIDE FOR PLANNING DEPARTMENT REVIEW OF LARGE PROJECTS LOCATED IN C-3 DISTRICTS AND FOR CERTAIN MINOR ALTERATIONS TO HISTORICAL LANDMARKS AND IN CONSERVATION DISTRICTS; TO CONSOLIDATE, STANDARDIZE AND STREAMLINE NOTIFICATION REQUIREMENTS AND PROCEDURES, INCLUDING REQUIRED NEWSPAPER NOTICE, IN RESIDENTIAL, COMMERCIAL, AND MIXED-USE DISTRICTS; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on April 24, 2018 Mayor Farrell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180423, which would amend Sections 206.4, 309, and 315, add new Section 315.1, and delete Section 328 of the Planning Code to streamline review of 100% affordable housing projects and large downtown projects in C-3 districts; amend Sections 202.5, 302, 303.1, 305.1, 306.3, 306.7, 306.8, 306.9, 311, 317, 329, 330.7, 1006.3, and 1111.4, and delete Section 306.10 and 312, and add new Section 333 of the Planning Code to consolidate and modernize notification requirements and procedures; and amend Sections 1005, 1111.1, and 1111.2 of the Planning Code to streamline review of minor alterations to historical landmarks and in conservation districts; and

WHEREAS, on May 15, 2018 Mayor Farrell re-introduced the proposed Ordinance under the same Board File Number 180423, which would amend Sections 206.4, 309, and 315, add new Section 315.1, and delete Section 328 of the Planning Code to streamline review of 100% affordable housing projects and large

2. The proposed amendments to delete Section 328 and establish a new Section 315.1 of the Planning Code would streamline the review process for 100% Affordable Housing Bonus projects, and strike an appropriate balance between the need for expedited review of affordable housing projects and the sensitivity to these larger-than-permitted Bonus Projects by providing an administrative approval path for eligible projects that limits Planning Code exceptions to those specifically created for such bonus projects in Section 206.4. The Ordinance would also reduce delays related to appeals, provided the Planning Commission delegates authority for Discretionary Review for these projects to the Planning Department, as the Board of Appeals would serve as the single appeal body for such projects.
3. The proposed amendments to Section 309 of the Planning Code would remove an additional layer of review for most large residential projects in the downtown C-3 districts by eliminating the need for a Variance in most cases. The Ordinance would reduce the time and procedural steps needed for Planning Department staff to complete project review, without leading to a significant change in the planning review outcome for such projects, as these Variances from dwelling unit exposure and useable open space requirements are routinely granted to accommodate the construction of high-rise residential developments in C-3 districts.
4. The proposed amendments to consolidate Section 311 and 312 into a single Section 311, establish a new Section 333, and delete or amend, as appropriate, various other Planning Code sections to reference the same, would establish uniform and consistent notification requirements for all Building Permit Applications and public hearings that require notification. This consolidation will save staff time, reduce the likelihood of errors in implementing notification requirements, and reduce delays in project review and approval.
5. The proposed amendments to establish a new Section 333 would significantly expand public access to public notification, while also reducing waste and cost. Specifically, the proposed Ordinance would expand mailed notice requirements to include tenants within the notification area in all cases, apply multilingual translation service requirements to all forms of public notification, and place notification materials and plan sets online for the first time. The new online posting requirement, in particular, will make the required notification materials accessible to the general public for the entire notification period, and serve the purpose and intent of the current newspaper notification requirement to greater effect and at significantly lower cost. The format and content requirements of the new Section 333 would reduce wasted paper and cost that result from current notification requirements.
6. The proposed amendments to Section 1005 and 1111 to allow for permits for minor and routine scopes of work that currently require an Administrative Certificate of Appropriateness or Minor Permit to Alter under Section 1005 and 1111 of the Planning Code to be eligible for same-day administrative approval by the Planning Department, provided the projects confirm to the relevant guidelines and standards as provided in Planning Code sections 1006.6 and 1111.6 is estimated to reduce the permit review case load for Preservation planners by roughly one-third in any given year,

EXHIBIT M

Excerpted Copy of April 24, 2015 Variance Decision for 150 Van Ness Avenue



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: April 24, 2015
Case No.: 2013.0973ECYX
Project Address: 150 VAN NESS AVENUE
Zoning: C-3-G (Downtown General)
Van Ness & Market Downtown Residential Special Use District
120-R-2 Height and Bulk District
Area Plan: Market and Octavia
Block/Lot: 0814/001, 14, 15, 16 and 21
Project Sponsor: Marc Babsin
Emerald Fund
235 Montgomery Street, 27th Floor
San Francisco, CA 94104
Staff Contact: Gonzalo Mosquera – (415) 575-9165
gonzalo.mosquera@sfgov.org

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DESCRIPTION OF VARIANCES – DWELLING UNIT EXPOSURE AND GARAGE/LOADING OPENING WIDTH VARIANCES SOUGHT:

The proposed project includes demolition of one existing office building, four parking lots and the pedestrian bridge over Hayes Street, and new construction of a 120 foot, 450,577 square foot, 13-story building with approximately 420 dwelling units, three guest suites, 9,000 square feet of ground floor retail, 210 off-street parking spaces and 263 bicycle parking spaces (a mix of Class 1 and Class 2). A total of 16,368 sf of common open space is required and provided on a terrace and the balance on the roof, which also satisfies the common usable open space requirements for 18 dwelling units located at the adjacent 100 Van Ness Avenue project. Private usable open space is provided for 79 units via balconies and private patios. The existing parking entrance for 100 Van Ness Avenue, along Van Ness Avenue, will be eliminated and a shared parking entrance will be provided on Hayes Street for both 150 Van Ness and 100 Van Ness Avenue.

SECTION 140 OF THE PLANNING CODE requires that windows of each dwelling unit face directly onto a street at least 20 feet in width, a Code-complying rear yard, a side yard at least 25 feet in width or onto a courtyard of no less than 25 feet in every horizontal direction. For an inner courtyard, it must increase its horizontal dimensions as it rises from its lowest level and must be unobstructed, except for certain specified permitted obstructions. To maximize access to light and air on the site, the project provides an 11,390 sf roof deck and two substantial courtyards: a 5,362 sf outer courtyard (west courtyard) and 3,068 sf ground floor inner courtyard with an adjoining 1,728 sf second floor terrace (east courtyard). Even though the east courtyard is large and well proportioned, at least 20 units on the top 3 floors facing the east courtyard encroach into the "inverted pyramid" configuration required for strict compliance with Section 140's strict inner court dimensional requirements; therefore, a variance is required.

EXHIBIT N

Excerpted Copy of June 28, 2007 Variance Decision for 1407 Market Street



SAN FRANCISCO PLANNING DEPARTMENT

JUNE 28, 2007

VARIANCE DECISION

UNDER THE PLANNING CODE

CASE NO. 2006.0584V

APPLICANT: Steven Della Salla
Tenth & Market, LLC
2930 Biscayne Boulevard
Miami, FL 33137

PLANNER: Michael Li - (415) 558-6396

PROPERTY IDENTIFICATION - 1407-1435 MARKET STREET AND 16-70 10TH STREET

Southwest corner of Tenth and Market Streets; Lot 041 (a portion of the former Lot 039) in Assessor's Block 3507 in the C-3-G (Downtown General Commercial) District and 200-S and 320-S Height and Bulk Districts.

DESCRIPTION OF VARIANCE - ELEVATOR PENTHOUSE HEIGHT EXEMPTION SOUGHT; USABLE OPEN SPACE DIMENSION, DWELLING UNIT EXPOSURE, HAZARD-LEVEL WIND, AND LOADING ENTRY VARIANCES SOUGHT:

The proposed project is the construction of two buildings sharing a common base and containing approximately 719 dwelling units, approximately 19,000 square feet of commercial space, and a garage with a capacity of up to 668 parking spaces (578 residential spaces and 90 commercial spaces). The taller north tower, at the corner of Tenth and Market Streets, will be 35 stories and approximately 352 feet high with a 12-story, 123-foot-high base along Market Street. The shorter south tower, at the corner of Tenth and Jessie Streets, will be 19 stories and approximately 220 feet high. The two towers will be connected by a nine-story, 93-foot-high podium or base oriented along Tenth Street.

Section 260(b)(1)(B) allows height exemptions of 16 feet for elevator, mechanical, and stair penthouses where the height limit is more than 65 feet. The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. The elevator penthouse of the north tower will be 28 feet above the roof deck.

www.sfplanning.org

CASE NO. 2006.0584V
1407-1435 MARKET STREET
JUNE 28, 2007
Page 2 of 14

Section 135(g)(2) requires that any area of an inner court that is credited as common usable open space must not be less than 20 feet in every horizontal dimension and 400 feet in area; and the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. Although the usable open space area will meet the minimum horizontal dimension and square footage requirements, it will not provide the required clearance between the surrounding walls due to the heights of those walls.

Section 140 requires every dwelling unit in every use district to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of this Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor. Approximately 125 of the 719 proposed dwelling units will not provide the required exposure.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

EXHIBIT O

Excerpted Sheets from Commercial Variant Plan Set

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	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	0 units	0 units	0 units	0 units
Hotel Rooms	0 rooms	0 rooms	200 rooms	200 rooms
Number of Buildings	3 buildings	3 buildings	-1 buildings	2 buildings
Height of Building(s)			217' - 7' - Hotel Tower 52' - 10 1/2" - Fire Station	217' - 7' - Hotel Tower 52' - 10 1/2" - Fire Station
Number of Stories	2-3 stories	-	19 stories - Hotel Tower 5 stories - Fire Station	19 stories - Hotel Tower 5 stories - Fire Station
Parking Spaces*	21 spaces		27 spaces	48 spaces
Loading Spaces**	-	-	1 loading, 2 service vehicles (Exception Request)	1 loading, 2 service vehicles (Exception Request)
Class 1 Bike Parking Spaces	-		22 spaces	22 spaces
Class 2 Bike Parking Spaces			26*** spaces	26*** spaces
Car Share Parking Spaces	-	-	1****	1****
GROSS SQUARE FOOTAGE (GSF)*****				
Accessory Parking	8,850	-	5,985	14,835
Residential	-	-	-	-
Retail/Commercial	-	-	44,000	44,000
Office	20,718	-	19,772	40,490
Industrial/PDR	-	-	-	-
Medical	-	-	-	-
Visitor (Hotel)	-	-	149,965	149,965
Public Facility (Fire Station)	18,626	-	2,104	20,730
Non - Accessory SFFD Parking	-	-	7,740	7,740
Other (Loading and BOH)	-	-	25,335	25,335
Usable Open Space	-	-	-	-
Public Open Space	-	-	6,476	6,476*****
TOTAL GSF	48,194		254,901	303,095*****

* Parking provided exceeds San Francisco Planning Code. Conditional use requested for SFFD Non-accessory parking garage. Space devoted to non-SFFD off street car parking is 14,835 SF, which is 6.94% of Non-SFFD OFA

** Loading spaces are calculated per San Francisco Planning Code Art. 1.5, Sec.152.1. Exception Requested to allocate 1 loading bay in lieu of the 2 loading bays required per code.

