

Part 2

530 Sansome Street

Appeals of Variance Decision (2019-017481VAR) Appeal Nos. 21-089 and 21-090

Part 2 contains the following documents:

- Notice of Appeals
- Preliminary Statement of Appeals
- Variance Decision (2019-017481VAR) issued on August 27, 2021
- Appellant's brief for Appeal No. 21-089 (447 Partners, LLC)
- Appellant's brief for Appeal No. 21-090 (Wilad Properties, LLC)

Note: The Project Sponsor's Response Brief is found in Part 3

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
447 PARTNERS, LLC,)
Appellant(s))
vs.)
ZONING ADMINISTRATOR,)
Respondent)

Appeal No. **21-089**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on September 3, 2021, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 27, 2021 to EQX Jackson SQ Holdco LLC, of a Variance Decision (The Project would demolish three existing buildings, including the SFFD Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall; the Project would have two distinct land use programs that could be implemented at the site: (1) a 248,000 square foot Commercial Variant (inclusive of SFFD uses) which would establish a 200-room hotel, 37,000 square feet of office uses, a 32,000 square foot gym and 7,900 square feet of restaurant uses contained within a 19-story tower); (2) a 283,000 square foot Residential Variant (inclusive of the SFFD uses) which would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. Both Variants would include construction of a new, four-story Fire Station 13 as well as a below grade non-accessory 18-space parking garage for use by the SFFD. The center of the site devoted to the new SFFD Station 13 is not fully compliant with the Code's strict development standards for commercial street frontages and therefore requires variances. The Zoning Administrator granted variances from the Code requirements for the width of the openings for off-street parking and loading, active use, ground floor ceiling height, and transparency for street frontages in Commercial Districts) at 530 Sansome Street.

APPLICATION NO. 2019-017481VAR

FOR HEARING ON October 20, 2021

Address of Appellant(s):

Address of Other Parties:

<p>447 Partners, LLC, Appellant(s) c/o Ryan Patterson, Attorney for Appellant(s) Zacks Freedman & Patterson, P.C. 601 Montgomery Street, Suite 400 San Francisco, CA 94111</p>	<p>EQX Jackson SQ Holdco LLC, Determination Holder(s) c/o James Abrams, Attorney for Determination Holder(s) J. Abrams Law, P.C. One Maritime Plaza, Suite 1900 San Francisco, CA 94111</p>
--	---

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
WILAD PROPERTIES LLC, _____)
Appellant(s))
vs.)
ZONING ADMINISTRATOR, _____)
Respondent

Appeal No. **21-090**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on September 3, 2021, the above-named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on August 27, 2021 to EQX Jackson SQ Holdco LLC, of a Variance Decision (the Project would demolish three existing buildings, including the SFFD Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall; the Project would have two distinct land use programs that could be implemented at the site: (1) a 248,000 square foot Commercial Variant (inclusive of SFFD uses) which would establish a 200-room hotel, 37,000 square feet of office uses, a 32,000 square foot gym and 7,900 square feet of restaurant uses contained within a 19-story tower); (2) a 283,000 square foot Residential Variant (inclusive of the SFFD uses) which would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. Both Variants would include construction of a new, four-story Fire Station 13 as well as a below grade non-accessory 18-space parking garage for use by the SFFD. The center of the site devoted to the new SFFD Station 13 is not fully compliant with the Code's strict development standards for commercial street frontages and therefore requires variances. The Zoning Administrator granted variances from the Code requirements for the width of the openings for off-street parking and loading, active use, ground floor ceiling height, and transparency for street frontages in Commercial Districts) at 530 Sansome Street.

APPLICATION NO. 2019-017481VAR

FOR HEARING ON October 20, 2021

Address of Appellant(s):

Address of Other Parties:

<p>Wilad Properties LLC, Appellant(s) c/o Sunny Tsou & Gregg Miller, Attorneys for Appellant(s) Coblentz Patch Duffy & Bass LLP One Montgomery Street, Suite 3000 San Francisco, CA 94104</p>	<p>EQX Jackson SQ Holdco LLC, Determination Holder(s) c/o James Abrams, Attorney for Determination Holder(s) J. Abrams Law, P.C. One Maritime Plaza, Suite 1900 San Francisco, CA 94111</p>
---	---



Date Filed: September 3, 2021

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 21-089

I / We, **447 Partners, LLC**, hereby appeal the following departmental action: **ISSUANCE of Variance No. 2019-017481VAR** by the **Zoning Administrator** which was issued or became effective on: **August 27, 2021**, to: **EQX Jackson SQ Holdco LLC**, for the property located at: **530 Sansome Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **September 30, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org, and jabrams@jabramslaw.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 14, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and ryan@zfplaw.com.

Hard copies of the brief do NOT need to be submitted to the Board Office.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, October 20, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date. (Please note: Should the City's Health Orders permit in-person hearings, the Board reserves the right to hold the hearing at SF City Hall. Advance notice shall be provided to the parties.)

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows: See attachment to the Preliminary Statement of Appeal

Appeal filed electronically by Zacks, Freedman & Patterson, PC, on behalf of the appellant.

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

601 Montgomery Street, Suite 400
San Francisco, California 94111
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

September 3, 2021

VIA ELECTRONIC SUBMISSION

San Francisco Board of Appeals
49 South Van Ness, Suite 1475 (14th Floor)
San Francisco, CA 94103

Re: Variance Appeal Contentions 530 Sansome Street (Case No. 2019-017481VAR)

Dear Board of Appeals Members:

Our office represents 447 Partners, LLC, owner of the property located at 447 Battery Street, which is adjacent to the 530 Sansome project. The Zoning Administrator's (ZA) findings for the above-referenced variance do not include facts sufficient to establish that the 530 Sansome project meets the five variance requirements in Planning Code Section 305(c). The ZA's findings do not establish exceptional or extraordinary circumstances, instead stating that the variance was necessary to "provide for a superior design of the tower." The ZA did not make findings regarding the practical difficulty or unnecessary hardship in meeting code requirements, nor did the ZA recognize that including a gym on the lower floors and reducing floor heights are entirely attributable to the applicant's own project design. The ZA made no findings with respect to the necessity of the variance to preserve property rights, instead stating that the project is consistent with the goals of the General Plan. The ZA did not consider the detrimental public welfare impact of a variance that places fire station access on a one-way street, nor did the ZA consider the materially injurious impact to surrounding properties. The ZA did not consider whether the variance will be in harmony with General Plan housing policies nor recognize that the property has been identified as a prime candidate for affordable housing. We reserve the right to include additional of alternative contentions and evidence in subsequent filings.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

Brian O'Neill

Brian O'Neill



Date Filed: September 7, 2021

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 21-090

I / We, **Wilad Properties LLC**, hereby appeal the following departmental action: **ISSUANCE of Variance No. 2019-017481VAR** by the **Zoning Administrator** which was issued or became effective on: **August 27, 2021**, to: **EQX Jackson SQ Holdco LLC**, for the property located at: **530 Sansome Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **September 30, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org, and jabrams@jabramslaw.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 14, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, scott.sanchez@sfgov.org and stsou@coblentzlaw.com.

Hard copies of the brief do NOT need to be submitted to the Board Office.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, October 20, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date. (Please note: Should the City's Health Orders permit in-person hearings, the Board reserves the right to hold the hearing at SF City Hall. Advance notice shall be provided to the parties.)

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows: Not Submitted

Appeal filed electronically by **Sunny Tsou of Coblentz Patch Duffy & Bass LLP**, on behalf of the appellant.



VARIANCE DECISION

Date: August 27, 2021
Case No.: 2019-017481VAR
Project Address: 530 SANSOME STREET
Block/Lots: 0206 / 013, 014, & 017
Zoning: C-3-O (Downtown Office) Zoning District
Downtown Plan Area
Height/Bulk: 200-S Height and Bulk District
Applicants: Jim Abrams, J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111

Josh Keene, San Francisco Bureau of Real Estate
Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department

Owners: EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Description Of Variances Sought- Width Of Openings for Off-Street Parking and Loading; Active Use; Ground Floor Ceiling Height; and Transparency Requirements for Street Frontages in Commercial Districts.

The proposed project ("Project") would demolish three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall (236 feet inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct land use programs that could be implemented at the project site ("Site"), one that would construct various commercial uses (a "Commercial Variant") and one that would construct residential uses (a "Residential Variant"). The approximately 248,000 square-foot Commercial Variant (inclusive of the SFFD uses) would establish a 200-room hotel (141,000 square feet), 37,000 square feet of office uses, a 32,000 square-foot gym, and approximately 7,900 square feet of restaurant uses contained within in a 19-story tower. The approximately 283,000 square-foot Residential Variant (inclusive of the SFFD uses) would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower.

Both the Commercial and Residential Variants would include construction of a new, state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor differences in square footage between the two Variants), as well as a below-grade non-accessory 18-space parking garage for use by SFFD personnel (approximately 7,800 square feet of gross floor area with minor differences in square footage between

the Variants). The center of the Site, devoted to the new SFFD Station 13 (classified as a Public Facility by the Planning Code), is not fully compliant with the Code's strict development standards for commercial street frontages due to the unique and essential operational requirements of a fire station. As such, either the Commercial Variant or Residential Variant require Code relief through Variances.

Planning Code Section 155(S)(4)(A) limits any single development to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet. The Project (Commercial and Residential Variants) includes a total of six (6) façade openings for access to off-street parking and loading. Along the Washington Street frontage, the Project includes five (5) openings: an approximately 10-foot-wide entrance to the off-street loading dock and four (4) separate openings (each measuring approximately 16 feet wide, or approximately 73-feet-wide in total) to the fire station apparatus bay (parking for SFFD engines and support vehicles). Along the Merchant Street frontage, the Project includes an approximately 12-foot entrance to the basement garage (accessing the below-grade, off-street parking and off-street loading). The two non-SFFD openings comply with Section 155(s)(4). Together, the four façade openings along the Washington Street frontage accessing the fire station apparatus bay, exceed the width permitted by Code. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. The Project (Commercial and Residential Variants) includes a new fire station on the ground floor that includes nontransparent walls facing a street (Merchant Street) while the Commercial Variant includes a screened locker and shower gym facility on the third floor that is within the first 15 feet building depth and does not meet the strict active use development standards of the Code. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(4)(B) requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. The Project (Commercial and Residential Variants) includes ground floor ceiling heights of less than 14 feet for the portion of the fire station fronting Merchant Street. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(6) requires frontages with active uses be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building. The Project (Commercial and Residential Variants) includes nontransparent walls on the ground floor of the fire station fronting a public street (Merchant Street). Therefore, the Project requires a Variance.

Procedural Background:

1. The Planning Department determined that a mitigated negative declaration (hereinafter "MND") was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter "PMND") and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment. On May 18, 2021, an appeal of the PMND was filed with the Department.
2. On July 29, 2021, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the appeal of the PMND, Case No. 2019-017481APL. At the same hearing, the

Commission, through Motion No. 20953, upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter “FMND”) for Case No. 2019-017481ENV, as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter “CEQA”), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

3. On July 29, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing to consider raising the absolute cumulative limit for Maritime Plaza and setting an absolute cumulative limit for Sue Bierman Park, pursuant to the jointly-approved Planning Code Section 295 Implementation Memo adopted in 1989, in order to accommodate new shadow cast by the Project. At the same hearing, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by either the Commercial Variant or Residential Variant of the Project on Maritime Plaza and Sue Bierman Park would not be adverse to the use of those properties.
4. On July 29, 2021, the Planning Commission took the following actions on related applications: through Resolution No. 20954 adopted Shadow Findings to raise the Absolute Cumulative Limit for Maritime Plaza and Set the Absolute Cumulative Limit for Sue Bierman Park (Case No. 2019-017481SHD); through Motion No. 20955 adopted Shadow Findings adopted a recommendation for no adverse impact on the use of Maritime Plaza and Sue Bierman Park (Case No. 2019-017481SHD); through Motion No. 20956 approved Downtown Project Authorization with exceptions (Case No. 2019-017481DNX); through Motion No. 20957 approved Conditional Use Authorization (Case No. 2019-017481CUA); through Motion No. 20958 approved Office Development Allocation (Case No. 2019-017481OFA).
5. At the same Planning Commission hearing on July 29, 2021, the Zoning Administrator held a public hearing on Variance Application No. 2019-017481VAR.

Decision:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a new mixed-use building reaching a roof height up to 218 feet tall (236 feet inclusive of rooftop screening/mechanical equipment) with a land use program identified in either the “Commercial Variant” or “Residential Variant,” along with a new four-story Fire Station 13, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning

Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant of the Project with respect to the width of openings, as regulated by Section 155(S)(4)(A). Each of the Commercial Variant and Residential Variant propose both a new state-of-the-art fire station with unique and essential operational requirements. The fire station includes 4 separate openings (garage doors), each measuring approximately 16 feet, or approximately 73 feet in total length. These four openings are the only means of egress/ingress for the fire engines and support vehicles entering and exiting the apparatus bay. To ensure optimal preparedness and response readiness, SFFD engines and support vehicles must be able to independently exit the apparatus bay via separate garage doors and cannot be parked in tandem positions in the event of mechanical failure of any one of the vehicles.
- B. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant of the Project with respect to the active use and transparency requirements in Sections 145(c)(3) and (6). The fire station requires nontransparent walls facing a public street (Merchant Street) due to the unique and essential operational requirements of a fire station. The fire station's vehicular ingress/egress is from Washington Street, leaving the back of the at-grade, apparatus bay (closest to Merchant Street) as floor area to accommodate an array of vital, support function space used by fire department personnel. The proximity of these support functions to the apparatus bay is essential to the fire station's overall operations. As such, the overall design of the fire station necessitates an area

adjacent to the apparatus bay to support these support functions, with nontransparent walls along the rear of the engine bay.

- C. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant with respect to the minimum ceiling height requirement in Section 145.1(c)(4)(B). The fire station's ground floor program is devoted to essential services, including a large apparatus bay, fronting Washington Street, while the back of the apparatus bay includes support function space for use by fire department personnel. As the apparatus bay is designed as a two-story, volume with a ceiling height of approximately 23 feet to accommodate the large fire engines parked at-grade, the apparatus bay does not occupy the entirety of the ground floor. As such, the rear portion of the apparatus bay is programmed with support function space. In order to align the floor plans for the upper floors of the fire station (floors 3-4), the ground and second floors, closest to the Merchant Street frontage, required reduced floor heights of approximately 11 and 12 feet, respectively, in order to align with the floorplates starting on the third floor, above the apparatus bay.
- D. Finally, there also exceptional and extraordinary circumstances that apply solely to the Commercial Variant with respect to the active use requirement. The Commercial Variant proposes a vibrant mix of non-residential uses, including the new state-of-the-art fire station, a restaurant, gym, office, and hotel. The gym is proposed on the lower levels of the tower, the floor plates of which have been reduced below what is permitted by Code to provide for a superior design of the tower. To accommodate a sensible plan of development for the gym, showers and lockers are proposed behind desirable architectural screening at level 3 of the tower.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Strict adherence to the Code related to the limit on the total number—and width—of façade openings accessing off-street parking or loading, active use, ground floor ceiling height, and transparency requirements would result in an unnecessary hardship and practical difficulty, hindering or preventing the orderly creation of a unique mixed-use tower development that will provide the city with a state-of-the-art replacement fire station (San Francisco Fire Station 13). Fire stations have unique operational and design requirements, including multiple façade openings to support independent access to the apparatus bay for fire engines and support vehicles, and floor area devoted to support function space used by fire department personnel located proximate to the apparatus bay.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting this variance will respond to a significant mix of uses to allow the construction of a high-

density, mixed-use development that will also provide the City with a new, state-of-the-art fire station. The Project is consistent with the goals and objectives of the underlying C-3 Zoning District, the Downtown Area Plan, and more broadly, the City's General Plan. Specifically, the Project realizes Objective 5 of the General Plan's Community Facility Element, by supporting the development of a system of firehouses which will meet the operating requirements of the SFFD in providing fire protection services.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting the variances will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. To the contrary, the Project was designed to be consistent with the Downtown Area Plan and will provide substantial benefits to the area around the Site and to the City, generally. The variances requested will permit the development of a unique mixed-use tower development that will not only provide a new, state-of-the-art fire station, but also provide a desirable addition to the Financial District's skyline. In addition, each of the Commercial Variant and Residential Variant proposed shared-street improvements to Merchant Street, which will enhance the pedestrian experience in the area (in the case of the Commercial Variant the improved area of Merchant would also be regulated as privately owned public open space). As such, the variances will result in improvements that can be expected to benefit the property and improvements in the vicinity.
- B. The granted variances are primarily due to the fire station use, which will have unique site and building requirements regardless of its location within the City. The remainder of the project is designed to be Code-compliant or eligible for approval by the Planning Commission.
- C. The Planning Department determined the project to be consistent with the Urban Design Guidelines. The Planning Commission found the project to be consistent with the General Plan and unanimously approved the Project's associated Shadow Findings, Downtown Project Authorization, Office Development Allocation, and Conditional Use Authorization.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project. The Commercial Variant would have a positive effect on existing neighborhood-serving retail uses because it would bring additional visitors and workers to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. The Commercial Variant will provide significant employment opportunities with the addition of restaurant, gym, office, and hotel uses. The Residential Variant would have a positive effect on existing neighborhood-serving retail uses because it would bring new residents to the neighborhood, increasing the customer base of existing neighborhood-serving retail.
2. The proposed project will be in keeping with the existing housing and neighborhood character. Neither the Commercial Variant nor Residential Variant would negatively affect the existing housing and neighborhood character. The Site contains non-historic commercial and institutional buildings containing non-residential uses. Each of the Commercial Variant and Residential Variant would replace the existing fire station on the Site with a state-of-the-art fire station, contributing significantly to the quality of life in the neighborhood. The Commercial Variant's unique mixed-use program would provide outstanding amenities to visitors and residents, and contributes significantly to the neighborhood, while the Residential Variant would provide needed housing in immediate proximity to the city's job center.
3. The proposed project will have no effect on the City's supply of affordable housing. Neither the Commercial Variant nor the Residential Variant would displace housing given the Site contains only non-residential uses. Each of the Commercial Variant and Residential Variant would generate impact fees to support the development of new affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit. Neither the Commercial Variant nor Residential Variant would impede MUNI transit service or overburden local streets or parking. Each of the Commercial Variant and Residential Variant would implement shared-street improvements to a portion of Merchant Street, enhancing the pedestrian experience in the Financial District.
5. The project will have no effect on the City's industrial and service sectors. Neither the Commercial Variant nor Residential Variant would negatively affect the industrial and service sectors, nor would either displace any existing industrial uses. Each of the Commercial Variant and Residential Variant includes uses that are consistent with the character of existing development in the Financial District.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake. Each of the Commercial Variant and Residential Variant will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings. Currently, the Site does not contain any City Landmarks or historic buildings. A historic sculpture located on the Washington Street façade of the existing fire station will be relocated in accordance with the MMRP applicable to each of the Commercial Variant and Residential Variant. The MMRP also includes measures to ensure that construction of the Commercial Variant or Residential Variant will not adversely impact the adjacent historic structure at 447 Battery Street.

8. The project would not affect any existing or planned public parks or open spaces. A Shadow Study indicated that each of the Commercial Variant and Residential Variant may cast a shadow on Maritime Plaza and Sue Bierman Park. However, based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, neither the Commercial Variant nor Residential Variant would substantially adversely affect the use or enjoyment of these open spaces. Shadow from the Commercial Variant or Residential Variant on public plazas, and other publicly-accessible spaces other than those protected under Section 295, would be generally limited to certain days of the year and would be limited in duration and noticeability on those days.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

APPELLANT(S) BRIEF FOR APPEAL NO. 21-089

1 ZACKS, FREEDMAN & PATTERSON, PC
2 RYAN J. PATTERSON (SBN 277971)
3 BRIAN J. O'NEILL (SBN 298108)
4 601 Montgomery Street, Suite 400
5 San Francisco, CA 94111
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755
8 ryan@zfplaw.com
9 brian@zfplaw.com

10 Attorneys for Appellant,
11 447 PARTNERS, LLC

12 **SAN FRANCISCO BOARD OF APPEALS**

13 447 PARTNERS, LLC,

14 Appellant,

15 v.

16 EQX JACKSON SQ HOLDCO, LLC,

17 Respondent.

Case No. 2019-017481VAR

Appeal No. 21-089

APPELLANT'S BRIEF

Date: October 20, 2021

Time: 5:00 p.m.

18 Our office represents 447 Partners, LLC, owner of the property located at 447 Battery Street,
19 which is adjacent to the 530 Sansome project. The proposed project could potentially include a 19-
20 floor 236-foot-tall building with 6,470 square feet of retail/restaurant space; 40,490 square feet of
21 office space; 35,230 square feet of fitness center space; 146,065 square feet of hotel space with 200
22 guest rooms, and a 21,000-square-foot fire station. Alternatively, the project could instead include
23 21-floot 236-foot-tall building with 256 residential units and a 21,000-square-foot fire station. The
24 applicant has not stated which project will be constructed. The Zoning Administrator (ZA)
25 approved a variance from multiple Code requirements including the width of openings for off-street
26 parking and loading; active use; ground floor ceiling height; and transparency requirements for
27 street frontages. The ZA's Variance Decision Letter in this case does not provide sufficient
28 evidence to establish the five variance findings that are required by the Planning Code, and the five

1 findings cannot be made because the variances sought are due to the applicant’s own design.

2 Therefore, the Board of Appeals must disapprove the variance.

3 **A. INTRODUCTION**

4 Planning Code Section 305 states that the ZA can grant variances from the strict application
5 of quantitative standards of the Code, but “only to the extent necessary to overcome such practical
6 difficulty or unnecessary hardship as may be established.” The ZA therefore must specify in his
7 findings, as part of a written decision, facts sufficient to establish all five findings listed in Section
8 305.

9 Administrative bodies lack the discretion to approve a variance unless all applicable
10 requirements are met, and “substantial evidence must support the award of a variance in order to
11 insure that such legislative requirements have been satisfied.” (*See Topanga Ass’n v. Los Angeles*
12 (1974) 11 Cal.3d 506, 518.) Variances may only be approved to overcome exceptional or
13 extraordinary circumstances that are not “self-induced” and attributable to the applicant. (*See City*
14 *of San Marino v. Roman Catholic Archbishop of LA* (2008) 180 Cal.App.2d 657, 673.) Courts are
15 also clear that a “variance rested upon the alleged attractiveness of the proposed building” is not
16 valid, and “approval of a variance on such a basis would undermine the foundation of a
17 comprehensive zoning law.” (*Broadway Laguna Assn. v. Board of Permit Appeals* (1966) 66 Cal.2d
18 767, 770.)

19 Here, the ZA did not provide written findings with facts sufficient to establish all five
20 findings listed in Section 305. Because this project seeks five separate variances, the ZA must
21 establish all five findings for each variance sought. The ZA picked and chose which findings to
22 make for the various variances and failed to make all five findings for each separate variance.
23 Additionally, many of the variances sought are due to the applicant’s own design and are therefore
24 self-induced. The ZA did not approve the variances to overcome extraordinary circumstances or
25 unnecessary hardship, but instead found the variance necessary to provide a “superior design,”
26 permit a “unique mixed-use tower development,” and “provide a desirable addition to the Financial
27 District’s skyline.” (See ZA Variance Decision, pp. 5-6.) None of these findings is a valid basis for
28 a variance approval. As explained below, the project does not meet any of the five variance

1 requirements.

2 **B. ARGUMENT**

3 **1. The ZA’s findings did not establish exceptional or extraordinary circumstances.**

4 To qualify for Finding 2, the ZA must provide substantial evidence establishing that
5 exceptional or extraordinary circumstances apply to the property or intended use that do not apply
6 generally to other properties or uses in the same class of district. Exceptional or extraordinary
7 circumstances, however, “does not encompass the contemplated design of a building.” (*See*
8 *Broadway Laguna Assn. v. Board of Permit Appeals* (1966) 66 Cal.2d 767, 770.)

9 With regard to the ground floor ceiling height variance, the ZA findings state there are
10 extraordinary circumstances because the “fire station’s ground floor program is devoted to essential
11 services, including a large apparatus bay, fronting Washington Street, while the back of the
12 apparatus bay includes support function space for use by fire department personnel.” (ZA Variance
13 Decision, p. 4.) Therefore, “to align the floor plans for the upper floors of the fire station (floors 3-
14 4), the ground and second floors, closest to the Merchant Street frontage, required reduced floor
15 heights of approximately 11 and 12 feet, respectively, in order to align with the floorplates starting
16 on the third floor, above the apparatus bay.” (*Id.*, p. 5.)

17 However, these findings are related solely to the ground floor height for the portions of the
18 building that contain the fire station. The project *also* requires a variance for the ground floor height
19 for the commercial areas of the building, which are structurally unrelated to the fire station. As the
20 applicant explained during the July 29, 2021 Planning Commission hearing on this project, the fire
21 station is “fully seismically separated” from the commercial areas of the building, and the fire
22 station is “fully independent” from the rest of development. In other words, the exceptional and
23 extraordinary circumstances for the fire station does not establish that there are exceptional or
24 extraordinary circumstances that apply to the rest of the development because the rest of the
25 development is fully independent of the fire station. Additionally, over half of the commercial area
26 of the building meets the ground floor height requirement. The ZA does not explain why half of the
27 building can meet the requirement, but the other half cannot.

28 With regard to the active use, transparency, and floor height requirements for the third-floor

1 gym, the ZA’s findings state that this allows for a “superior design of the tower,” accommodates “a
2 sensible plan of development,” and provides “desirable architectural screening.” (ZA Variance
3 Decision, p. 5.) None of these findings is related to, or establishes, extraordinary or exceptional
4 circumstances. Regardless of whether the design is desirable, the “contemplated design of a
5 building” does not establish exceptional or extraordinary circumstances, and “the alleged
6 attractiveness of the proposed building” is not valid basis to approve a variance. (*See Broadway
7 Laguna Assn. v. Board of Permit Appeals* (1966) 66 Cal.2d 767, 770.) The ZA failed to make
8 appropriate findings related to Finding 1, and therefore the variances must be disapproved.

9 **2. The ZA’s findings did not establish practical difficulty or unnecessary hardship,
10 and any potential difficulties or hardships are attributable to the applicant.**

11 To qualify for Finding 2, the ZA must provide substantial evidence establishing that the
12 exceptional and extraordinary circumstances cause the Code requirements to result in practical
13 difficulty or unnecessary hardship not created or attributed to the applicant.

14 The ZA findings simply state that the Code requirements will result in practical difficulty or
15 unnecessary hardship without explanation or evidence. The findings only discuss the variances
16 related to the fire station, stating that “[f]ire stations have unique operational and design
17 requirements, including multiple façade openings to support independent access to the apparatus
18 bay for fire engines and support vehicles, and floor area devoted to support function space used by
19 fire department personnel located proximate to the apparatus bay.” (ZA Variance Decision, p. 5.)

20 The ZA Variance Decision does not make any findings related to the variances for ground
21 floor height for the commercial areas of the building and active use/transparency requirements for
22 the third-floor gym. As explained above, the commercial areas of the first floor are entirely
23 structurally separate from the fire station, and therefore there is no reason the commercial areas of
24 the building cannot meet the ground floor height requirements. Half of the commercial area of the
25 building already meets the ground floor height requirement, and the ZA does not explain why
26 meeting the requirement for the other half would result in a hardship. Additionally, the applicant
27 chose to design the building with a gym and locker room on the third floor, which does not meet the
28 active use requirements and necessitates windows that do not meet transparency requirements in

1 order to block views of the locker room. This design is entirely attributable to the applicant, and
2 there is no practical difficulty or unnecessary hardship caused by the active use/transparency
3 requirements. The building is 19-stories and 236 feet tall. The applicant could have chosen to
4 include any number of active uses on the third floor that do not require non-transparent windows.
5 The variance is entirely attributable to the applicant, and therefore the findings for these variances
6 cannot be made, even if the ZA had attempted to provide appropriate findings.

7 The ZA failed to provide substantial evidence in support of Finding 2, and such findings
8 cannot be made because any potential hardship or difficulty is attributable to the applicant.
9 Therefore, the variance must be disapproved.

10 **3. The ZA’s findings were completely unrelated to whether the variances are**
11 **necessary to preserve a substantial property right.**

12 To qualify for Finding 3, the ZA must provide substantial evidence establishing that the
13 variance is *necessary* for preservation and enjoyment of a substantial property right possessed by
14 other properties in the same class of district.