*** Bike Parking is calculated per San Francisco Planning Code Sec. 155.2 - Project provides 26 out of the 40 class 2 bike parking code required spaces. Remainder parking spaces (14) are proposed to be provided through a Zoning Administrator, Section 305 variance and in-lieu payment pursuant to Section 307(k)(2)(E)

**** Car Share Parking is calculated per San Francisco Planning Code Sec. 166

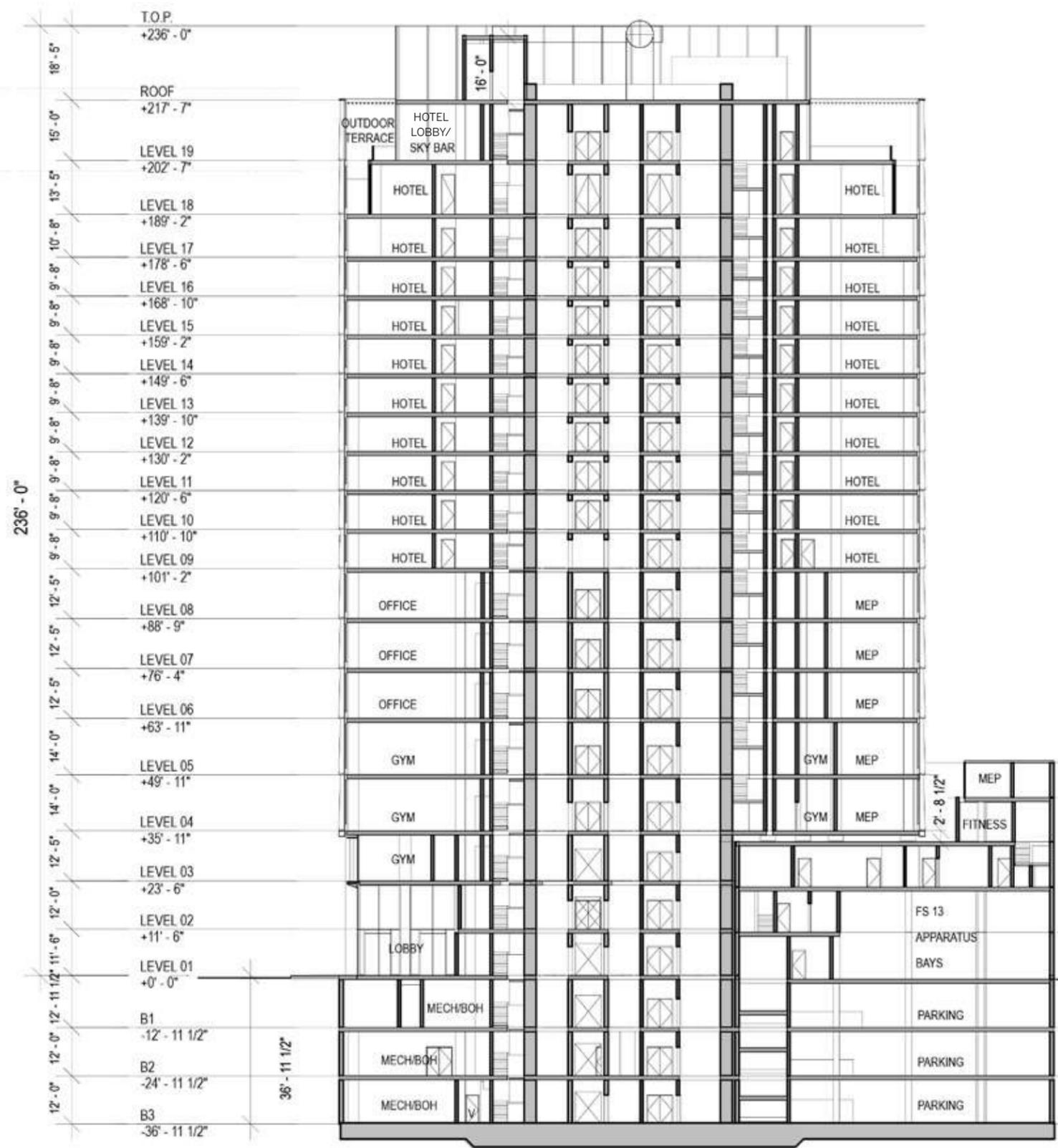
***** Total GSF excludes POPOS

***** Represents extent of area of pedestrian-favored public realm improvements on Merchant Street. The POPOS requirements is () square feet per Section 138. See landscape street level plan sheets for detail on proposed scope of improvements

***** Represents industry standard method of calculation for CEQA purposes, see table on page (7) for GFA and OFA calculations.

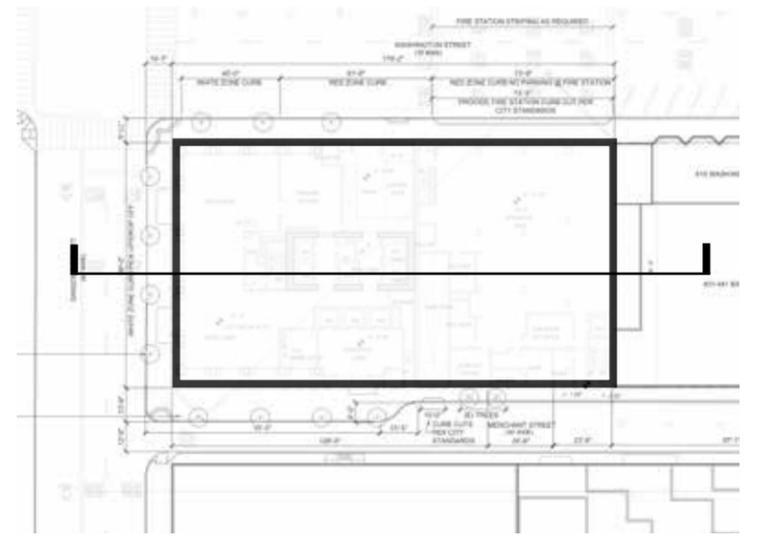
HEIGHT LIMIT W/
REQUESTED Sec. 263.9
HEIGHT EXCEPTION
+220' - 0"

HEIGHT LIMIT W/O
REQUESTED Sec. 263.9
HEIGHT EXCEPTION
+200' - 0"

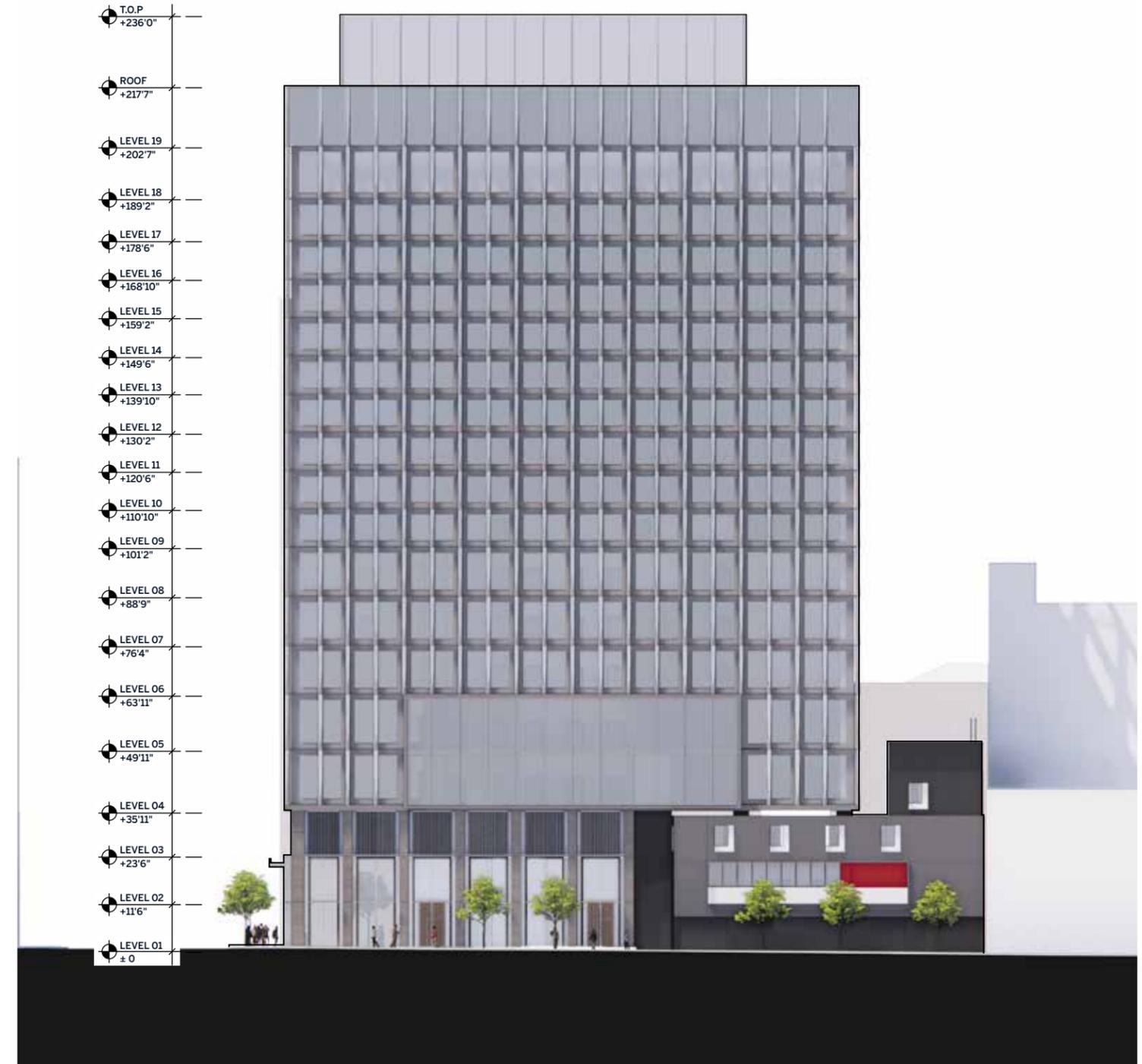


FIRE HOUSE ROOF	+52' - 10 1/2"	
FIRE HOUSE LEVEL 05	+44' - 2 1/2"	8'-8"
FIRE HOUSE LEVEL 04	+33' - 2 1/2"	11'-0"
FIRE HOUSE LEVEL 03	+21' - 11 1/2"	11'-3"
FIRE HOUSE LEVEL 02	+10' - 8 1/2"	11'-3"
FIRE HOUSE LEVEL 01	-0' - 11 1/2"	11'-8"
B1	-12' - 11 1/2"	12'-0"
B2	-24' - 11 1/2"	12'-0"
B3	-36' - 11 1/2"	12'-0"