15 In this case, the ZA did not even attempt to make relevant findings. The findings merely
16 state that “[g]ranting this variance will respond to a significant mix of uses to allow the construction
17 of a high-density, mixed-use development that will also provide the City with a new, state-of-the-art
18 fire station. The Project is consistent with the goals and objectives of the underlying C-3 Zoning
19 District, the Downtown Area Plan, and more broadly, the City’s General Plan. Specifically, the
20 Project realizes Objective 5 of the General Plan’s Community Facility Element, by supporting the
21 development of a system of firehouses which will meet the operating requirements of the SFFD in
22 providing fire protection services.” (ZA Variance Decision, pp. 5-6.)

23 The findings do not identify a substantial property right, nor explain how the variance is
24 necessary to preserve that right. The findings do not compare the property rights of the subject
25 property to other properties in the same district. The findings do not even identify other properties.
26 The ZA’s findings are completely unrelated to the requirements of Finding 3. The findings appear
27 to rest entirely on the benefits of the project providing a new fire station to the City. However, not
28 all the requested variances are related to the operations of the fire station, including variances for

1 ground floor heights for the commercial areas of the building and transparency/active use
2 requirements for the third-floor gym. The ZA did not make any findings related to these variances.

3 Additionally, courts are clear that the “attractiveness” of the development is not a valid basis
4 for a variance approval. Although the City may desire, and the appellants support, a “new, state-of-
5 the-art fire station,” the attractiveness of this benefit cannot form the basis of a variance approval
6 for the rest of the development that do not meet the five required variance findings. The ZA failed
7 to make appropriate findings related to Finding 3, and therefore the variances must be disapproved.

8 **4. The variances will be materially detrimental to the public welfare and injurious**
9 **to neighboring properties.**

10 To qualify for Finding 4, the ZA must provide substantial evidence establishing that the
11 variance will not be materially detrimental to the public welfare or materially injurious to the
12 property or improvements in the vicinity.

13 The ZA did not make findings related to the potential for detrimental impact to public
14 welfare or injury to neighboring properties. The ZA’s findings merely state that the variances will
15 “permit the development of a unique mixed-use tower development that will not only provide a
16 new, state-of-the-art fire station, but also provide a desirable addition to the Financial District’s
17 skyline.” (ZA Variance Decision, p. 6.) The findings also state that the project is consistent with
18 Urban Design Guidelines and the General Plan. (*Id.*)

19 The ZA’s findings are related to the overall attractiveness of the design and the purported
20 desirability of the project without considering the potential adverse impacts to the public welfare
21 and neighboring properties. The ZA’s findings are unrelated to the requirements of Finding 4, and
22 Courts are clear that a “variance rested upon the alleged attractiveness of the proposed building” is
23 invalid. (*Broadway Laguna Assn. v. Board of Permit Appeals* (1966) 66 Cal.2d 767, 770.)

24 The ZA failed to make appropriate findings related to Finding 4, and therefore the variances
25 must be disapproved.

26 **5. The ZA cannot make findings that the variances are in harmony with the Code**
27 **and General Plan because the applicant proposes two entirely different projects.**

28 To qualify for Finding 5, the ZA must provide substantial evidence establishing that

1 granting the variance will be in harmony with the general purpose and intent of the code and will
2 not adversely affect the General Plan.

3 While the ZA did attempt to make the relevant findings, such findings are impossible to
4 make because the project proposes two entirely different development schemes. The project could
5 potentially include 6,470 square feet of retail/restaurant space; 40,490 square feet of office space;
6 35,230 square feet of fitness center space; and 146,065 square feet of hotel space with 200 guest
7 rooms. Alternatively, the project could instead include 256 residential units instead of the hotel,
8 office, fitness center, and retail/restaurant uses. The projects require different variances depending
9 on the scheme that moves forward. For example, the ZA findings state that the project will provide
10 “significant employment opportunities with the addition of restaurant, gym, office, and hotel uses.
11 (ZA Variance Decision, p. 7.) This statement is not true if the residential variant is constructed. The
12 ZA’s findings state the project “would provide needed housing in immediate proximity to the city’s
13 job center.” This statement is not true if the commercial variant is constructed.

14 The City-owned property at 530 Sansome has long been identified by the City as an
15 underutilized space and prime candidate for the development of affordable housing and has been
16 subject to numerous resolutions urging the construction of affordable housing units at this property.
17 (See Board of Supervisors Resolution Nos. 244-17 and 143-18.) Without understanding which
18 project will be built, the ZA cannot determine whether the project is compatible with prior City
19 actions and existing General Plan Policies, such as Housing Policy 1.3, which states the City will
20 “Work proactively to identify and secure opportunity sites for permanently affordable housing,”
21 Housing Policy 7.4, which requires the City to “Facilitate affordable housing development through
22 land subsidy programs, such as land trusts and land dedication,” and Downtown Area Plan Policy
23 7.2, which requires the City to “Facilitate conversion of underused industrial and commercial areas
24 to residential use.” The applicant must identify which project will be constructed so the ZA can
25 fully understand how this City-owned property will be utilized and whether the project is consistent
26 with San Francisco’s General Plan.

27 The ZA cannot possibly make findings related to Finding 5 until the applicant identifies
28 which project will be constructed. Therefore, the variances must be disapproved.

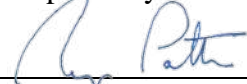
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. CONCLUSION

The ZA failed to make the required findings and did not provide substantial evidence in support of the findings that were made. The variances sought are due to the applicant’s own design and therefore do not qualify for a variance. The variance approval was not to overcome extraordinary circumstances or unnecessary hardship but wase instead based on the alleged attractiveness of the project, which is not a valid basis for a variance approval. As explained below, the project does not meet any of the five variance requirements. Therefore, the Board of Appeals must disapprove the variances.

Dated: September 30, 2020

Respectfully Submitted,



By: Ryan Patterson
ZACKS, FREEDMAN & PATTERSON, PC
Attorneys for Appellant,
447 PARTNERS, LLC

APPELLANT(S) BRIEF FOR APPEAL NO. 21-090

1 J. GREGG MILLER (State Bar No. 197061)
SUNNY TSOU (State Bar No. 313344)
2 COBLENTZ PATCH DUFFY & BASS LLP
One Montgomery Street, Suite 3000
3 San Francisco, California 94104-5500
Telephone: 415.391.4800
4 Facsimile: 415.989.1663
Email: gmiller@coblentzlaw.com
5 stsou@coblentzlaw.com

6 Attorneys for Appellant
WILAD PROPERTIES LLC
7
8

9 **BOARD OF APPEALS**
10 **CITY AND COUNTY OF SAN FRANCISCO**

11
12 WILAD PROPERTIES LLC,
13 Appellant,
14 v.
15 CITY AND COUNTY OF SAN FRANCISCO
ZONING ADMINISTRATOR
16 Respondent.
17

Appeal Nos. 21-090
Subject Property: 530 Sansome Street
Permit Nos.: 2019-017481VAR

**APPELLANT WILAD PROPERTY LLC'S
BRIEF**

Date: October 20, 2021
Time: 5:00 p.m.
Place: Zoom Video Conference

18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LIST OF EXHIBITS

- Exh. 1 Variance Decision dated August 27, 2021 (2019-017481VAR).
- Exh. 2 Planning Commission Executive Summary, Downtown Project Authorization, Conditional Use Authorization, Office Allocation, Shadow Findings, Variance (2019-017481PRJ); Hearing Date June 24, 2021.
- Exh. 3 Email from Stuart Corvin obo Wilad Properties LLC to Nicholas Foster, San Francisco Planning Department (dated July 26, 2021).

INTRODUCTION

1
2 Wilad Properties LLC (“**Wilad**”), the Appellant and owner of the property at 401
3 Washington Street (“**401 Washington**”), respectfully requests that the City and County of
4 San Francisco (“**City**”) Board of Appeals deny the variance from ground floor height minimums
5 and active use requirements specified under Planning Code Section 145.1 (Record No. 2019-
6 017481VAR), granted by the Zoning Administrator to the project proposed at 530 Sansome Street
7 (Record No. 2019-0174181PRJ; the “**Project**”) by EQX Jackson SQ Holdco LLC, a subsidiary of
8 The Related Companies (“**EQX**” or the “**Project Sponsor**”). Under Planning Code Section 305,
9 the Project fails to show facts sufficient to establish all findings needed to grant two variances to
10 the Commercial Variant of the Project for (i) ground floor ceiling heights of less than fourteen (14)
11 feet for certain commercial building areas (the “**Ground Floor Height Variance**”), and (ii) a
12 screened locker and shower gym facility within the first fifteen (15) feet of the third floor (the
13 “**Gym Variance**”). We do not contest the variances granted to the Project to accommodate the
14 portions of the project that will accommodate the updated San Francisco Fire Department
15 (“**SFFD**”) Station 13, which reflect precisely the type of extraordinary use circumstances that
16 variances are designed to address. However, the Zoning Administrator’s grant of the Ground Floor
17 Height Variance and the Gym Variance to the non-SFFD portions of the Project amounts to
18 preferential treatment of EQX’s proposed luxury commercial tower to allow a design that
19 adversely impacts the pedestrian experience and the overall aesthetic experience of the block, in
20 violation of both the spirit and the letter of the Planning Code. The Ground Floor Height Variance
21 and Gym Variance were improperly granted and must be revoked.

22 **FACTUAL BACKGROUND**

23 **I. Project Background and Details.**

24 401 Washington Street is located at the corner of Washington and Battery Streets, adjacent
25 to the proposed Project. 401 Washington was constructed in 1983 and consists of approximately
26 20,000 square feet of Class A office and street-level retail space. Wilad is a third generation San
27 Francisco family-owned real estate company, and 401 Washington is an important and significant
28 investment for the family.

1 The Project would demolish three existing buildings, including the existing SFFD Fire
2 Station 13, and construct one of two Project “Variants”: (a) the “**Commercial Variant**,” which
3 would include a five-level gym with a ground-floor lobby and separate street entrance (32,000
4 square feet), a 200-room luxury hotel (141,000 square feet), office uses (37,000 square feet),
5 restaurant uses (7,900 square feet), and SFFD Uses (20,730 square feet), contained in a 19-story
6 tower; or (b) the “**Residential Variant**,” which would include 256 dwelling units (247,000 square
7 feet) and SFFD uses (20,820 square feet) in a 21-story tower.

8 Either Project Variant would relocate SFFD Station 13 from its current location on
9 Sansome Street to a new location on Washington Street adjacent to 401 Washington. This
10 relocation of SFFD Station 13 would offer the Project Sponsor uninterrupted frontage on Sansome
11 Street and at the corner of Sansome and Washington Streets. Additionally, the Project would
12 remove existing street parking spaces on the southern and northern sides of Washington Street
13 between Battery and Sansome Streets, including the eight street parking spaces in front of 401
14 Washington that are regularly used by its occupants and visitors. In addition, the reorientation of
15 SFFD Station 13 would allow fire service vehicles to egress onto Washington Street and against
16 the flow of one-way traffic.

17 **II. Overview of Existing Project Approvals.**

18 The Project sought several approvals from the City. Pursuant to the California
19 Environmental Quality Act, the Planning Department determined that a mitigated negative
20 declaration was required, for which it claims notice was provided to interested parties on
21 November 19, 2020. On April 28, 2021, the Planning Department published the Preliminary
22 Negative Declaration (“**PMND**”) and received a request for an appeal on May 18, 2021. On July
23 29, 2021, the Planning Commission held a public hearing to uphold the PMND and approve the
24 Final Mitigated Negative Declaration for the Project.

25 Also on July 29, 2021, the Planning took the following actions related to the Project:
26 through Resolution No. 20954 adopted Shadow Findings to raise the Absolute Cumulative Limit
27 for Maritime Plaza and Set the Absolute Cumulative Limit for Sue Bierman Park (Case No. 2019-
28 017481SHD); through Motion No. 20955 adopted Shadow Findings adopted a recommendation

1 for no adverse impact on the use of Maritime Plaza and Sue Bierman Park (Case No. 2019-
2 017481SHD); through Motion No. 20956 approved Downtown Project Authorization with
3 exceptions (Case No. 2019-017481DNX); through Motion No. 20957 approved Conditional Use
4 Authorization (Case No. 2019-017481CUA); through Motion No. 20958 approved Office
5 Development Allocation (Case No. 2019-017481OFA). At the same Planning Commission
6 hearing on July 29, 2021, the Zoning Administrator held a public hearing on the Variance
7 Application (No. 2019-017481VAR), and on August 27, 2021, the Zoning Administrator granted
8 multiple variances for the project.

9 These variances, including the Ground Floor Height Variance and Gym Variance at issue
10 in this appeal, provide relief from development standards applicable in Downtown Commercial
11 Zones concerning façade opening width restrictions, active use requirements, ground floor non-
12 residential use height minimums, and street frontage transparency requirements, reflected in
13 Planning Code Sections 155(s)(4)(A), 145.1(c)(3), 145.1(c)(4)(B), and 145.1(c)(6), respectively.

14 **III. Wilad Did Not Receive Adequate Notice of the Project.**

15 Though the Project approvals had been in process since 2019, Wilad did not receive formal
16 notice of the Project until May 12, 2021, when a Project representative sent an email to
17 401 Washington’s property manager, Century Urban. Neither Wilad nor Century Urban received
18 prior notice of the Project’s review under CEQA, including of the Project’s PMND, for which a
19 Notice of Availability was issued on April 28, 2021. Pursuant to San Francisco Administrative
20 Code 31.11, Wilad should have received the Notice of Availability for the PMND by mail and
21 been provided 20 days to review the PMND and file an appeal if desired; Wilad received no such
22 notice and thus was not given the opportunity to comment on and appeal the PNMD. These
23 circumstances are described more fully in Exhibit 2.

24 **ARGUMENT**

25 **I. Applicable Legal Standards.**

26 **A. Findings Required for Granting a Variance under Planning Code Section 305.**

27 Section 305 of the Planning Code provides that a variance may be only granted if there are
28 facts sufficient to demonstrate each of the following findings:

1 (1) That there are exceptional or extraordinary circumstances applying to the
2 property involved or to the intended use of the property that do not apply generally to other
property or uses in the same class of district;

3 (2) That owing to such exceptional or extraordinary circumstances the literal
4 enforcement of specified provisions of this Code would result in practical difficulty or
5 unnecessary hardship not created by or attributable to the applicant or the owner of the
property;

6 (3) That such variance is necessary for the preservation and enjoyment of a
substantial property right of the subject property, possessed by other property in the same
7 class of district;

8 (4) That the granting of such variance will not be materially detrimental to the
public welfare or materially injurious to the property or improvements in the vicinity; and

9 (5) That the granting of such variance will be in harmony with the general
10 purpose and intent of this Code and will not adversely affect the General Plan.

11 **B. Legal Standard for Board of Appeals Review of a Variance.**

12 The Board of Appeals applies a *de novo* standard of review to an appeal of a variance,
13 which means that the Board of Appeals need not defer to the findings of fact or determinations
14 made by the Zoning Administrator. The Board of Appeals must deny the variance unless all five
15 of the above conditions have been independently fulfilled.

16 **II. The Project Fails to Meet the Five Required Variance Criteria With Respect to the**
17 **Ground Floor Height Variance and the Gym Variance.**

18 Under the Planning Code provisions governing street frontages in Commercial zoning
19 districts, the ground floor of the Project must have a minimum floor-to-ceiling height of fourteen
20 (14) feet. The Planning Code specifies:

21 Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown Mixed Use, SPD,
22 RED-MX, WMUG, MUG, MUR, WMUO, CMUO and MUO Districts shall have a
minimum floor-to-floor height of 14 feet, as measured from grade.

23 Portions of the ground floor of the Commercial Variant feature floor-to-ceiling heights of less than
24 fourteen feet (*see* Exh. 3 at p. 4), in violation of the above minimum ground floor ceiling height
25 requirement.

26 Additionally, the Project must also provide active uses—generally, uses that do not require
27 non-transparent walls facing a public street—along the street-facing façade of the Project. The
28 Planning Code specifies:

1 Active Uses Required. With the exception of space allowed for parking and loading access,
2 building egress, and access to mechanical systems, space for active uses as defined in
3 Subsection (b)(2) and permitted by the specific district in which it is located shall be
4 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors
5 above from any facade facing a street at least 30 feet in width. Building systems including
6 mechanical, electrical, and plumbing features may be exempted from this requirement by
7 the Zoning Administrator only in instances where those features are provided in such a
8 fashion as to not negatively impact the quality of the ground floor space. (Sec.
9 145.1(c)(3).)

10 Active Use. An "active use" shall mean any principal, conditional, or accessory use that by
11 its nature does not require non-transparent walls facing a public street or involves the
12 storage of goods or vehicles. (Sec. 145.1(b)(2).)

13 The purpose of these active use requirements and the above ground floor ceiling height minimums
14 is to promote attractive, clearly defined street frontages that are pedestrian oriented and compatible
15 with buildings in the district. (See Sec. 145.) The Project's design of the proposed gym does not
16 meet the above active use criteria. The Project is screened with non-transparent paneling along the
17 third-floor exterior façades to provide screening for the gym's locker rooms and shower facilities
18 (see Exh. 3 at p. 4), in violation of the requirement that the Project provide at least 15 feet of
19 active uses (including transparent walls) along the exterior façades of the Project.

20 The Project seeks relief from the ground floor ceiling height minimum and active use
21 requirements referenced above and described in Planning Code Section 145.1; however, the
22 Project Sponsor has failed to show facts sufficient to establish each of the five required findings
23 with respect to the Ground Floor Height Variance and the Gym Variance, as discussed below.

24 A. **Finding 1: No Exceptional or Extraordinary Circumstances Apply to the**
25 **Project.**

26 No exceptional or extraordinary circumstances apply to the Commercial Variant that
27 would justify the grant of either the Ground Floor Height Variance or the Gym Variance to the
28 Project. Increased project costs or design concessions arising from constraints to Project design
are not considered "exceptional or extraordinary" circumstances. (See *Broadway, Laguna, Vallejo*
Ass'n v. Board of Permit Appeals of City and County of San Francisco (1967) 66 Cal.2d 767, 774
(under identical predecessor to Planning Code Section 305, the California Supreme Court found
that "attractive architectural features" of the Project's intended use were not considered unusual or
extraordinary circumstances.) The Zoning Administrator provides scant justification for each in

1 the Variance Decision, merely stating that the Ground Floor Height Variance would provide for “a
2 superior design of the tower,” without any additional explanation or detail, and that the Gym
3 Variance would “accommodate a sensible plan for the gym.” (See Exh. 1 at p. 5.) All surrounding
4 properties are subject to these same ground floor height and active use constraints in their designs,
5 which are themselves intended to create “attractive,” pedestrian-scale designs (see Sec. 145.); the
6 goal of “sensible” or “superior” design applies equally to surrounding properties and is too
7 nebulous and universal a concept to be considered an “exceptional or extraordinary” circumstance
8 that would meet this first necessary criteria to justify the grant of either variance. An increase in
9 cost to EQX or a required change to Project design resulting from the denial of the variances are
10 an exceptional or extraordinary circumstance.

11 **B. Finding 2: Literal Enforcement of the Code Would Not Result in Practical**
12 **Difficulty and Unnecessary Hardship.**

13 Literal enforcement of the ground floor height and active use requirements would not
14 create any practical difficulty or unnecessary hardship for EQX. As with Finding 1, increased
15 costs or limitations to Project design in and of themselves do not meet this second criterion. (See
16 *Broadway, Laguna, Vallejo Ass'n*, 66 Cal.2d at 777-778 (findings that increased foundation costs
17 stemming from floor area requirements were not an unnecessary hardship).) First, EQX itself has
18 proven that the variance is not necessary by proposing and entitling a viable alternative to the
19 Commercial Variant – the Residential Variant – that requests neither the Ground Floor Height
20 Variance nor the Gym Variance. Second, EQX could reasonably modify the design of its
21 Commercial Variant to comply with the ground floor height minimums and active use
22 requirements, resulting in a code-compliant and economically viable Project. Thus, literal
23 enforcement of the ground floor height and active use requirements would neither prevent the
24 Project from moving forward nor unreasonably burden EQX.

25 **C. Finding 3: The Variances are Not Necessary for the Preservation of a**
26 **Substantial Property Right Possessed by the Project Sponsor.**

27 The denial of the Variance would not deprive EQX of any substantial property right. The
28 California Supreme Court asserts that “zoning variances were never meant to insure against

1 financial disappointments” (*See Broadway, Laguna, Vallejo Ass'n*, 66 Cal.2d at 780); the denial of
2 this variance might result in a slightly less profitable Project for EQX but would not deny EQX of
3 any substantial or fundamental property right. The Ground Floor Height Variance and Gym
4 Variance afford EQX the unjustified advantage of pursuing its preferred project; if the Board of
5 Appeals were to deny these variances, EQX would still be able to proceed with an economically
6 viable project.

7 **D. Finding 4: Granting the Variances Will Materially Prejudice the Neighboring**
8 **Buildings, including 401 Washington.**

9 The grant of the Ground Floor Height Variance and the Gym Variance to EQX would
10 adversely affect neighboring buildings. First, these variances provide a material benefit to the
11 EQX not enjoyed by neighboring properties by alleviating Planning Code restrictions and
12 supporting increased Project profitability. Second, the active use requirement in particular is
13 intended to improve the pedestrian experience on the surrounding streets by limiting visual
14 barriers created by opaque façades, instead ensuring that building designs create a sense of
15 openness to passers-by on the street. The Project’s failure to comply with these requirements, as
16 allowed under the Gym Variance, will adversely affect residents and tenants of neighboring
17 properties who adhere to the requirements of the Planning Code and have an expectation that other
18 developments in the area will also be designed to encourage pedestrian traffic and improve the
19 pedestrian experience.

20 **E. Finding 5: Granting the Variance is Not in Harmony with the Purposes of the**
21 **General Plan.**

22 The grant of the variances to EQX is not in harmony with the purposes of the General
23 Plan. The General Plan specifies that urban design should “[i]mprove pedestrian areas by
24 providing human scale and interest” (San Francisco General Plan, URB.NEN4.13), which also
25 aligns with the purpose of the ground floor height minimum and active use requirements
26 applicable to the Project. The variances granted to the Project allow it to circumvent these
27 Planning Code requirements that are intended to create a human-scale and visually interesting
28 pedestrian experience, consistent with the General Plan policies. Granting both the Ground Floor

1 Height Variance and the Gym Variance would be at odds with this policy of the General Plan.

2 **CONCLUSION**

3 The grant of the Ground Floor Height Variance and the Gym Variance to the Project
4 amounts to preferential treatment that allows EQX to build its preferred version of a luxury hotel
5 and gym facility in spite of reasonable and purposeful Planning Code requirements that promote
6 attractive, pedestrian-oriented building design. Denying the variance would neither deprive EQX
7 of the right to proceed with an economically viable project nor necessitate substantial revisions to
8 the Project design; in fact, EQX would still be permitted to proceed with its Residential Variant,
9 which requires neither variance at issue here.

10 If the Board of Appeals finds that any one of the findings above is not met for either the
11 Ground Floor Height Variance or the Gym Variance, then one or both of these variances must be
12 denied. Wilad respectfully requests that the Board of Appeals reverse or modify the Zoning
13 Administrator’s approval of the Ground Floor Height Variance and the Gym Variance to ensure
14 that the non-SFFD portions of the Project comply with Planning Code requirements.

15
16 DATED: September 30, 2021

COBLENTZ PATCH DUFFY & BASS LLP

17
18 By: 
19 J. Gregg Miller
20 Attorney for Appellant
21 WILAD PROPERTIES LLC
22
23
24
25
26
27
28

EXHIBIT 1

Variance Decision dated August 27, 2021 (2019-017481VAR)



VARIANCE DECISION

Date: August 27, 2021
Case No.: 2019-017481VAR
Project Address: 530 SANSOME STREET
Block/Lots: 0206 / 013, 014, & 017
Zoning: C-3-O (Downtown Office) Zoning District
Downtown Plan Area
Height/Bulk: 200-S Height and Bulk District
Applicants: Jim Abrams, J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111

Josh Keene, San Francisco Bureau of Real Estate
Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department

Owners: EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Description Of Variances Sought- Width Of Openings for Off-Street Parking and Loading; Active Use; Ground Floor Ceiling Height; and Transparency Requirements for Street Frontages in Commercial Districts.

The proposed project (“Project”) would demolish three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall (236 feet inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct land use programs that could be implemented at the project site (“Site”), one that would construct various commercial uses (a “Commercial Variant”) and one that would construct residential uses (a “Residential Variant”). The approximately 248,000 square-foot Commercial Variant (inclusive of the SFFD uses) would establish a 200-room hotel (141,000 square feet), 37,000 square feet of office uses, a 32,000 square-foot gym, and approximately 7,900 square feet of restaurant uses contained within in a 19-story tower. The approximately 283,000 square-foot Residential Variant (inclusive of the SFFD uses) would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower.

Both the Commercial and Residential Variants would include construction of a new, state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor differences in square footage between the two Variants), as well as a below-grade non-accessory 18-space parking garage for use by SFFD personnel (approximately 7,800 square feet of gross floor area with minor differences in square footage between

the Variants). The center of the Site, devoted to the new SFFD Station 13 (classified as a Public Facility by the Planning Code), is not fully compliant with the Code's strict development standards for commercial street frontages due to the unique and essential operational requirements of a fire station. As such, either the Commercial Variant or Residential Variant require Code relief through Variances.

Planning Code Section 155(S)(4)(A) limits any single development to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet. The Project (Commercial and Residential Variants) includes a total of six (6) façade openings for access to off-street parking and loading. Along the Washington Street frontage, the Project includes five (5) openings: an approximately 10-foot-wide entrance to the off-street loading dock and four (4) separate openings (each measuring approximately 16 feet wide, or approximately 73-feet-wide in total) to the fire station apparatus bay (parking for SFFD engines and support vehicles). Along the Merchant Street frontage, the Project includes an approximately 12-foot entrance to the basement garage (accessing the below-grade, off-street parking and off-street loading). The two non-SFFD openings comply with Section 155(s)(4). Together, the four façade openings along the Washington Street frontage accessing the fire station apparatus bay, exceed the width permitted by Code. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. The Project (Commercial and Residential Variants) includes a new fire station on the ground floor that includes nontransparent walls facing a street (Merchant Street) while the Commercial Variant includes a screened locker and shower gym facility on the third floor that is within the first 15 feet building depth and does not meet the strict active use development standards of the Code. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(4)(B) requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. The Project (Commercial and Residential Variants) includes ground floor ceiling heights of less than 14 feet for the portion of the fire station fronting Merchant Street. Therefore, the Project requires a Variance.

Planning Code Section 145.1(c)(6) requires frontages with active uses be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building. The Project (Commercial and Residential Variants) includes nontransparent walls on the ground floor of the fire station fronting a public street (Merchant Street). Therefore, the Project requires a Variance.

Procedural Background:

1. The Planning Department determined that a mitigated negative declaration (hereinafter "MND") was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter "PMND") and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment. On May 18, 2021, an appeal of the PMND was filed with the Department.
2. On July 29, 2021, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the appeal of the PMND, Case No. 2019-017481APL. At the same hearing, the

Commission, through Motion No. 20953, upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter “FMND”) for Case No. 2019-017481ENV, as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter “CEQA”), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

3. On July 29, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing to consider raising the absolute cumulative limit for Maritime Plaza and setting an absolute cumulative limit for Sue Bierman Park, pursuant to the jointly-approved Planning Code Section 295 Implementation Memo adopted in 1989, in order to accommodate new shadow cast by the Project. At the same hearing, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by either the Commercial Variant or Residential Variant of the Project on Maritime Plaza and Sue Bierman Park would not be adverse to the use of those properties.
4. On July 29, 2021, the Planning Commission took the following actions on related applications: through Resolution No. 20954 adopted Shadow Findings to raise the Absolute Cumulative Limit for Maritime Plaza and Set the Absolute Cumulative Limit for Sue Bierman Park (Case No. 2019-017481SHD); through Motion No. 20955 adopted Shadow Findings adopted a recommendation for no adverse impact on the use of Maritime Plaza and Sue Bierman Park (Case No. 2019-017481SHD); through Motion No. 20956 approved Downtown Project Authorization with exceptions (Case No. 2019-017481DNX); through Motion No. 20957 approved Conditional Use Authorization (Case No. 2019-017481CUA); through Motion No. 20958 approved Office Development Allocation (Case No. 2019-017481OFA).
5. At the same Planning Commission hearing on July 29, 2021, the Zoning Administrator held a public hearing on Variance Application No. 2019-017481VAR.

Decision:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a new mixed-use building reaching a roof height up to 218 feet tall (236 feet inclusive of rooftop screening/mechanical equipment) with a land use program identified in either the “Commercial Variant” or “Residential Variant,” along with a new four-story Fire Station 13, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter **shall be deemed void and cancelled** if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning

Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project, if applicable.