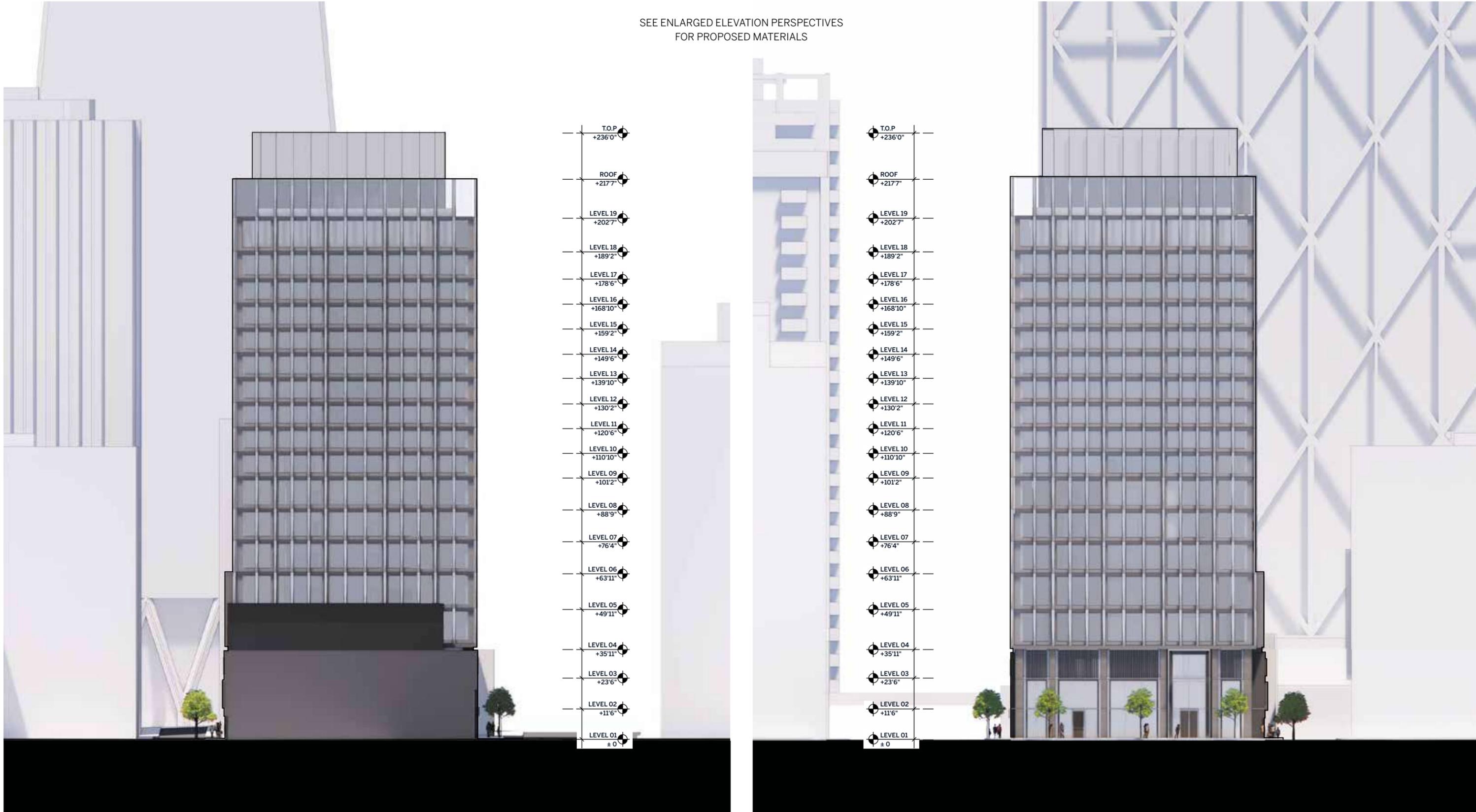
Proposed below grade development net soil volume displacement approx 22,000 cu. yd.

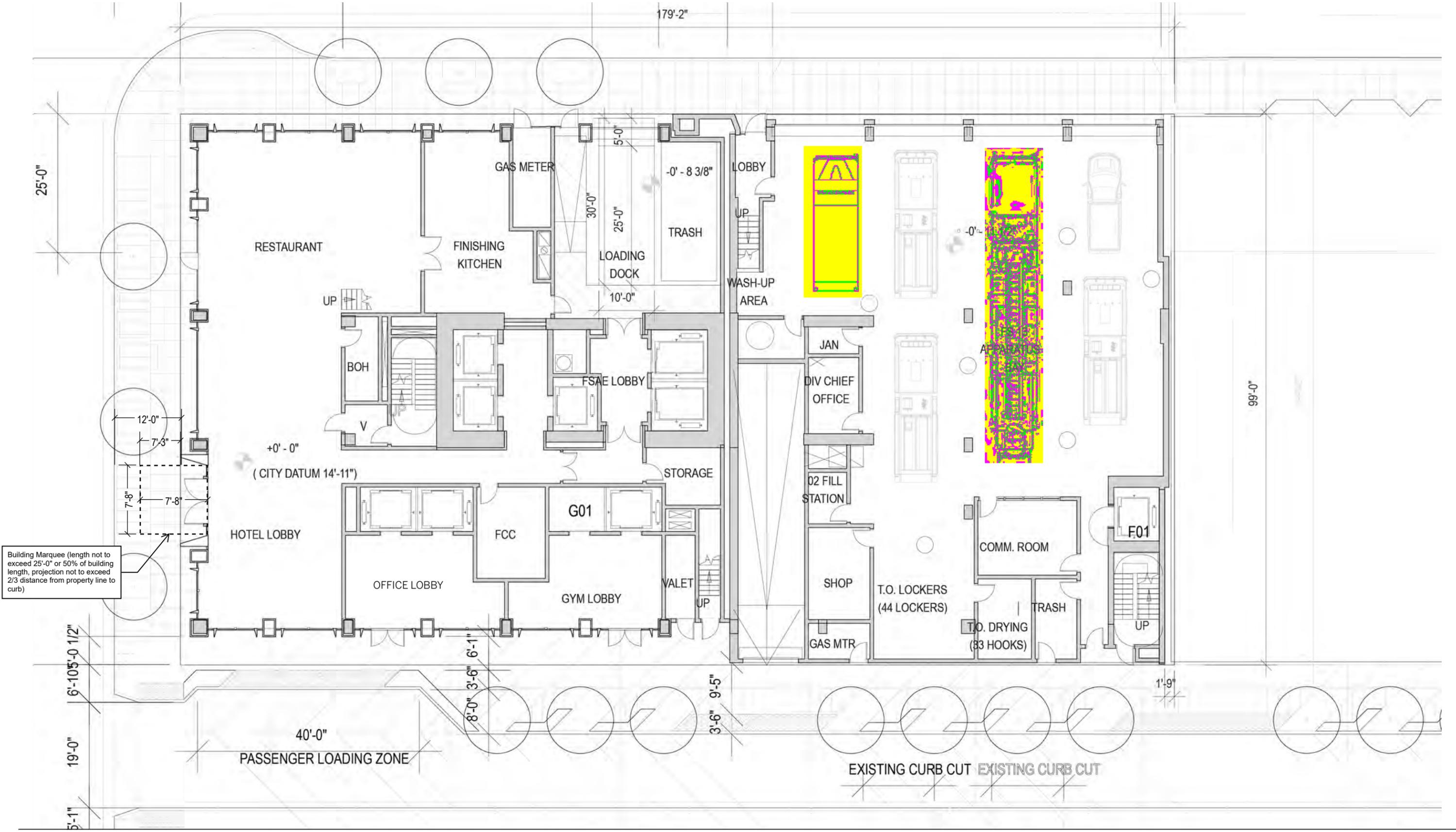


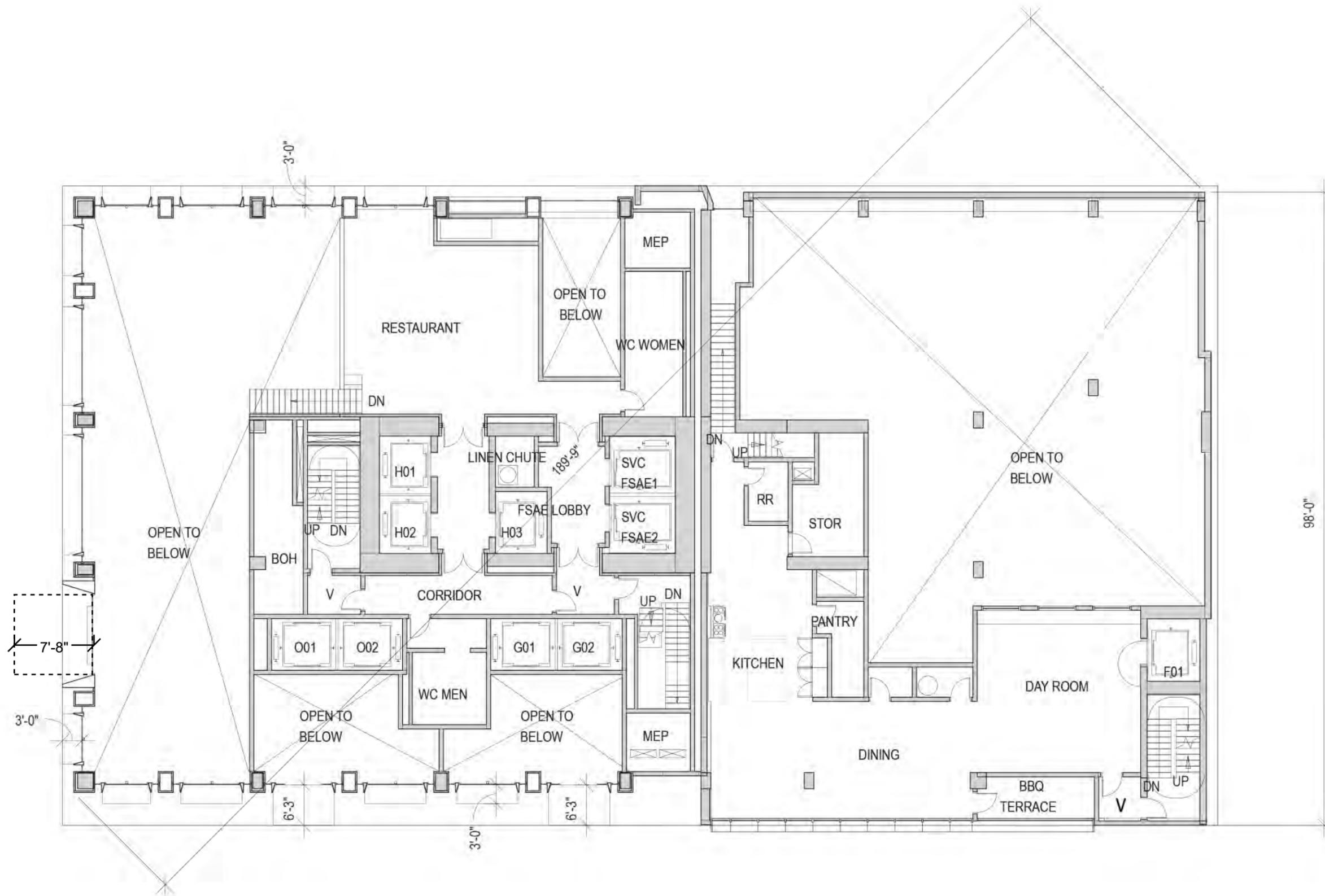
SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS

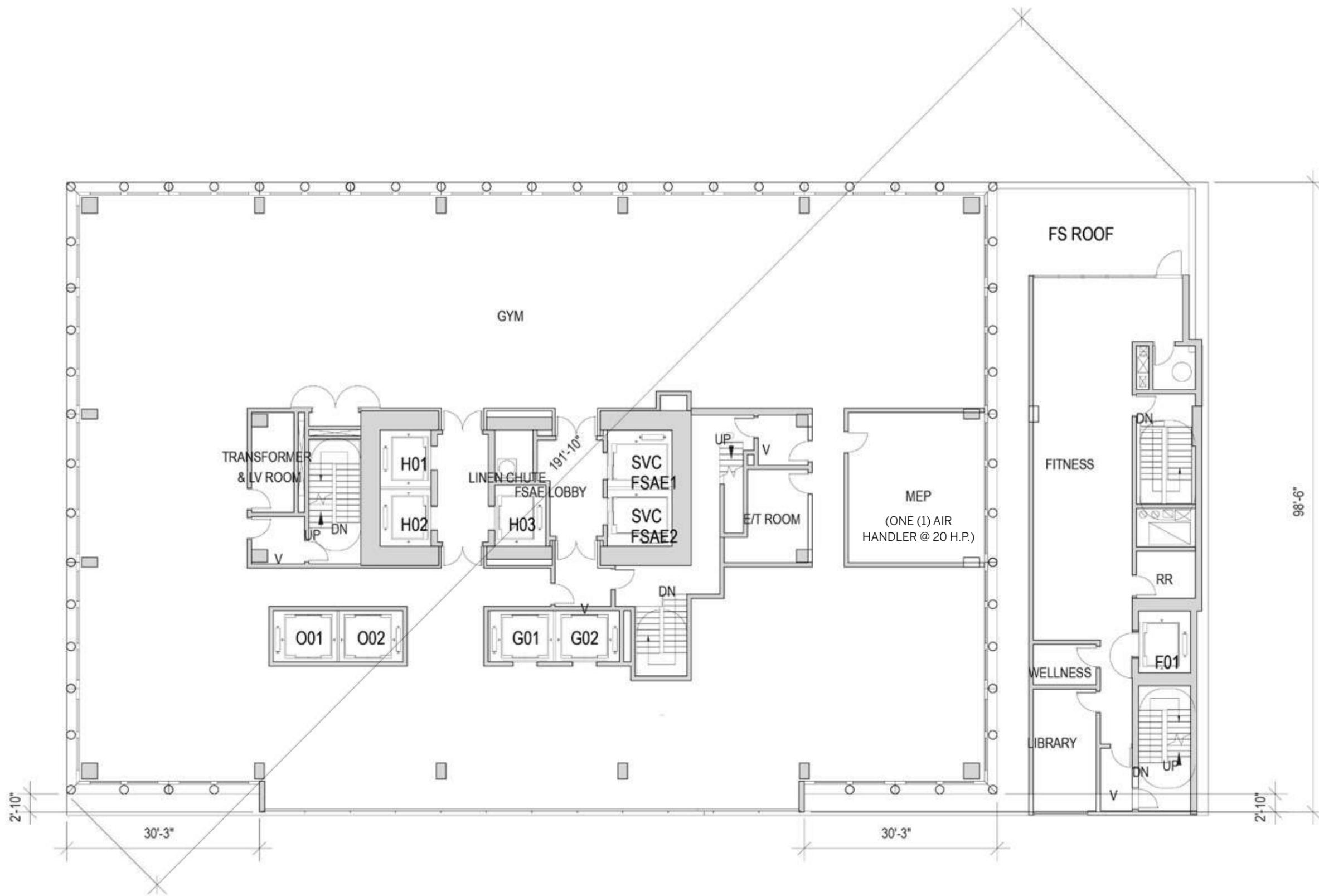


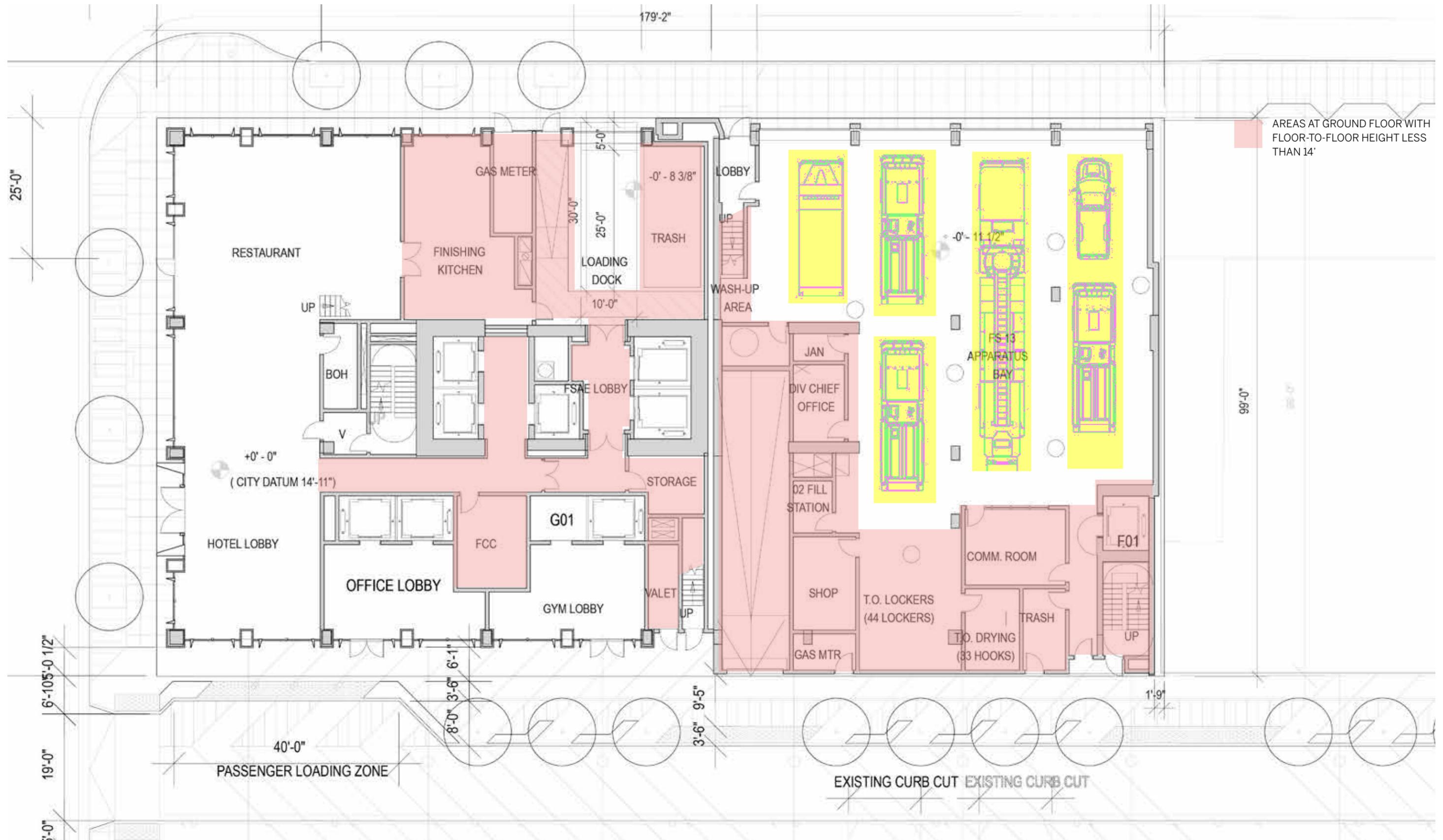
SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS











AREAS AT GROUND FLOOR WITH FLOOR-TO-FLOOR HEIGHT LESS THAN 14'

EXHIBIT P

Excerpted Sheets from Residential Variant Plan Set

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	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
PROJECT FEATURES				
Dwelling Units	0 units	0 units	256 units	256 units
Hotel Rooms	0 rooms	0 rooms	0 rooms	0 rooms
Number of Buildings	3 buildings	0 buildings	2 buildings	2 buildings
Height of Building(s)			218' - 0' - Residential Tower 52' - 10 1/2" - Fire Station	218' - 0' - Residential Tower 52' - 10 1/2" - Fire Station
Number of Stories	2-3 stories	-	21 stories - Residential Tower 5 stories - Fire Station	21 stories - Residential Tower 5 stories - Fire Station
Parking Spaces*	21 spaces	21 spaces	61 spaces	82 spaces
Loading Spaces**	-	-	1 Freight loading + 2 service vehicles	1 Freight loading + 2 service vehicles
Class 1 Bike Parking Spaces	-	-	143 spaces	143 spaces
	-	-		
Class 2 Bike Parking Spaces	-	-	21*** spaces	21*** spaces
	-	-		
Car Share Parking Spaces	-	-	2***** spaces	2***** spaces
GROSS SQUARE FOOTAGE (GSF)				
Accessory Parking	8,850	8,850	21,545	30,395
Residential	0	0	257,200	257,200
Retail/Commercial	0	0	0	0
Office	20,718	0	0	0
Industrial/PDR	0	0	0	0
Medical	0	0	0	0
Visitor (Hotel)	0	0	0	0
Public Facility (Fire Station)	18,626	18,626	2,194	20,820
Non - Accessory SFFD Parking	0	0	7,665	7,665
Below Grade BOH/MEP/Other	0	0	14,385	14,385
Above Grade Loading and BOH	0	0	650	650
Common Usable Open Space	0	0	6,384	6,384
TOTAL GSF	48,194		310,023	331,465*****

UNIT MIX	No. of Units	%
Total Units	256	100%
Studio/ 1 Bedroom/ Jr 1 Bedroom	191	75%
2 Bedroom	38	15%
3 Bedroom	27	10%

USABLE OPEN SPACE	
Total Units	256
Units w/ 36 sq ft private open space	123
Unit w/o private open space	133
Common open space required per unit w/o private open space (sq ft)	48
Total Common open space provided (sq ft)	6,384