Findings:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant of the Project with respect to the width of openings, as regulated by Section 155(S)(4)(A). Each of the Commercial Variant and Residential Variant propose both a new state-of-the-art fire station with unique and essential operational requirements. The fire station includes 4 separate openings (garage doors), each measuring approximately 16 feet, or approximately 73 feet in total length. These four openings are the only means of egress/ingress for the fire engines and support vehicles entering and exiting the apparatus bay. To ensure optimal preparedness and response readiness, SFFD engines and support vehicles must be able to independently exit the apparatus bay via separate garage doors and cannot be parked in tandem positions in the event of mechanical failure of any one of the vehicles.
- B. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant of the Project with respect to the active use and transparency requirements in Sections 145(c)(3) and (6). The fire station requires nontransparent walls facing a public street (Merchant Street) due to the unique and essential operational requirements of a fire station. The fire station's vehicular ingress/egress is from Washington Street, leaving the back of the at-grade, apparatus bay (closest to Merchant Street) as floor area to accommodate an array of vital, support function space used by fire department personnel. The proximity of these support functions to the apparatus bay is essential to the fire station's overall operations. As such, the overall design of the fire station necessitates an area

adjacent to the apparatus bay to support these support functions, with nontransparent walls along the rear of the engine bay.

- C. There are exceptional and extraordinary circumstances that apply to the Commercial Variant and Residential Variant with respect to the minimum ceiling height requirement in Section 145.1(c)(4)(B). The fire station's ground floor program is devoted to essential services, including a large apparatus bay, fronting Washington Street, while the back of the apparatus bay includes support function space for use by fire department personnel. As the apparatus bay is designed as a two-story, volume with a ceiling height of approximately 23 feet to accommodate the large fire engines parked at-grade, the apparatus bay does not occupy the entirety of the ground floor. As such, the rear portion of the apparatus bay is programmed with support function space. In order to align the floor plans for the upper floors of the fire station (floors 3-4), the ground and second floors, closest to the Merchant Street frontage, required reduced floor heights of approximately 11 and 12 feet, respectively, in order to align with the floorplates starting on the third floor, above the apparatus bay.
- D. Finally, there also exceptional and extraordinary circumstances that apply solely to the Commercial Variant with respect to the active use requirement. The Commercial Variant proposes a vibrant mix of non-residential uses, including the new state-of-the-art fire station, a restaurant, gym, office, and hotel. The gym is proposed on the lower levels of the tower, the floor plates of which have been reduced below what is permitted by Code to provide for a superior design of the tower. To accommodate a sensible plan of development for the gym, showers and lockers are proposed behind desirable architectural screening at level 3 of the tower.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Strict adherence to the Code related to the limit on the total number—and width—of façade openings accessing off-street parking or loading, active use, ground floor ceiling height, and transparency requirements would result in an unnecessary hardship and practical difficulty, hindering or preventing the orderly creation of a unique mixed-use tower development that will provide the city with a state-of-the-art replacement fire station (San Francisco Fire Station 13). Fire stations have unique operational and design requirements, including multiple façade openings to support independent access to the apparatus bay for fire engines and support vehicles, and floor area devoted to support function space used by fire department personnel located proximate to the apparatus bay.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting this variance will respond to a significant mix of uses to allow the construction of a high-

density, mixed-use development that will also provide the City with a new, state-of-the-art fire station. The Project is consistent with the goals and objectives of the underlying C-3 Zoning District, the Downtown Area Plan, and more broadly, the City's General Plan. Specifically, the Project realizes Objective 5 of the General Plan's Community Facility Element, by supporting the development of a system of firehouses which will meet the operating requirements of the SFFD in providing fire protection services.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting the variances will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. To the contrary, the Project was designed to be consistent with the Downtown Area Plan and will provide substantial benefits to the area around the Site and to the City, generally. The variances requested will permit the development of a unique mixed-use tower development that will not only provide a new, state-of-the-art fire station, but also provide a desirable addition to the Financial District's skyline. In addition, each of the Commercial Variant and Residential Variant proposed shared-street improvements to Merchant Street, which will enhance the pedestrian experience in the area (in the case of the Commercial Variant the improved area of Merchant would also be regulated as privately owned public open space). As such, the variances will result in improvements that can be expected to benefit the property and improvements in the vicinity.
- B. The granted variances are primarily due to the fire station use, which will have unique site and building requirements regardless of its location within the City. The remainder of the project is designed to be Code-compliant or eligible for approval by the Planning Commission.
- C. The Planning Department determined the project to be consistent with the Urban Design Guidelines. The Planning Commission found the project to be consistent with the General Plan and unanimously approved the Project's associated Shadow Findings, Downtown Project Authorization, Office Development Allocation, and Conditional Use Authorization.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project. The Commercial Variant would have a positive effect on existing neighborhood-serving retail uses because it would bring additional visitors and workers to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. The Commercial Variant will provide significant employment opportunities with the addition of restaurant, gym, office, and hotel uses. The Residential Variant would have a positive effect on existing neighborhood-serving retail uses because it would bring new residents to the neighborhood, increasing the customer base of existing neighborhood-serving retail.
2. The proposed project will be in keeping with the existing housing and neighborhood character. Neither the Commercial Variant nor Residential Variant would negatively affect the existing housing and neighborhood character. The Site contains non-historic commercial and institutional buildings containing non-residential uses. Each of the Commercial Variant and Residential Variant would replace the existing fire station on the Site with a state-of-the-art fire station, contributing significantly to the quality of life in the neighborhood. The Commercial Variant's unique mixed-use program would provide outstanding amenities to visitors and residents, and contributes significantly to the neighborhood, while the Residential Variant would provide needed housing in immediate proximity to the city's job center.
3. The proposed project will have no effect on the City's supply of affordable housing. Neither the Commercial Variant nor the Residential Variant would displace housing given the Site contains only non-residential uses. Each of the Commercial Variant and Residential Variant would generate impact fees to support the development of new affordable housing.
4. The proposed project does not adversely affect neighborhood parking or public transit. Neither the Commercial Variant nor Residential Variant would impede MUNI transit service or overburden local streets or parking. Each of the Commercial Variant and Residential Variant would implement shared-street improvements to a portion of Merchant Street, enhancing the pedestrian experience in the Financial District.
5. The project will have no effect on the City's industrial and service sectors. Neither the Commercial Variant nor Residential Variant would negatively affect the industrial and service sectors, nor would either displace any existing industrial uses. Each of the Commercial Variant and Residential Variant includes uses that are consistent with the character of existing development in the Financial District.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake. Each of the Commercial Variant and Residential Variant will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.
7. The project will have no effect on the City's landmarks or historic buildings. Currently, the Site does not contain any City Landmarks or historic buildings. A historic sculpture located on the Washington Street façade of the existing fire station will be relocated in accordance with the MMRP applicable to each of the Commercial Variant and Residential Variant. The MMRP also includes measures to ensure that construction of the Commercial Variant or Residential Variant will not adversely impact the adjacent historic structure at 447 Battery Street.

8. The project would not affect any existing or planned public parks or open spaces. A Shadow Study indicated that each of the Commercial Variant and Residential Variant may cast a shadow on Maritime Plaza and Sue Bierman Park. However, based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, neither the Commercial Variant nor Residential Variant would substantially adversely affect the use or enjoyment of these open spaces. Shadow from the Commercial Variant or Residential Variant on public plazas, and other publicly-accessible spaces other than those protected under Section 295, would be generally limited to certain days of the year and would be limited in duration and noticeability on those days.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit www.sfgov.org/bdappeal.

Very truly yours,



Corey A. Teague, AICP
Zoning Administrator

This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.

EXHIBIT 2

**Planning Commission Executive Summary, Downtown Project Authorization, Conditional Use Authorization, Office Allocation, Shadow Findings, Variance (2019-017481PRJ);
Hearing Date June 24, 2021**



EXECUTIVE SUMMARY

DOWNTOWN PROJECT AUTHORIZATION / CONDITIONAL USE AUTHORIZATION / OFFICE ALLOCATION / SHADOW FINDINGS / VARIANCE

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481PRJ
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Approval with Conditions

Project Description

The proposed project (“Project”) would demolish three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and construct a new mixed-use building reaching a roof height up to 218 feet tall (236’ inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct land use programs that could be implemented, one that would construct various commercial uses further described below (“Commercial Variant”) and one that would construct residential uses further described below (“Residential Variant”). See Table 1 (below) for a summary of the key differences between the Commercial Variant and Residential Variant.

Table 1. Comparison of project characteristics: Commercial Variant vs. Residential Variant

USES / FEATURES	COMMERCIAL VARIANT	RESIDENTIAL VARIANT
Residential	N/A	256 dwelling units
Hotel	200 rooms	N/A
Gym	32,010 square feet	N/A
Office	37,086 square feet	N/A
Restaurant	7,850 square feet	N/A
SFFD Fire Station	20,730 square feet	20,820 square feet
SFFD Parking	18 spaces	18 spaces
Accessory Parking	30 spaces	64 spaces
Bicycle Parking	48 spaces (Class 1 + 2)	164 spaces (Class 1 + 2)
Loading	3 spaces (counted as 2 spaces per Code)	3 spaces (counted as 2 spaces per Code)
Car-Share	1 space	2 spaces
Height	217’-7” to roof / 236’ w/roof features	218’ to roof / 236’ w/roof features
Floors	19	21
Gross Floor Area	248,477 square feet	282,519 square feet

Commercial Variant

The approximately 248,000 square-foot Commercial Variant (inclusive of the SFFD uses) would establish a 200-room hotel (141,000 square feet), 37,000 square feet of office uses, a 32,000 square-foot gym and approximately 7,900 square feet of restaurant uses contained in a 19-story tower. This Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking space for the non- SFFD uses.

Residential Variant

The approximately 283,000 square-foot Residential Variant (inclusive of the SFFD uses) would construct 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units.

SFFD Station 13

Both the Commercial and Residential Variants would include construction of a new, state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor differences in square footage between the two Variants), as well as a below-grade non-accessory 18-space parking garage for use by SFFD personnel (approximately 7,800 square feet of gross floor area with minor differences in square footage between the Variants). For both the Commercial and Residential Variants, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls.

Required Commission Action

The following is a summary of actions that the Commission must consider and are required to implement the Project:

- 1) Adopt findings, as applicable to each of the Commercial Variant and Residential Variant, to approve a Downtown Project Authorization pursuant to Planning Code Section 309 with requests for exceptions from: rear yard (Section 134); 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); height limits for parcels within the s bulk district (Section 263.9); and bulk controls (Section 270).
- 2) Adopt findings to approve Conditional Use Authorization pursuant to Planning Code Sections 303, 303(g) and 303(t) to permit a hotel use in the Commercial Variant, and a non-accessory, private parking garage for use by the San Francisco Fire Department.
- 3) Adopt findings related to the allocation of office square footage for the Commercial Variant, pursuant to Planning Code Sections 320 through 325 that would authorize up to 40,500 gross square feet of general office use; and
- 4) Adopt a Joint Resolution to raise the absolute cumulative shadow limit on Maritime Plaza and set an absolute cumulative shadow limit on Sue Bierman Park, pursuant to Section 295;
- 5) Adopt Shadow Findings pursuant to Section 295 that the net new shadow cast by the Project will not be adverse to the use of Maritime Plaza or Sue Bierman Park, properties under the jurisdiction of the Recreation & Parks Department.

Issues and Other Considerations

- **Public Comment & Outreach.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received one (1) letter of support from the Downtown Community Benefit District (DCBD).
- **Downtown Project Authorization.** The Project would result in a net addition of more than 50,000 square feet of gross floor area of space. Therefore, the Project is required to obtain Downtown Project Authorization, pursuant to Planning Code Sections 309, with requested exceptions from six (6) Planning Code development standards. Due to the complex land use program of either the Commercial Variant or Residential Variant on a relatively small development site (totaling only 17,733 square feet in area), the Department finds that the

requested exceptions are warranted, given the position, configuration, and overall design of the proposed tower for either the Commercial Variant or Residential Variant.

- **Conditional Use Authorization.** The Project is required to obtain Conditional Use Authorization to establish a hotel use and a non-accessory, private parking garage for use by SFFD personnel. The hotel use (Commercial Variant) would bolster the City's tax base and help to alleviate the shortage of hotel rooms, serving the needs of the city in an ideal location for both tourist and business travel. Furthermore, the non-accessory, private parking garage (Commercial Variant or Residential Variant) would ensure adequate off-street parking for use by SFFD personnel working at SFFD Station 13. As a Public Facility, SFFD Station 13 is critical infrastructure in service of public safety.
- **Office Allocation.** Pursuant to Planning Code Sections 320 through 325, the Project (Commercial Variant) is required obtain an allocation of office square footage under the Office Development Limitation Program to authorize up to 40,500 gross square feet of general office use. The Site is ideal for additional office space in the heart of San Francisco's Financial District, located within the larger C-3-O (Downtown Office) district, which, serves as an employment center for the Bay Area Region.
- **Shadow Findings.** Pursuant to Planning Code Section 295, the Project requires adoption of findings, with the recommendation from the General Manager of the of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, that the net new shadow cast by the Project (Commercial Variant or Residential Variant) on two (2) properties under the jurisdiction of the Recreation and Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to their use. Further, a joint resolution by the Recreation and Park Commission and the Planning Commission is required to raise the Absolute Cumulative Limit (ACL) for Maritime Plaza and, at the recommendation of Department staff, to set an ACL for Sue Bierman Park. While the Project would cast net new shadow on these two parks, the Project would not create new shadow that would substantially or adversely affect the use or enjoyment of publicly accessible open spaces based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed.
- **Variances.** The Zoning Administrator will consider a request for variances from the following development standards of the Planning Code: width of openings for off-street parking and loading (Section 155(s)(4)(A)); and active use, ground floor ceiling height, and transparency requirements for street frontages in commercial districts (Sections 145.1(c)(3), (4) and (6)). The center of the Site, devoted to the new SFFD Station 13 (Public Facility), is not compliant with the Code's strict development standards for commercial street frontages due to the unique and essential operational requirements of a fire station. The fire station requires non-transparent walls facing public streets, parking for SFFD engines and service vehicles at-grade with four engine bays that exceed the maximum permitted length, accessory space devoted to SFFD operations, and ceiling heights of less than 14 feet for the portion of the Fire Station fronting Merchant Street. The non-SFFD portion of the building contains some back-of-house areas with ground floor ceiling heights of less than 14 feet and the Commercial Variant contains a screened locker and shower gym facility within the first 15 feet of the third floor on each of Washington, Sansome and Merchant streets such that it does not meet the strict active use development standards of the Code. As such, either the Commercial Variant or Residential Variant require Code relief through Variances.
- **Conditional Property Exchange Agreement (CPEA).** The Project is subject to the terms of a Conditional Property Exchange Agreement (CPEA), executed on July 30, 2020. The CPEA is a conditional land acquisition

agreement between the Project Sponsor and the City that would exchange development rights amongst the three (3) parcels that comprise the Site. Lot 017 (“530 Sansome”), the parcel containing the current SFFD Station 13, is owned by the City, while Lots 013 and 014 (“425-439 Washington”) are owned by the Project Sponsor. Pursuant to two resolutions approved by this Board of Supervisors (Resolution Nos. 244-17 on June 22, 2017, and 143-18 on May 17, 2018), the City issued a call for bids to develop the City-owned Lot 017 consistent with existing zoning to maximize development density, provide for inclusionary housing fees and other revenues dedicated to the development of affordable housing within District 3, and provide a more resilient and physically functional fire station to the SFFD. The CPEA was first approved by the Board of Supervisors through Resolution 220-19 on May 10, 2019. An amended CPEA was approved by the Board of Supervisors through Resolution No. 242-20 on June 2, 2020.