* Parking is calculated as .25 spaces for each residential unit

** Loading spaces are calculated per San Francisco Planning Code Art. 1.5, Sec.152.1.

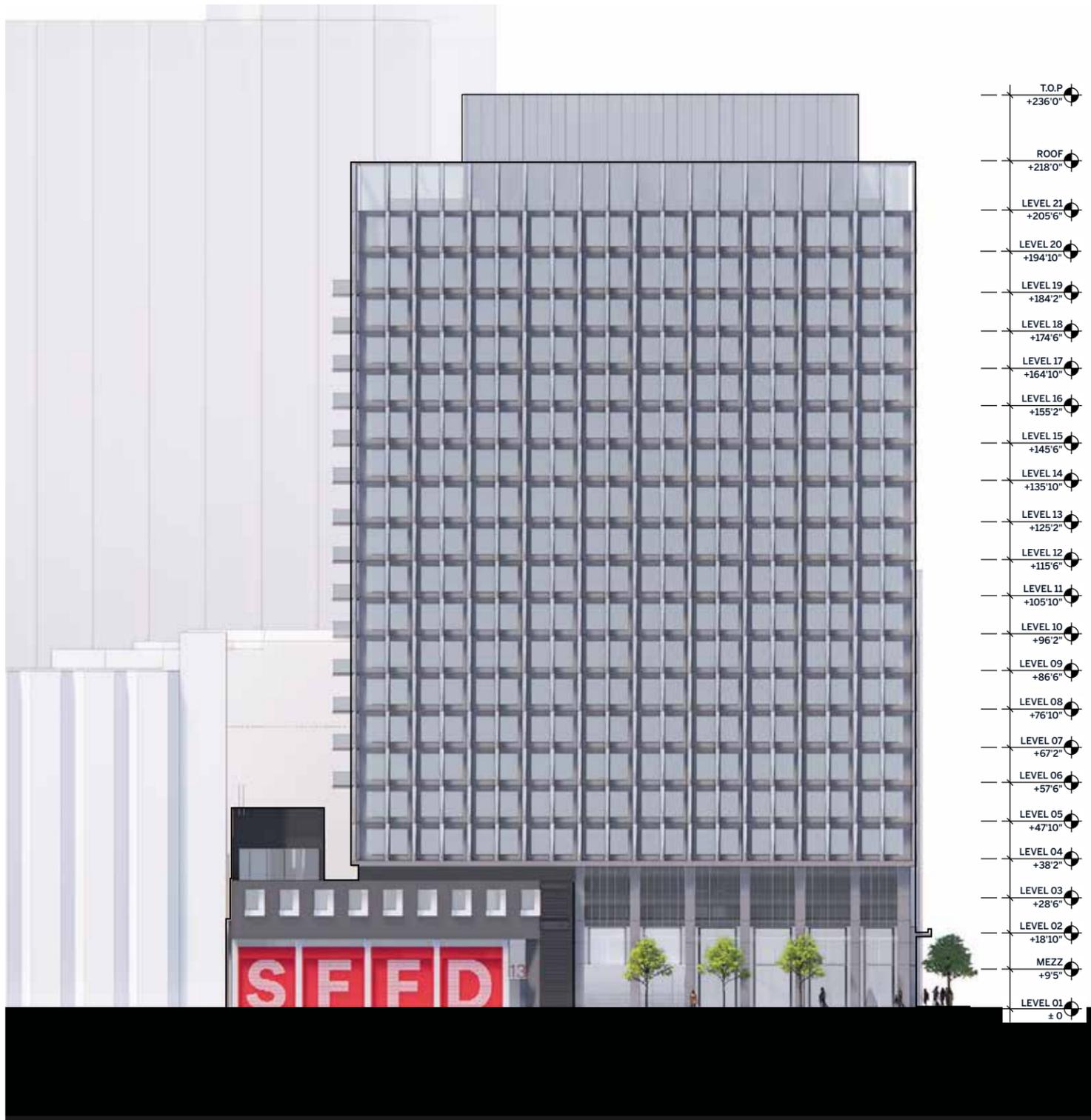
*** Bike parking is calculated per S.F. Planning Code Sec 155.2. Project provides 21 out of the 21 class 2 bike parking code required spaces on site.

**** One Class 1 space for every Dwelling Unit. For buildings containing more than 100 Dwelling Unit, 100 Class 1 spaces plus one Class 1 space for every four Dwelling units over 100.

***** Total GSF does not include Common Usable Space

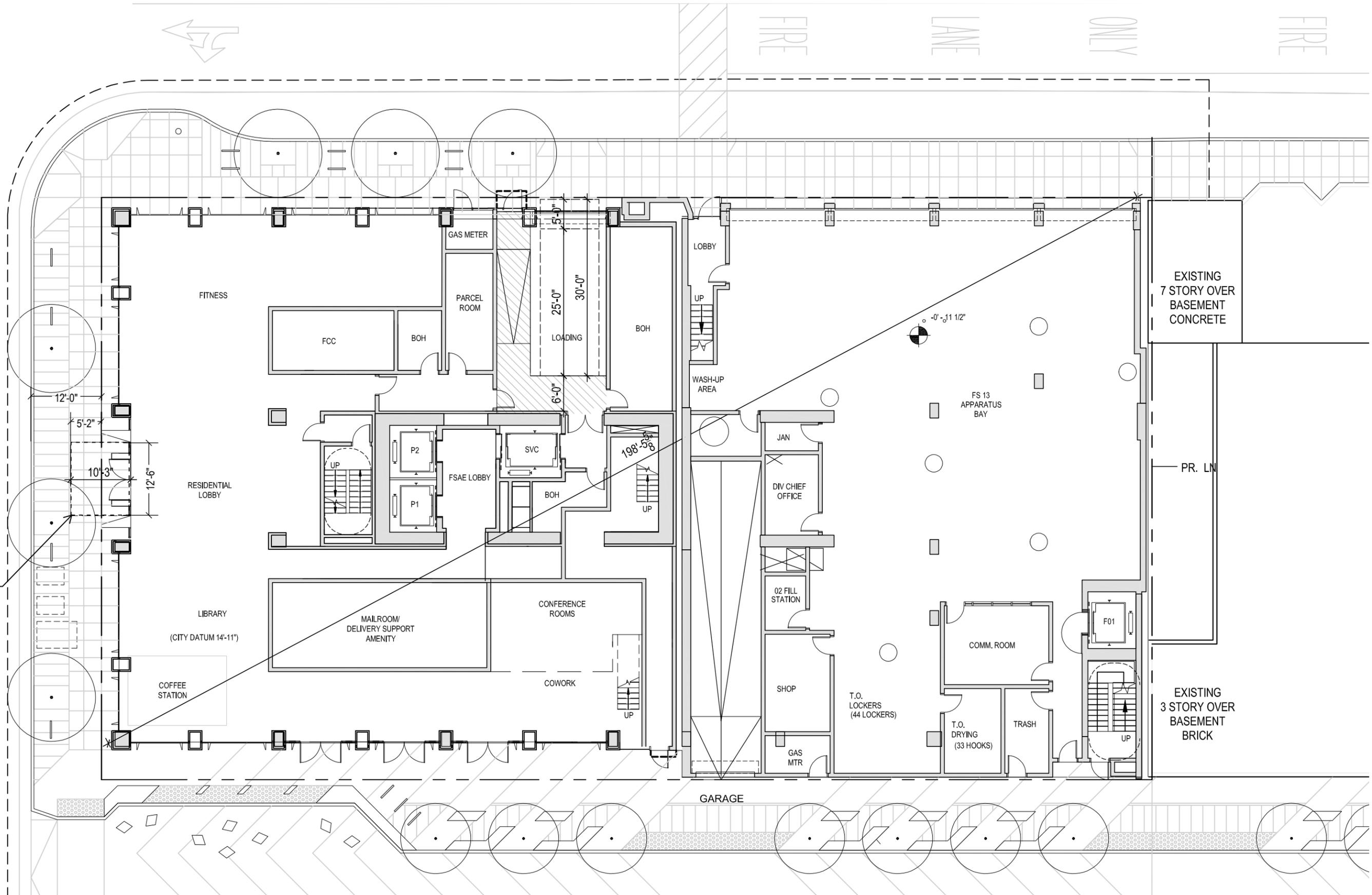
***** Car Share Parking is calculated per San Francisco Planning Code Sec. 166

SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS

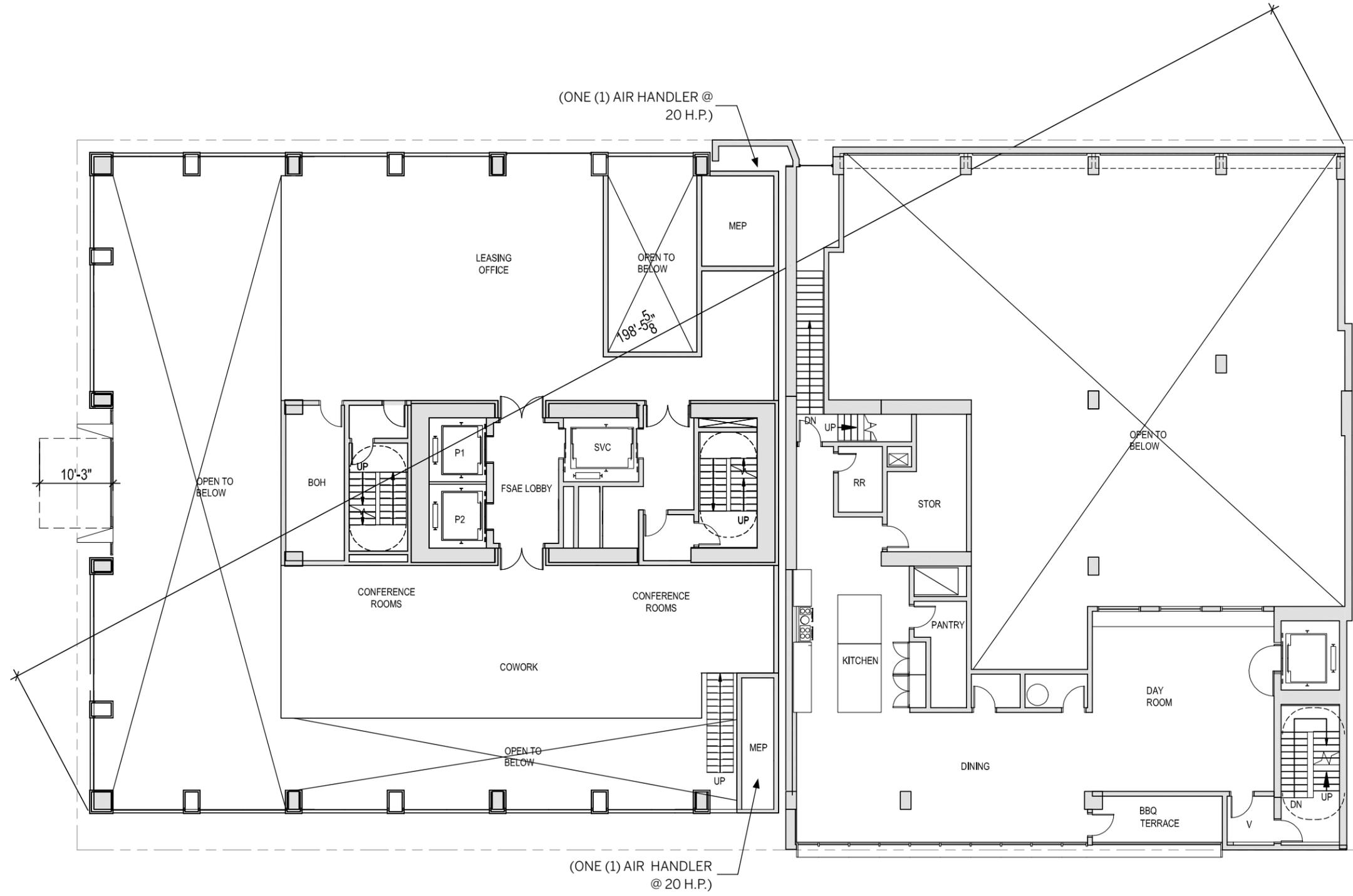


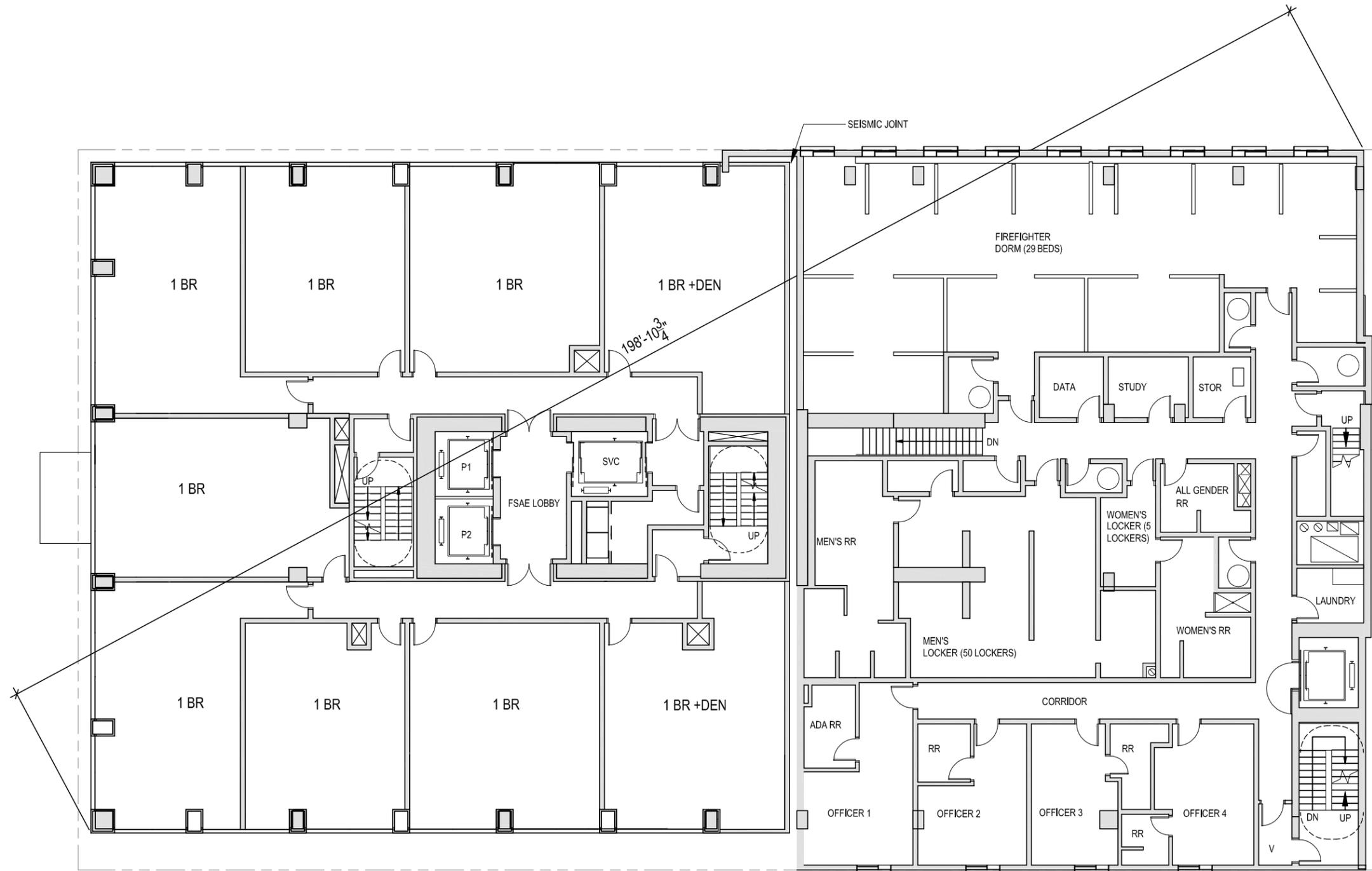
SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS

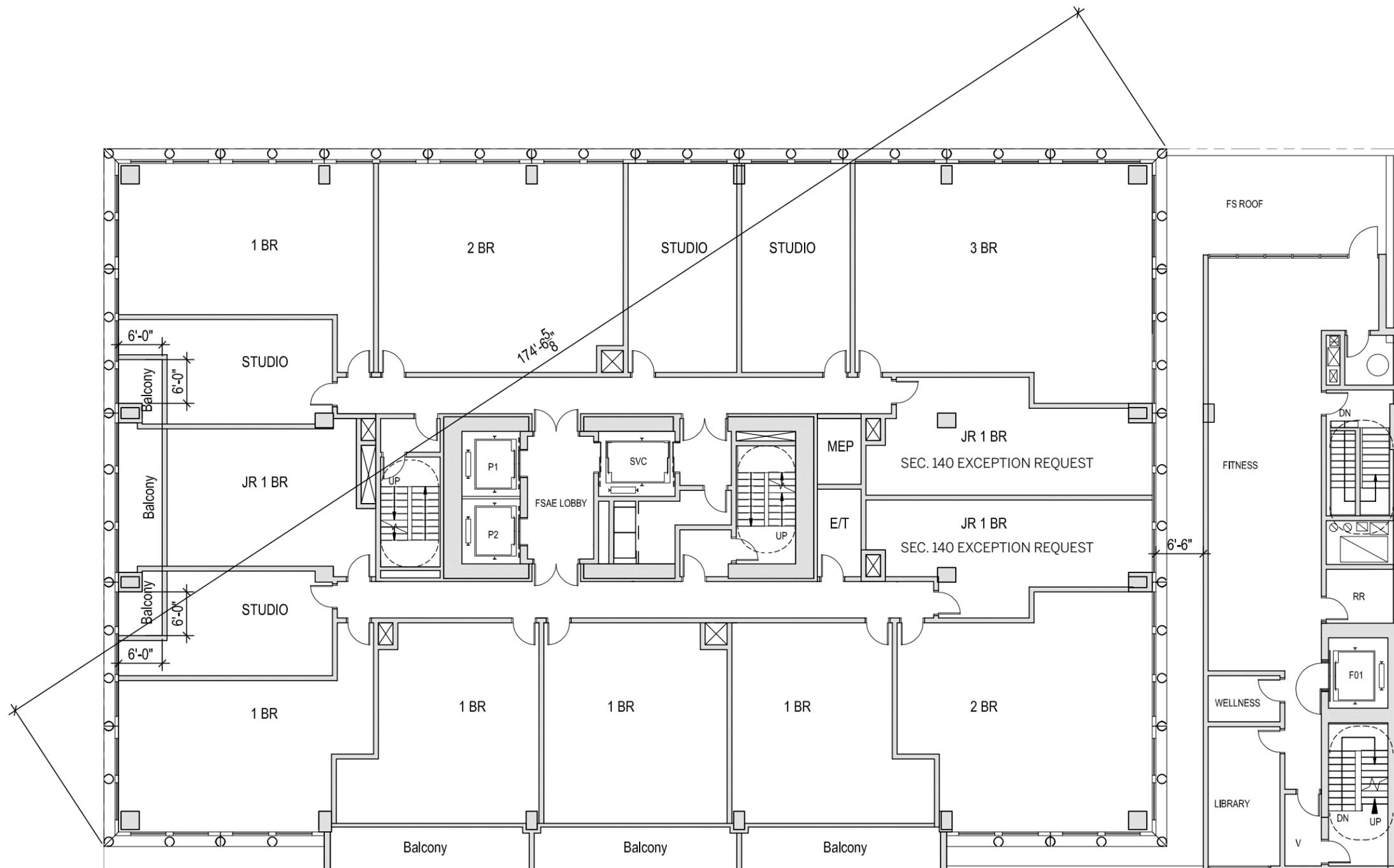


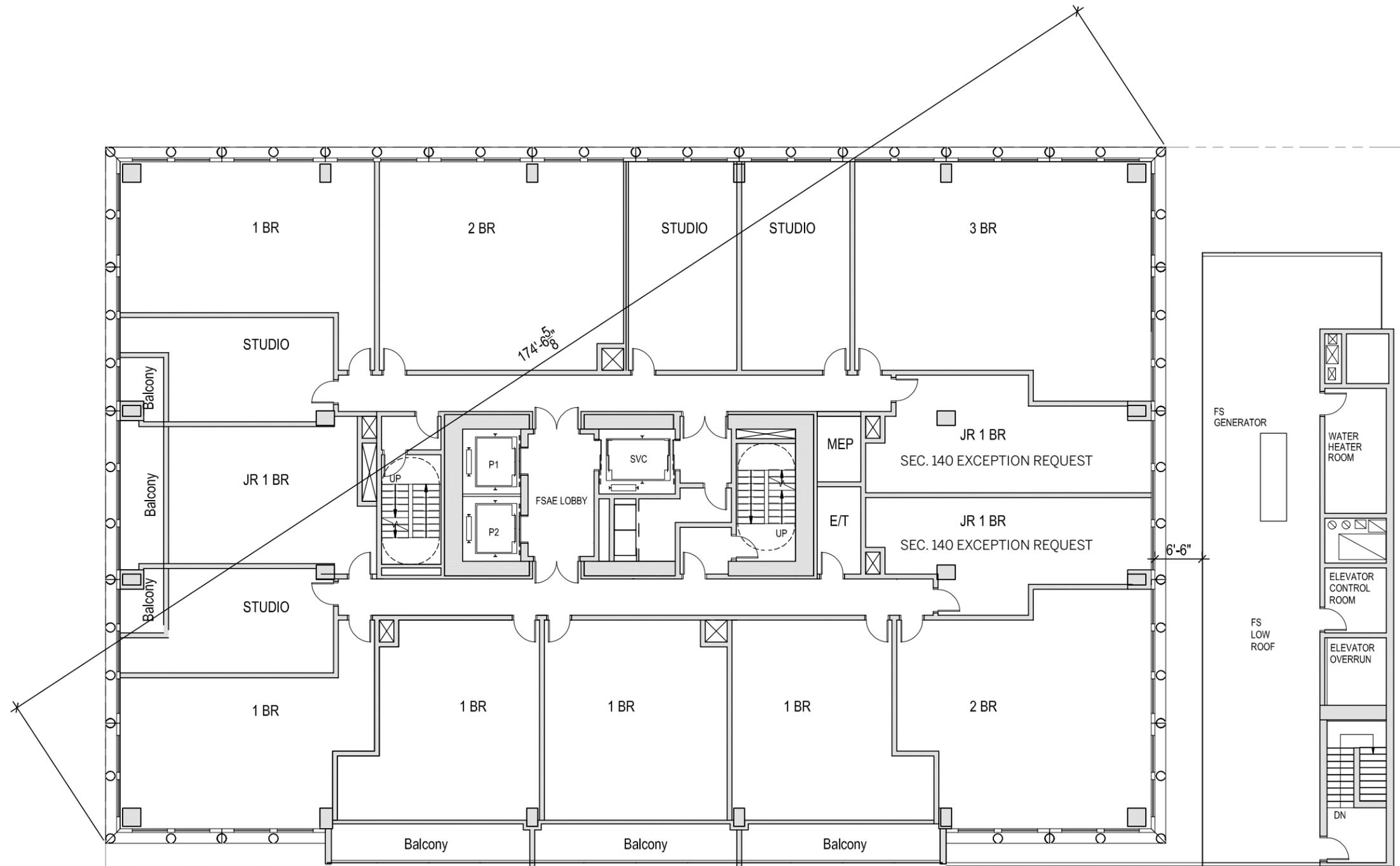


Building Marquee (length not to exceed 25'-0" or 50% of building length, projection not to exceed 2/3 distance from property line to curb)









AREAS AT GROUND FLOOR WITH FLOOR-TO-FLOOR HEIGHT LESS THAN 14'