Pursuant to the executed CPEA, the City would ground lease Lot 017 to the Project Sponsor, thus facilitating the development of either the Project’s Commercial Variant or Residential Variant. In exchange, the Project Sponsor has agreed to develop a (new) replacement SFFD Station 13 on the balance of the Site (Lots 013 and 014) at no cost to the City (the estimated construction cost for the new fire station is approximately \$32M). Because the CPEA envisions development of the Site through two distinct land use programs (either the Commercial Variant or the Residential Variant), the applicable development impact fees (e.g. Inclusionary Affordable Housing Fee under Section 415, or Jobs-Housing Linkage Fee under Section 413) would vary depending on which Variant is eventually pursued by the Project Sponsor. In further consideration of the City’s agreement to the CPEA, the CPEA requires an additional payment from the Project Sponsor to the City to fund affordable housing development (the exact amount calculated pursuant to Section 5.2 of the CPEA).

- **Privately-Owned Public Open Space (POPOS).** The Project’s Commercial Variant would provide exterior POPOS in the form of shared street improvements to Merchant Street. The conceptual shared street POPOS plan includes hardscaping, planting and furnishing improvements to the portion of Merchant Street adjacent to the Site, designed to prioritize pedestrians and bicyclists and slow vehicular speeds, as well as potential weekday lunchtime programming that could accommodate temporary through-traffic street closure that would maximize opportunities for social use of Merchant Street at the time most likely to attract users. Other improvements would include new street lighting, signage to inform vehicles of access and use restrictions and potential bollards or gates to close Merchant Street to through vehicular traffic during weekday lunchtime hours. The improvements would be designed to be compatible with potential shared street improvements to the east of the Site that might be implemented as part of the proposed 447 Battery Street project. The Residential Variant includes only residential and institutional gross floor area and therefore is not subject to the POPOS requirements under Section 138. However, the Project Sponsor has voluntarily proposed that the Residential Variant will include shared street improvements to Merchant Street similar to those proposed in the Commercial Variant. The shared street improvements have been reviewed and are supported by the Department but are subject to final approval by SFDPW in consultation with various City agencies.
- **Hotel/Motel or Residential Uses Near Places of Entertainment.** The Project Site is located within 300 feet of entertainment uses. In accordance with the Entertainment Commission’s approved recommended noise attenuation conditions Entertainment Commission staff determined on May 6, 2021 that a hearing on this project was not required under Section 116.7(b) of the Administrative Code. The Entertainment Commission recommends that the Planning Department and/or Department of Building Inspection impose standard conditions on the development permit(s) for either the Commercial Variant or Residential Variant.

Environmental Review

The City and County of San Francisco, acting through the Planning Department, fulfilled all procedural requirements of the California Environmental Quality Act, the State CEQA Guidelines, and Chapter 31. The Preliminary Mitigated Negative Declaration (MND) for the project was appealed on May 18, 2021. The appeal and Final MND are being considered by the Planning Commission immediately prior to this item under Case No. 2019-017481ENV. The Final MND would need to be approved by the Commission for the Project's entitlements to move forward.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and the Downtown Area Plan. The Project proposes two distinct development programs that could be implemented, one that would construct commercial uses (Commercial Variant) and one that would construct residential uses (Residential Variant). The Commercial Variant includes a mix of commercial uses (200-room hotel, approximately 32,000-square-foot gym, 37,000 square feet of office floor area, and 7,900 square feet of ground floor retail (restaurant)) that would reinforce one of the primary roles of downtown San Francisco's C-3 districts as representing the largest concentration of commercial activity and employment in the Bay Area Region. Future commercial tenants and patrons alike can walk, bike, or access BART, MUNI, or regional bus service from the Site. The Residential Variant includes 256 dwelling units in lieu of the commercial uses, adding 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. Similarly, future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site. Further, both the Commercial Variant or Residential Variant includes community-serving uses in the form of a new, state-of-the-art fire station (SFFD Station 13), and shared-street improvements along Merchant Street, including new street trees and landscaping.

Attachments

Draft Motion – Downtown Project Authorization; Exhibit A: Conditions of Approval
Draft Motion – Conditional Use Authorization; Exhibit A: Conditions of Approval
Draft Motion – Office Development Allocation, Exhibit A: Conditions of Approval
Draft Resolution – Shadow Findings (Adjustments to Absolute Cumulative Limits)
Draft Motion – Shadow Findings (Analysis of Shadow Impact)
Exhibit B – Plans & Renderings
Exhibit C – Environmental Determination & MMRP
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F - Project Sponsor Brief
Exhibit G – Inclusionary Affordable Housing Affidavit
Exhibit H – Anti-Discriminatory Housing Affidavit
Exhibit I – First Source Hiring Affidavit
Exhibit J – Public Correspondence

DRAFT MOTION:
DOWNTOWN PROJECT AUTHORIZATION
EXHIBIT A: CONDITIONS OF APPROVAL



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481DNX
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Approval with Conditions

ADOPTING FINDINGS TO APPROVE A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 TO ALLOW A PROJECT GREATER THAN 50,000 SQUARE FEET OF FLOOR AREA WITHIN THE C-3 ZONING DISTRICT WITH REQUESTS FOR EXCEPTIONS FOR REAR YARD (SECTION 134); DWELLING UNIT EXPOSURE (140); REDUCTION OF GROUND-LEVEL WIND CURRENTS IN C-3 DISTRICTS (SECTION 148); OFF-STREET FREIGHT LOADING (SECTION 152.1 AND 161); HEIGHT LIMITS FOR PARCELS WITHIN THE S BULK DISTRICT (SECTION 263.9); AND BULK CONTROLS (SECTION 270) TO PERMIT THE DEMOLITION OF TWO

EXISTING COMMERCIAL STRUCTURES AND SAN FRANCISCO FIRE DEPARTMENT STATION 13 AND CONSTRUCTION OF A NEW MIXED-USE BUILDING REACHING A MAXIMUM ROOF HEIGHT OF UP TO 218 FEET TALL (236' INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A MAXIMUM TOTAL GROSS FLOOR AREA OF APPROXIMATELY 283,000 SQUARE FEET, LOCATED AT 530 SANSOME STREET, LOTS 013, 014, & 017 OF ASSESSOR'S BLOCK 0206, WITHIN THE C-3-O (DOWNTOWN OFFICE) ZONING DISTRICT AND 200-S HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On or after December 26, 2019, Jim Abrams of J. Abrams Law, P.C. (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Department") on behalf of EQX Jackson SW Holdco LLC and the City and County of San Francisco Division of Real Estate in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; Variance; and Transportation Demand Management. The application packets were accepted on or after January 31, 2020 and assigned to Case Numbers: 2019-017481DNX; 2019-017481CUA; 2019-017481OFA; 2019-017481SHD; 2019-017481VAR; and 2019-017481TDM, respectively.

The City and County of San Francisco, acting through the Department fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The Department determined that a mitigated negative declaration (hereinafter "MND") was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. The Department received three comments, one of which requested information on shadow effects to a private residential patio.

On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter "PMND") and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300- foot radius of the site on April 28, 2021. Notices of availability of the PMND were posted near the Site on April 28, 2021. The 20-day public review period for comments and appeal of the PMND ended at 5:00 p.m. on May 18, 2021.

During the 20-day public review period, the Department received one question regarding confirmation of proposed building height. Additionally, the Department received one written comment letter on May 20, 2021.

On May 18, 2021, an appeal of the PMND was filed with the Department.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2019-017481ENV.

On June 24, 2021, the Commission upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter “FMND”) as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter “CEQA”), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

The Commission found the FMND, including the Mitigation Monitoring and Reporting Program (MMRP) contained therein (which MMRP applies without distinction to both the Commercial Variant and Residential Variant of the Project as hereinafter defined) was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on raising the absolute cumulative limit (ACL) for shadows on Maritime Plaza and setting an ACL for Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation & Park Department that would be shadowed by the Project.

At the same hearing on June 24, 2021, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by either the Commercial Variant or Residential Variant of the Project (as hereinafter defined) on two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to the use of those properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with the MMRP Variant (Recreation and Park Commission Resolution No. XXXX-XXX).

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2019-017481DNX, at 49 South Van Ness, Suite 1400, San Francisco, California.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization application No. 2019-017481DNX.

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

MOVED, that the Commission hereby authorizes the Downtown Project Authorization as requested in Application No. 2019-017481DNX for each of the Commercial Variant and Residential Variant, subject to the conditions contained in “EXHIBIT A” of this motion, and to the Mitigation, Monitoring and Reporting Program contained in “EXHIBIT C”, and incorporated by reference, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The proposed project (“Project”) includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236’ inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below (“Commercial Variant”) and one that would construct residential uses further described below (“Residential Variant”). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade non-accessory parking garage for the SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 248,000 square feet of gross floor area, including the SFFD uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,000 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking space for the non-SFFD uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the SFFD uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD’s ability to promptly respond to emergency calls.
- 3. Site Description and Present Use.** The project site (“Site”) is property at 530 Sansome Street, 425 Washington Street and 439 Washington Street, located on the block bounded by Sansome Street, Washington Street, Battery Street and Merchant; Lots 013, 014 & 017 in Assessor’s Block 0206. The Site, totaling 17,733 square feet (0.41 acres) in area, is located within the C-3-O Zoning District and the 200-S Height and Bulk District. The Site is developed with two vacant commercial buildings and SFFD Station 13. The existing vacant commercial buildings on the Site are not considered historical resources pursuant to CEQA; however, Station 13 and an untitled sculpture (*Untitled*) on Station 13’s Washington Street façade are considered contributors to an eligible Embarcadero Center Historic District.

4. **Surrounding Properties and Neighborhood.** The Site is located within the northern edge of the Financial District's C-3-O Downtown Office zoning district and is near or adjacent to Jackson Square, Chinatown and North Beach. The area is characterized as an urban, mixed-use area. Office use is prevalent in the Financial District, with government and public uses, residential uses, hotel uses and other commercial uses interspersed in the area. On the north side of Washington Street across from the Site, is a C-2 Community Business zoning district that comprises a diverse mix of residential, commercial, and institutional uses, including a federal government building complex located immediately across Washington Street from the Site. To the northeast of the project site, north of Washington Street and east of Battery Street, is a RC-4 Residential-Commercial, High Density zoning district. To the northwest and west are the CCB Chinatown-Community Business and CRNC Chinatown Residential Neighborhood Commercial districts.
5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received one (1) letter of support from the Downtown Community Benefit District (DCBD).
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use (Section 210.2).** The Planning Code lists the use controls for residential and non-residential uses within the C-3-G Zoning District

The Commercial Variant proposes the construction of a new mixed-use building with a total of 303,095 gross square feet (total gross floor area of 248,477 square feet per Planning Code Section 102). The Commercial Variant would include the following non-residential uses listed with approximate gross floor area square footage amounts: 20,730 square feet for the new San Francisco Fire Department's (SFFD) Fire Station No. 13 (Institutional Use, Public Facility); 7,740 square feet of gross floor area for Fire Station non-accessory, Private Parking Garage (18 spaces); 143,060 square feet of gross floor area for Hotel use (200 rooms); 37,086 square feet of gross floor area for General Office use (Non-Retail Sales and Service Use); 32,010 square feet of gross floor area for Gym use (Retail Sales and Service Use); and 7,850 square feet of gross floor area for Restaurant use (Retail Sales and Service Use). Public Facility, Non-Retail Sales and Service Use, and Retail Sales and Service Uses are all principally permitted within the C-3-O Zoning District. Hotel uses and non-accessory, Private Parking Garage uses require Conditional Use Authorization, pursuant to Sections 303, 303(g) and 303(t). The Project Sponsor has filed a Conditional Use Authorization application, the findings and approval of which are made under Motion No. XXXXX for Case No. 2019-017481CUA. Net new General Office uses larger than 25,000 square feet require an office allocation, pursuant to Section 321. The Project Sponsor has filed an Office Allocation application, the findings and approval of which are made under Motion No. XXXXX for Case No. 2019-017481OFA).

The Residential Variant proposes the construction of a new mixed-use building with a total of 331,465 gross square feet (total gross floor area of 282,519 per the Planning Code Section 102). The Residential Variant would include approximately 20,820 square feet of gross floor area for the new San Francisco Fire Department's (SFFD) Fire Station No. 13 (Institutional Use, Public Facility); 7,665 square feet of gross floor area for Fire Station non-accessory, Private Parking Garage (18 spaces); and approximately 254,034 square feet of residential gross floor area (256 dwelling units). Public facility and Residential uses are both principally permitted within the C-3-O Zoning District. The non-accessory, Private Parking Garage

use requires Conditional Use Authorization pursuant to Sections 303 and 303(t). The Project Sponsor has filed a Conditional Use Authorization application, the findings and approval of which are made under Motion No. XXXXX for Case No. 2019-017481CUA.

Therefore, the uses proposed by each of the Commercial Variant and Residential Variant comply with Section 210.2.