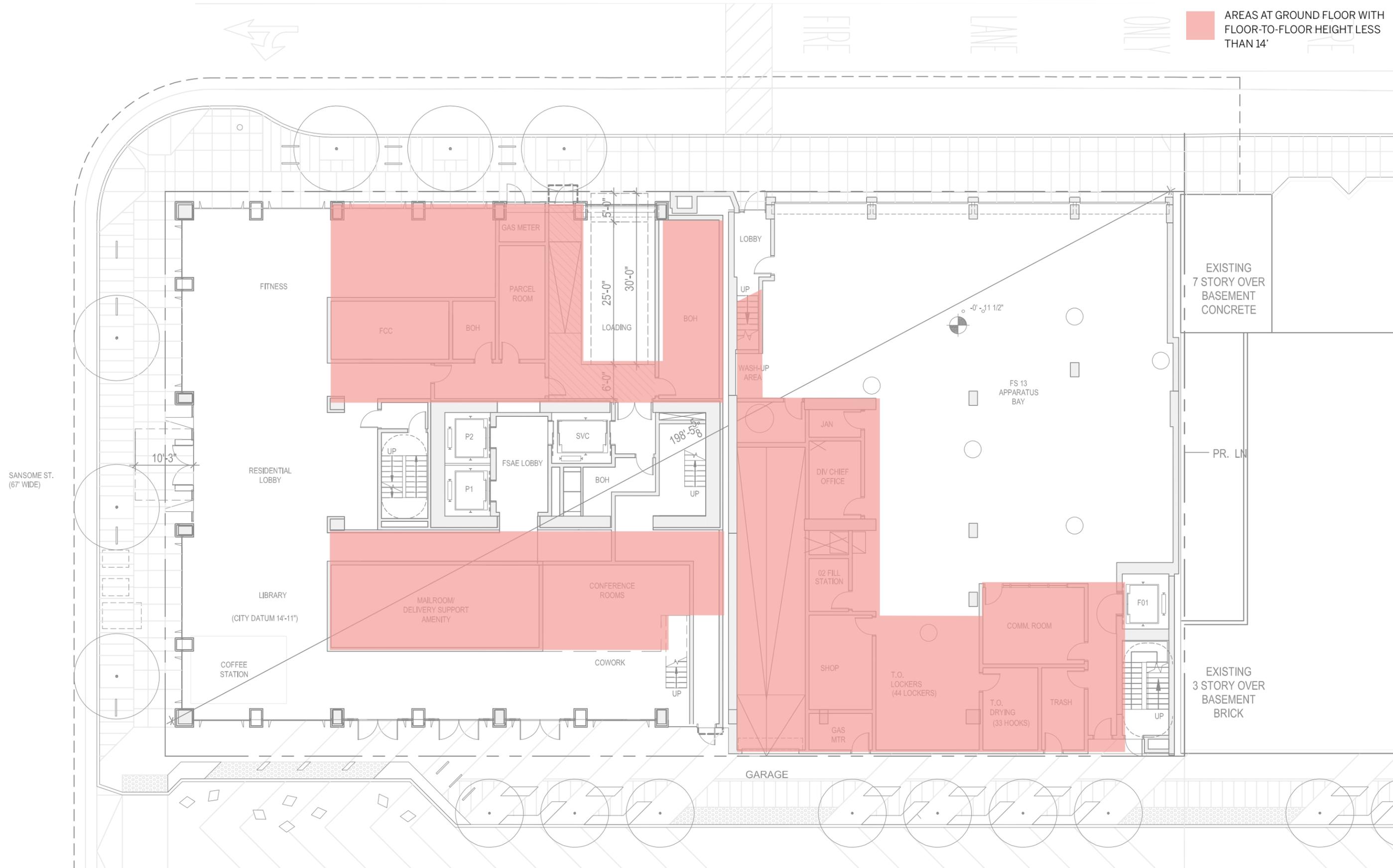
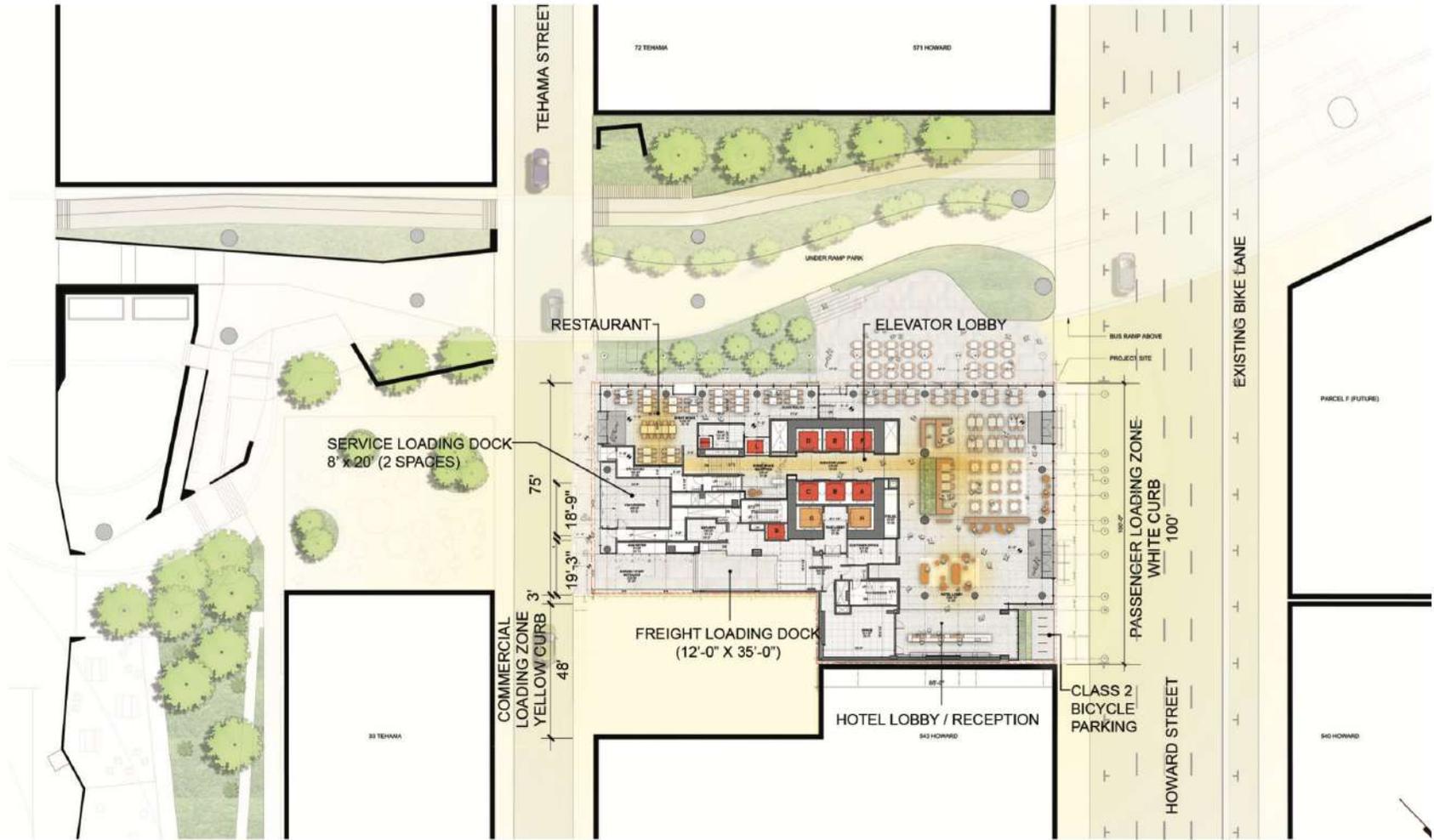
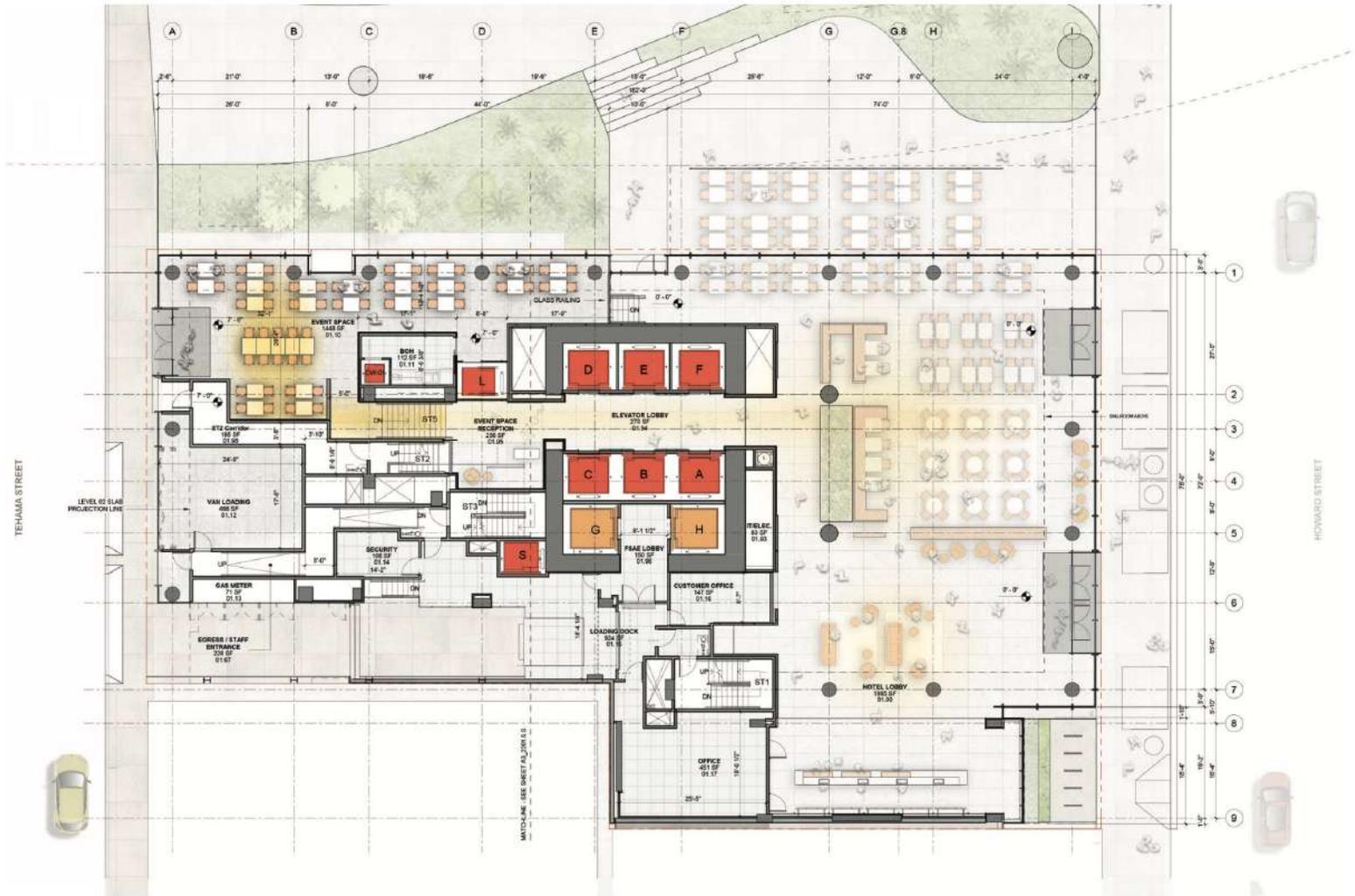