- B. Floor Area Ratio (Sections 123, 124, and 128).** The Planning Code establishes a basic floor area ratio (FAR) for all zoning districts. For C-3 zoning districts, the numerical basic FAR limit is set in Section 210.2. The basic FAR limit for the C-3-O District is 9.0 to 1. Under Section 123, FAR can be increased to a maximum of 18.0 to 1 with the purchase of transferable development rights (TDR).

The Site is 17,733 square feet (0.41 acres) in area. Therefore, up to 159,597 square feet of gross floor area is allowed under the basic FAR limit (9:1). The Commercial Variant proposes a total of approximately 248,477 square feet of gross floor area, for a FAR of approximately 14-to-1. The Residential Variant proposes a total of approximately 282,519 square feet of gross floor area, for a FAR of approximately 15.9-to-1. The Project Sponsor has filed an application to the Department for a Certificate of Transfer to obtain transferable development rights (TDR) to permit construction of either the Commercial Variant or Residential Variant (Case No. 2020-002095TDT). The Conditions of Approval contained in Exhibit A address required approval from the Zoning Administrator before a building permit for construction of the project may be issued. After approval of the transferable development rights, each of the Commercial Variant and Residential Variant would comply with Sections 123, 124, 128, and 210.2.

- C. Setbacks and Streetwall Articulation: C-3 Districts (Section 132.1).** The Planning Code requires all structures in the S and S-2 Bulk Districts be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley in order to provide light and air between structures, pursuant to Section 132.1(d)(1). Exceptions may be granted, pursuant to Section 309, to the extent restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary.

Each of the Commercial Variant and Residential Variant include setbacks from interior property lines and from centerline of public rights-of-way, that exceed the required setback of 15 feet up through a height of 300 feet above grade. Therefore, each of the Commercial Variant and Residential Variant complies with Section 132.1(d)(1).

- D. Useable Open Space (Section 135).** The Planning Code requires that a minimum of 36 square feet of private usable open space, or 48 square feet (1.33 times 36 square feet) of common usable open space be provided for dwelling units in C-3 zoning districts. The area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

The Commercial Variant does not propose any residential uses and therefore is not subject to a residential useable open space requirement.

The Residential Variant includes 256 dwellings units, and therefore requires private and/or common useable open space in service of the residential use. The Residential Variant includes 123 dwelling units

with private balconies that meet the strict dimensional requirements for private useable open space (Code Section 135(f)). For the balance of the 133 dwelling units, 6,384 square feet of common useable open space would be required. The Residential Variant also includes a 6,384 square foot solarium located on level 21 that meets the strict dimensional requirements for common useable open space (Code Section 135(g)). Therefore, the Residential Variant complies with Section 135.

- E. Publicly Accessible Open Space (Section 138).** The Planning Code requires new buildings, or additions of Gross Floor Area equal to 20 percent or more to an existing building, in the C-3-O(SD) zoning district to provide public open space at a ratio of one square-foot per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Commercial Variant includes a total of approximately 213,900 square feet of new, non-residential, non-institutional gross floor area, and therefore requires 4,278 square feet of privately-owned public open space (POPOS). The Project would provide exterior POPOS in the form of shared street improvements to Merchant Street. A conceptual shared street POPOS plan included in the plan set attached as Exhibit B, was reviewed by the City's Street Design Advisory Team and includes hardscaping, planting and furnishing improvements to the portion of Merchant Street adjacent to the Site, designed to prioritize pedestrians and bicyclists and slow vehicular speeds, as well as potential weekday lunchtime programming that could include temporary through-traffic street closure that would maximize opportunities for social use of Merchant Street at the time most likely to attract users. Hardscape improvements would include an approximately 8.5' feature zone that would include plantings, furniture and public art installations designed to promote such social uses. The western boundary of this furnishing zone would be designed to accommodate 3 p.m. to 7p.m. afternoon rush hour (the "P.M. Peak") passenger loading for the Commercial Variant's proposed commercial uses, because the Site's other available passenger loading zone on Sansome Street is converted into a travel lane during these hours. The P.M. Peak loading zone on Merchant would be designed such that movable furniture could be moved into the zone during weekday lunchtime hours to expand the area available for social uses. Other improvements would include new street lighting, signage to inform vehicles of access and use restrictions and potential bollards or gates to close Merchant Street to through vehicular traffic during weekday lunchtime hours. The improvements would be designed to be compatible with potential shared street improvements to the east of the Site that might be implemented as part of the proposed 447 Battery Street project (Case File No. 2014.1036). In total, the amount of POPOS credited is 6,476 square feet where 4,278 square feet is required by Code. Therefore, the Commercial Variant complies with Section 138.

The exact scope of improvements and on-going programming requirements would be finalized pursuant to a condition of approval contained in Exhibit A, which requires the Sponsor to submit a Programming and Maintenance Plan, to be approved by the Planning Department, Department of Public Works and Fire Department, prior to approval of Architectural Addenda.

The Residential Variant includes only residential and institutional gross floor area and therefore is not subject to Section 138 POPOS requirements. However, the Project Sponsor has voluntarily proposed that the Residential Variant will include shared street improvements to Merchant Street similar to those proposed in the Commercial Variant, except that the improved Merchant Street area would not be subject to regulation as POPOS under Section 138.

- F. Streetscape and Pedestrian Improvements (Section 138.1).** The Planning Code requires that additions of Gross Floor Area equal to 20 percent or more to an existing building provide streetscape improvements consistent with the Better Streets Plan. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project Sponsor shall comply with this requirement. The conceptual plan for both of the Commercial Variant and Residential Variant shows improved pedestrian amenities along all three street frontages (Washington Street, Sansome Street and Merchant Street) not limited to improved and enlarged sidewalks, bulbouts, and new street trees (in addition to the shared street improvements to Merchant Street described in the Section 138 compliance above). 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. Therefore, each of the Commercial Variant and Residential Variant complies with Section 138.1.

Each of the Commercial Variant and Residential Variant would apply to the San Francisco Municipal Transportation Agency's (SFMTA) Color Curb Program for a variety of changes to existing curb coloring. This would include installation of a new 99-foot passenger loading zone (white curb) on Sansome Street and a 40-foot passenger loading zone (white curb) on Merchant Street near the intersection with Sansome Street. For purposes of the new fire stations engine bays on Washington Street, the curb for the entirety of south side of Washington Street would be colored to prohibit on-street public parking (red curb). On the north side of Washington Street, an approximately 83-foot length of the curb west of Custom House Place and an approximately 73-foot length of the curb east of Custom House Place would be colored to prohibit on-street public parking (red curb). In consultation with the SFMTA and SFFD, no on-street parking is proposed for any of the three street frontages abutting the Site.

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

The Site is not located in close proximity to an Urban Bird Refuge as defined in Section 139. As such, the Project is only required to included feature-related standards, and includes such features. Therefore, the Project complies with Section 139.

- H. Street Frontage in Commercial Districts (145.1(c)).** The Planning Code requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Section 145.1(c)(4) of the Planning Code

requires that ground floor non-residential uses in all C-3 Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Commercial Variant includes non-residential uses on the ground floor. The western portion of Site, positioned at the corner of Washington, Sansome, and Merchant Streets, includes floor area devoted to Restaurant Use (Retail Sales and Service Use), separate lobbies for the General Office use and Gym use, general building circulation, and one (1) off-street (standard-sized) freight loading space). The retail space and building lobbies meet the strict active use requirements of Section 145.1(c)(3). The areas devoted to building circulation and back of house space for the restaurant are generally positioned within the center of the building, or more than 25 feet away from the building frontages, meeting the requirements of Section 145.1(c)(3). The opening for the off-street (standard-sized) freight loading space meets the strict requirements of Section 145.1(c)(2) and is otherwise exempt from the controls of Section 145.1(c)(3). The ground floor heights range between 11'-6" for the service corridors and back-of-house spaces, and double-story height spaces of 23 feet for the restaurant space and building lobbies, meeting the strict requirements of Section 145.1(c)(4). With more than one-half of the ground floor ceiling height exceeding 14 feet, all of the non-residential uses fronting streets, and with at least 60% of the ground floor fenestrated with transparent windows and doorways, the western portion of the Site complies with Sections 145.1(c)(4-6).

The center of the Site, devoted to the new SFFD Station 13 (Public Facility), is not Code compliant due to the unique and essential operational requirements of a fire station. The fire station requires non-transparent walls facing public streets, parking for SFFD engines and service vehicles at-grade with four engine bays that exceed the maximum permitted length, accessory space devoted to SFFD operations, and ceiling heights of less than 14 feet for portion of the Fire Station fronting Merchant Street. As such, the Commercial Variant requires Code relief from Section 145.1 through a Variance, subject to review and approval by the Zoning Administrator, pursuant to Section 305. The Project Sponsor has filed a Variance application, the findings and approval of which are made under the Variance Decision for Case No. 2019-017481VAR.

The Residential Variant includes a mix of accessory residential uses and non-residential uses on the ground floor. The western portion of Site, positioned at the corner of Washington, Sansome, and Merchant Streets, includes a ground floor with a residential building lobby for the 256 dwelling units located above the ground floor, accessory residential floor including a fitness space, mailroom, meeting room, and coffee bar, general building circulation, and one (1) off-street (standard-sized) freight loading space. The building lobby and floor area devoted to accessory residential uses have direct access to the public sidewalk or street and therefore meet the strict active use requirements of Section 145.1(c)(3). The areas devoted to building circulation and back of house space devoted to building-serving functions, are generally positioned within the center of the building, or more than 25 feet away from the building frontages, meeting the requirements of Section 145.1(c)(3). The opening for the off-street (standard-sized) freight loading space meets the strict requirements of Section 145.1(c)(2) and is otherwise exempt from the controls of Section 145.1(c)(3). The ground floor heights range between 9'-5" for the service

corridors and back-of-house spaces, and double-story height spaces of 18'-10" for the building lobby and floor area devoted to accessory residential uses, meeting the strict requirements of Section 145.1(c)(4). With more than one-half of the ground floor ceiling height exceeding 14 feet, all of the accessory residential uses fronting streets, and with at least 60% of the ground floor fenestrated with transparent windows and doorways, the western portion of Site complies with Sections 145.1(c)(4-6).

Similar to the Commercial Variant, the center of the Site, devoted to the new SFFD Station 13 (Public Facility), is not Code compliant due to the unique and essential operational requirements of a fire station. The fire station requires non-transparent walls facing public streets, parking for SFFD engines and service vehicles at-grade with four engine bays that exceed the maximum permitted length, accessory space devoted to SFFD operations, and ceiling heights of less than 14 feet for portion of the Fire Station fronting Merchant Street. As such, the Commercial Variant requires Code relief from Section 145.1 through a Variance, subject to review and approval by the Zoning Administrator, pursuant to Section 305. The Project Sponsor has filed a Variance application, the findings and approval of which are made under the Variance Decision for Case No. 2019-017481VAR.

- I. Shadows on Public Sidewalks (Section 146).** The Planning Code 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 should be shaped so as to reduce substantial shadow impacts on public sidewalks, if doing so would not create an unattractive design and without unduly restricting the development potential of the site in question.

Section 146(a) does not apply to Washington Street, Sansome Street or Merchant Street and therefore does not apply to the Project. Regarding Section 146(c), each of the Commercial Variant and Residential Variant would create new shadows on sidewalks and pedestrian areas adjacent to the Site. The amount of shadow cast on sidewalks would vary based on time of day, day of year, and weather conditions. Additionally, in certain locations, existing and future development would mask or subsume new shadows from the Project that would otherwise be cast on sidewalks in the Project vicinity. The Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in dense urban areas. Therefore, each of the Commercial Variant and Residential Variant complies with Section 146.

- J. Shadows on Public Open Spaces (Section 147).** The Planning Code requires new buildings in the C-3 districts exceeding 50 feet in height to be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site, to reduce substantial shadow impacts on public plazas and other publicly-accessible spaces other than those under the jurisdiction of the Recreation and Parks Department under Section 295. The following factors shall be taken into account: (1) the amount of area shadowed; (2) the duration of the shadow; (3) the importance of sunlight to the type of open space being shadowed.

Background

A shadow study was performed by a qualified consultant (Prevision Design) that analyzed potential shadow impacts on publicly-accessible spaces caused by net new project shadow. Prevision Design created a 3D computer model of the Project to evaluate the shadow impacts. The context model was used to generate a full-year shadow fan diagram, which depicts all areas that would receive net new shadow (factoring in the

presence of current and intervening shadow from existing buildings) between one hour after sunrise through one hour before sunset (“the daily analysis period”) throughout the year.

As there are no broadly established or accepted methodologies for technical evaluation of shadow effects under the San Francisco General Plan or CEQA, for review of shadow impacts on open spaces not subject to Section 295, the Planning Department typically adapts many of the Section 295 technical standards. This analysis uses many of the standards for review of shadow under Section 295. The shadow fan analysis prepared by Prevision Design follows the criteria adopted by the Recreation and Parks Commission and the Planning Commission in 1987 and 1989.

The FMND analyzed potential shadow impacts that could occur as a result of either the Commercial Variant or Residential Variant. For open spaces and parks not subject to Section 295 review, the general timing of net new shadow effects was analyzed, but quantitative shadow calculations were not conducted.

Analysis of Existing Open Spaces

Transamerica Redwood Park

The Transamerica Redwood Park is an approximately 1.25 acre (55,880 square foot) mid-block privately owned public open space located on Assessor’s Block 0207 / Lot 033 between the Transamerica Building (600 Montgomery) to the west, Washington Street to the North, the 500-block of Sansome Street to the east and Clay Street to the south. Public entrances are located on the north and south street frontages along with an east-west pedestrian walkway between buildings connecting to Sansome street. The park is comprised of several dozen mature redwood and other trees along with other landscape plantings, a fountain, numerous fixed benches and points of access to the surrounding buildings. The dense redwood canopy above the park is a defining feature of the park.

Under current conditions, the park is predominantly shaded throughout the day due to shadows cast by existing buildings as well as substantial tree canopy cover. The shadow analysis conducted did not factor the presence of shadow from the substantial tree canopy cover existing over the park.

Even factoring out the presence of shadow from existing trees, each of the Commercial Variant and Residential Variant would generate small amounts of net new shadow on Redwood Park from approximately early April through early September, with the largest amount of shadow occurring on or near the summer solstice (June 24). Net new shadow from each of the Commercial Variant and Residential Variant would be cast in the morning lasting between a few minutes in the spring and fall up to about four hours on the summer solstice. The amount of area affected by such shadow would cover 5% or less of the park area (under 3,000 square feet) at any given time. The portions of the park that would be affected include the northern quarter of the park along Washington Street and a narrow section in the middle of the space.