EXHIBIT O

Excerpted Sheets from Plan Set Attached to Planning Commission Motion No. 20787

Floor Level	GSF (construction with roof terraces)	GSF (enclosed)	Intermediate Floor MEP Areas	Intermediate Floor MEP Exempt per 102 (b)(4)(B)	Total MEP/Support (Exempt)	Loading (Exempt)	Ground Floor Restaurant (Exempt)	Hotel Lobby (Exempt)	Restaurant/Bar (Non-exempt)	Hotel Guest Room Floors (Non-exempt)	Meeting/Ballroom (Non-exempt)	Hotel (Non-exempt)	Total Exempt	Total Gross Floor Area (Non-exempt)
Roof	9,441	-	-	-	-	-	-	-	-	-	-	-	-	-
35	9,441	9,441	198	309	198	-	-	-	2,217	-	2,877	4,149	198	9,243
34	9,441	9,441	378	309	309	-	-	-	-	9,132	-	-	309	9,132
33	9,441	9,441	415	309	309	-	-	-	-	9,132	-	-	309	9,132
32	9,441	9,441	415	309	309	-	-	-	-	9,132	-	-	309	9,132
31	9,441	9,441	427	309	309	-	-	-	-	9,132	-	-	309	9,132
30	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
29	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
28	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
27	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
26	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
25	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
24	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
23	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
22	9,441	9,441	423	309	309	-	-	-	-	9,132	-	-	309	9,132
21	11,525	9,441	335	309	309	-	-	-	-	4,384	-	4,748	309	9,132
20	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
19	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
18	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
17	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
16	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
15	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
14	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
13	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
12	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
11	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
10	11,525	11,525	467	309	309	-	-	-	-	11,216	-	-	309	11,216
9	11,525	11,525	488	309	309	-	-	-	-	11,216	-	-	309	11,216
8	11,525	11,525	481	309	309	-	-	-	-	11,216	-	-	309	11,216
7	11,525	11,525	481	309	309	-	-	-	-	11,216	-	-	309	11,216
6	11,981	11,981	937	309	309	-	-	-	-	-	-	11,672	309	11,672
5	8,822	8,822	1,007	309	309	-	-	-	-	-	1,813	6,700	309	8,513
4	13,715	12,130	536	309	309	-	-	-	-	-	4,474	7,347	309	11,821
3	9,419	9,419	570	309	309	-	-	-	-	-	1,388	7,722	309	9,110
2	11,457	11,457	550	309	420	-	-	-	-	-	4,087	6,950	420	11,037
1.5	6,182	6,182	-	-	518	1,489	1,854	-	-	-	-	2,321	3,861	2,321
1	8,654	8,654	-	-	2,306	-	2,895	1,736	-	-	-	1,717	6,937	1,717
B0.5	6,210	6,210	-	-	419	-	-	-	-	-	-	5,791	419	5,791
B1	13,930	13,930	-	-	5,382	-	-	-	-	-	-	8,548	5,382	8,548
B2	12,290	12,290	-	-	4,120	-	-	-	-	-	-	8,170	4,120	8,170
B3	12,290	12,290	-	-	4,054	-	-	-	-	-	-	8,236	4,054	8,236
B4	12,290	12,290	-	-	12,290	-	-	-	-	-	-	-	12,290	-
	441,730	428,620	16,162	10,493	39,583	1,489	4,749	1,736	2,217	280,134	14,639	84,073	47,557	381,063





555 Howard Street - San Francisco

7

Ground Floor Plan - Level 1.5

Scale: 1/16" = 1'-0"

Renzo Piano Building Workshop in collaboration with Mark Cavagnero Associates Architects

September 14, 2020



555 Howard Street - San Francisco

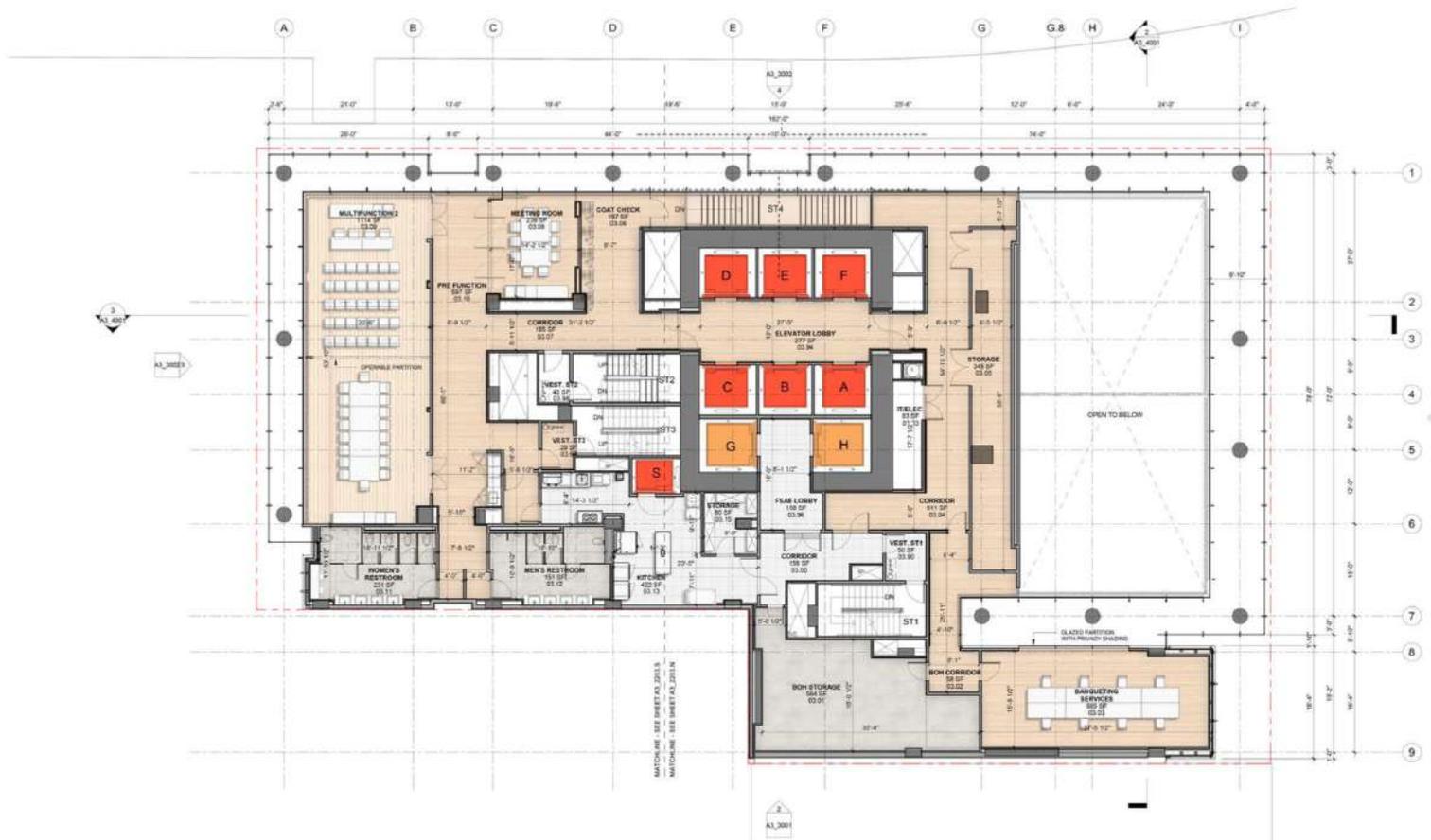
Renzo Piano Building Workshop in collaboration with Mark Cavagnero Associates Architects

8

Ballroom Floor Plan - Level 02

Scale: 1/16" = 1'-0"

September 14, 2020



555 Howard Street - San Francisco

Renzo Piano Building Workshop in collaboration with Mark Cavagnero Associates Architects

9

Multifunction Floor Plan - Level 03

Scale: 1/16" = 1'-0"

September 14, 2020

EXHIBIT R

Excerpted Sheets from Plan Set Attached to Planning Commission Motion No. 19351

GROSS FLOOR AREA BREAKDOWN

Fr.	UNITS	CIRCULATION	RETAIL	HOTEL	BOH	PARKING	TOTAL
R	0	0	0	0	0	0	0
13	25,720	3,705	0	0	0	0	29,425
12	25,720	3,705	0	0	0	0	29,425
11	27,911	3,705	0	0	0	0	31,616
10	27,911	3,705	0	0	0	0	31,616
9	27,911	3,705	0	0	0	0	31,616
8	27,911	3,705	0	0	0	0	31,616
7	27,911	3,705	0	0	0	0	31,616
6	27,911	3,705	0	0	0	0	31,616
5	27,911	3,705	0	0	0	0	31,616
4	27,911	3,705	0	0	0	0	31,616
3	25,159	4,019	0	0	0	0	29,178
2	20,833	3,613	0	0	0	0	24,446
1	7,776	2,630	9,000	1,220	14,326	4,718	39,670
B1	0	0	0	0	0	45,505	45,505
TOTAL	328,496	47,312	9,000	1,220	14,326	50,223	450,577

FAR Exclusions

Inclusionary Residential+Circulation (12%)	45,097 sf
BOH	14,326 sf
Mechanical	10,247 sf
Parking	50,223 sf
SUBTOTAL	119,893 sf

Gross Floor Area for FAR calculation

Gross Floor Area	450,577 sf
FAR Exclusions	(119,893) sf
TOTAL	330,684 sf

ZONING

SITE AREA	46,490 sf
MAX FAR ALLOWED	9.0 FAR
MAX FLOOR AREA	418,410 sf
PROPOSED FAR	7.1 FAR
PROPOSED FLOOR AREA	330,684 sf

GROSS PROJECT AREAS

	GSF	FAR
GROSS RESIDENTIAL AREA (units+circulation)	375,808	375,808 sf
INCLUSIONARY RESIDENTIAL+CIRCULATION	-	(45,097) sf
MECHANICAL	-	(10,247) sf
HOTEL	1,220	1,220 sf
RETAIL	9,000	9,000 sf
LOBBY/LOADING/BOH	14,326	- sf
PARKING (include bike parking)	50,223	- sf
TOTAL	450,577	330,684 sf





03.06.2015
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150 VAN NESS

GROUND FLOOR PLAN



PUBLIC COMMENT



UNITE HERE!

September 20, 2021

The Honorable Shamann Walton
President, Board of Supervisors
City and County of San Francisco

Dear President Walton and honorable members of the Board of Supervisors,

We are pleased to write this letter in support of the proposed project at 530 Sansome Street.

As a union representing hospitality employees, we are concerned with whether new jobs created in this industry will serve to lift up the community by providing leading wages and working conditions for the hardworking people who work in our city's hotels. Hotel developers have historically supported the creation of good quality jobs by agreeing to remain neutral and present no encumbrances to efforts by their employees to form a union. The developer of this project has worked with our union to sign such an agreement, and has also signed an agreement that will cover the building trades for the construction of the hotel.

This project will undertake to provide the city with a new and improved fire station, which we understand is sorely needed and will better meet the needs of the hardworking firefighters who protect our city and its residents.

We support this project for its various benefits, including, most crucially, its guarantees of good quality jobs in this critical industry for San Francisco.

Please feel free to contact me if you have further questions.

Sincerely,

Cynthia Gómez
Senior Research Analyst
Unite Here, Local 2

Michael Casey
President

Chito Cuéllar
Vice-President

Tina Chen
Secretary-Treasurer