Conclusion

The portions of Transamerica Redwood Park that would receive net new shadow from each of the Commercial Variant and Residential Variant include some areas containing fixed seating between the middle and northern edge of the park along Washington Street. While seating areas are typically considered a more sensitive open space, the substantial redwood tree canopy would likely capture a substantial amount of net new shadow cast by the Commercial Variant or Residential Variant, making it

reasonable to conclude there is reduced importance of sunlight for enjoyment of these seating areas and that any net new shadowing would be less noticeable. Therefore, the each of the Commercial Variant and Residential Variant complies with Section 147.

- K. Off-Street Parking (Section 151.1).** The Planning Code does not require any off-street parking spaces be provided, but instead provides maximum parking amounts of parking permitted as accessory based on land use type. Off-street accessory parking for all non-residential uses in the C-3-G zoning district is limited to 7% of the gross floor area for such uses. For residential uses, one off-street parking space is principally permitted for every two dwelling units.

The Commercial Variant would provide a total of 14,835 gross square feet of off-street, accessory parking located within a below-grade garage (basement levels B1 and B2) for the Office and Hotel uses (30 parking spaces), which would be within the limit of 7% of occupied floor area for non-residential uses (excluding the SFFD Fire Station). The Commercial Variant would also provide non-accessory parking within basement level B3 for use by SFFD personnel (18 parking spaces). The non-accessory parking for SFFD Station 13 requires Conditional Use Authorization as the amount of parking exceeds what is permitted as accessory by Code Section 151.1. The Project Sponsor has filed a Conditional Use Authorization application, the findings and approval of which are made under Motion No. XXXXX for Case No. 2019-017481CUA.

The Residential Variant would provide a total of 64 off-street accessory parking spaces within a below-grade garage (basement levels B1 and B2) for the residential uses on the Site, representing an off-street parking ratio of 0.25 spaces per dwelling unit, well below the principally permitted ratio of 0.5 spaces per dwelling unit. The Residential Variant's provision of off-street accessory parking below the amount that is principally permitted by Code for residential uses supports the City's policy aim of reducing off-street in parking in favor non-automotive means of transit. The Residential Variant would also provide non-accessory parking within basement level B3 for use by SFFD personnel (18 parking spaces). The non-accessory parking for SFFD Station 13 requires Conditional Use Authorization as the amount of parking exceeds what is permitted as accessory by Code Section 151.1. The Project Sponsor has filed a Conditional Use Authorization application, the findings and approval of which are made under Motion No. XXXXX for Case No. 2019-017481CUA.

- L. General Standards for Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155).** The Planning Code requires all off-street freight loading and service vehicle spaces in the C-3 Zoning District be completely enclosed, and access from a public Street or Alley shall be provided by means of a private service driveway that is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

Each of the Commercial Variant and Residential Variant includes a total of three (3) openings for access to off-street parking and loading. Along the Washington Street frontage, the Project includes two (2) openings: an approximately 10-foot-wide entrance to the off-street loading dock and an approximately 73-foot entrance for four SFFD Station 13 engine bays. Along the Merchant Street, the Project includes an approximately 12-foot entrance to the basement garage (for the accessory and non-accessory parking). The two non-SFFD openings comply with Section 155(s)(4). The approximately 73-foot opening for four SFFD Station 13 engine bays, while exceeding the maximum length permitted by Code, are necessary to support the primary operation of SFFD Station 13 as a Public Facility. The SFFD entrance along the Washington Street frontage therefore requires Code-relief through a Variance, subject to review and approval by the Zoning Administrator, pursuant to Section 305. The Project Sponsor has filed a Variance application, the findings and approval of which are made under the Variance Decision for Case No. 2019-017481VAR.

- M. Bicycle Parking (Sections 155.1, 155.2).** The Planning Code establishes bicycle parking requirements for new developments, depending on use. For projects with over 100 residential dwelling units, 100 Class 1 spaces are required, plus 1 additional space for every four units over 100. One Class 2 space is required for every 20 dwelling units. One Class 1 space is required for every 7,500 square feet of occupied floor area devoted to Restaurants, Limited Restaurants, and Bars. One Class 2 space is required for every 750 square feet of occupied retail area devoted to Restaurants, Limited Restaurants, and Bars, and in no case less than two Class 2 spaces. Class 1 spaces must be located within a secure, weather-protected facility and intended for long-term use by residents and employees. Class 2 spaces must be located in a publicly-accessible and visible location, and intended for use by visitors, guests, and patrons.

The Commercial Variant includes a total of 23 Class 1 spaces and 26 Class 2 spaces, thereby providing the required number of Class 1 spaces and 26 of the 40 Class 2 spaces required by Code. The Class 2 bicycle parking spaces would be located along Sansome Street and Merchant Street. Due to the potential of conflicts with SFFD Station 13, Class 2 spaces are not suitable for placement within the public right-of-way along the Washington Street frontage. The Project Sponsor would pay an in-lieu fee for the 14 Class 2 spaces that cannot be provide on the Site, in accordance with Section 155.2(d) (language included in Sections 305 and 307(k)(2)(E) indicating that a variance is required to satisfy the Code's Class 2 bicycling parking requirement by payment of the in-lieu fee was superseded by Section 155.2(d)). The Class 1 bicycle parking would be located on basement (B1), accessible by elevators. Therefore, the Commercial Variant complies with Section 155.1 and 155.2.

The Residential Variant includes a total of 143 Class 1 spaces and 21 Class 2 spaces, where 143 Class 1 spaces and 21 Class 2 spaces are required by Code. The Class 2 bicycle parking spaces would be located along Sansome Street and Merchant Street (no Class 2 spaces are proposed on Washington Street to avoid potential conflicts with SFFD Station 13). The Class 1 bicycle parking would be located on basement level (B1), accessible by elevators. Therefore, the Residential Variant complies with Section 155.1 and 155.2.

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

is required where Occupied Floor Area exceeds 25,000 square feet but is no greater than 50,000 square feet, and two showers and 12 clothes lockers are required where Occupied Floor Area exceeds 50,000 square feet.

The Commercial Variant includes more than 50,000 square feet of non-retail sales and services occupied floor area and more than 50,000 square feet of retail sales and services occupied floor area, meaning a total of six (6) showers and 36 clothes lockers are required. The Commercial Variant would provide the required shower and locker facilities at basement level 2, accessible by elevators. In addition, various shower and locker facilities would be provided within the occupied areas of the building. Therefore, the Commercial Variant complies with Section 155.4.

The Residential Variant proposes Institutional uses (SFFD) over 10,000 square feet, but under 20,000 square feet, meaning one (1) shower and six (6) clothes lockers are required. The SFFD Station 13 would include more shower and locker facilities than required by Code. Therefore, the Residential Variant complies with Section 155.4.

- O. Transportation Management Programs (Section 163).** The Planning Code requires, for all applicable projects, that property owner provide on-site transportation brokerage services for the actual lifetime of the project.

Each of the Commercial Variant and Residential Variant would be subject to the requirements of Section 163 and will provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of a temporary permit of occupancy, the property owner shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services. Therefore, each of the Commercial Variant and Residential Variant complies with Section 163.

- P. Car Sharing (Section 166).** The Planning Code establishes requirements for new developments to provide off-street parking spaces for car-sharing services. The number of spaces depends on the amount and type of residential or office use. One car share space is required for any project with between 50-200 residential units. Projects with over 200 residential units but less than 400 units require two spaces. For non-residential uses, one space is required if the project provides 25-49 off-street spaces for those uses. One car share space is required for every 50 additional parking spaces devoted to non-residential use. The car-share spaces must be made available to a certified car-share organization at the building site or within 800 feet of it.

The Commercial Variant includes one (1) car share spaces where one is required by Code. Therefore, the Commercial Variant complies with Section 163.

The Residential Variant includes two (2) car shares spaces where two are required by Code. Therefore, the Residential Variant complies with Section 163.

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

than would be the case if there were a single price for both the residential unit and the parking space.

The Commercial Variant is not subject to Section 167.

The Residential Variant will lease all accessory off-street parking spaces separately from the rental fees for dwelling units for the life of the dwelling units. Therefore, the Residential Variant complies with Section 167.

- R. Transportation Demand Management (TDM) Plan (Section 169).** The Planning Code requires applicable projects to finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit.

A complete Project Application was deemed accepted on January 30, 2020. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 30 points.

As currently proposed, the Commercial Variant will achieve a total of 31 of its required 30 points through the following TDM measures:

- *Improve Walking Conditions (Option A) – Office/Hotel*
- *Bicycle Parking (Option A) – Retail, Office/Hotel, SFFD*
- *Showers and Lockers – Retail, Office/Hotel, SFFD*
- *Multimodal Wayfinding Signage – Retail and SFFD*
- *Unbundled Parking (Location D) – Office/Hotel*
- *Parking Supply (Option G) – Office/Hotel*
- *Parking Supply (Option K) -- Retail*

As currently proposed, the Residential Variant will achieve a total of 18 of its required 18 points through the following TDM measures:

- *Improve Walking Conditions (Option A) – Residential*
- *Bicycle Parking (Option A) – Residential, SFFD*
- *Showers and Lockers – SFFD*
- *Car-Share Parking – Residential*
- *Delivery Supportive Amenities – Residential*
- *Multimodal Wayfinding Signage – Residential, SFFD*
- *Real Time Transportation Displays – Residential*
- *Tailored Transportation Market Services (Option A) – Residential*
- *Unbundled Parking (Location D) – Residential*
- *Parking Supply (Option F) – Residential*

Therefore, each of the Commercial Variant and Residential Variant complies with Section 169.

- S. Dwelling Unit Mix (Section 207.7).** The Planning Code requires that no less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms and that no less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction

resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three-bedroom requirement may also count towards the requirement for units with two or more bedrooms.

The Commercial Variant contains only non-residential uses (no dwelling units) and is therefore not subject to Section 207.7.

The Residential Variant contains residential uses (256 dwelling units) and is therefore subject to Section 207.7. The Residential Variant will provide the following dwelling unit mix: 100 studios (39%); 91 one-bedroom units (35%), 38 two-bedroom units (15%), and 27 three-bedroom units (10%). With 25% of the dwelling units containing at least two bedrooms, the Project meets the dwelling unit mix requirement. Therefore, the Project complies with Section 207.7.

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

Background

The Department prepared an initial shadow fan that indicated the Project could potentially cast new shadow on properties under the jurisdiction of the San Francisco Recreation and Park Department. The initial Department analysis did not account for the precise articulation of the envelope of the Project, nor did it account for the shading from existing buildings.

A Shadow Study was prepared by qualified consultants (“Prevision Design”), finalized on February 5, 2021, that analyzed the potential shadow impacts of both the Commercial Variant and Residential Variant to properties under the jurisdiction of the RPD (Case No. 2019-017481SHD). The analysis was conducted according to criteria and methodology as described in (1) the February 3, 1989 memorandum titled “Proposition K – The Sunlight Ordinance” (“the 1989 memorandum”) prepared by RPD and the San Francisco Planning Department (“Planning”), (2) the July 2014 memorandum titled “Shadow Analysis Procedures and Scope Requirements” (“the 2014 memorandum”) prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected.

Shadow Analysis Results

The Shadow Study indicates that each of the Commercial Variant and Residential Variant would cast new shadows on the following two (2) properties under the jurisdiction of RPD: Maritime Plaza and Sue Bierman Park.

Maritime Plaza

Maritime Plaza is a 1.99-acre (86,676-square foot) urban plaza located in the Financial District of San Francisco on Assessor’s Block 0204/Lots 020 and 022. The plaza is elevated above street level above a parking structure and consists of two separated sections of the double-block between Washington and Clay, the west section bordering Battery Street and east section bordering Davis Street. Public access to Maritime Plaza is via public stairwells located at Washington and Clay streets as well as elevated walkways that connect across Washington and Clay streets to adjacent properties to the north and south. Connection between the two portions of the plaza is via breezeway through the Alcoa building

(One Maritime Plaza). The official hours of operation are from 5 a.m. to 12 a.m. (midnight). The park contains a large fountain on the eastern side and a wide plaza area with a square lawn on the western portion. Flanking these plaza areas are fenced rectangular sculpture areas with seating which are ringed by small trees. Each side of the plaza includes a one-story building, with the Punchline Comedy club on the western side and private offices in the building on the eastern side. Behind each of these buildings, connected to the main plaza area by walkways are two other landscaped seating areas.

Under current conditions, the plaza receives 218,954,785 annual square-foot-hours (sfh) of shadow. Based on a calculated Theoretical Annual Available Sunlight (TAAS) of 322,556,066 sfh, the plaza's existing annual shadow load is 67.88 percent of its TAAS. Under existing conditions, the plaza is substantially shaded in the mornings and afternoons with some increased areas of sun around midday during the spring, summer, and early fall. The plaza is almost entirely shaded throughout the day during late fall and winter months.

The Commercial Variant would result in net new shadow cast on Maritime Plaza, adding 2,275,914 net new annual sfh of shadow and increasing the sfh of shadow by 0.71% annually above current levels. This increase would result in a new annual total shadow load of 68.59%.

The Residential Variant would result in similar but slightly lesser amount of net new shadow on the plaza, adding approximately 2,219,243 net new annual sfh of shadow, increasing the sfh of shadow by 0.69% annually above current levels. This increase would result in a new annual total shadow load of 68.57%.

The pattern of net new shadow from both the Commercial Variant and Residential Variant would be nearly identical, occurring for approximately 223 days a year between approximately March 2 and October 10. Net new shadowing from both the Commercial Variant and Residential Variant would fall primarily on the western portion of Maritime Plaza, with only a small band along the northern edge of the eastern portion of the plaza receiving any net new shadow. Net new shadow from both the Commercial Variant and Residential Variant would be cast only during afternoon hours, no earlier than 3:30 p.m. The most net new shadowing would occur in spring and summer after 4 p.m.

Most of the observed activities in the plaza are transitory in nature, including dog walking and pedestrian travel through the plaza. Net new shadow on areas of Maritime Plaza which could be of higher sensitivity to shadowing include seating areas and the western lawn, observed to be used for midday and afternoon eating or conversing. These areas would receive shadow from the Commercial Variant and Residential Variant only within the last one to four hours before sunset, depending on time of spring, summer or early fall. In addition, during most affected times, there would be other seating areas of the park that would be unshaded where, assuming sunlight is desirable for the park user, the user(s) would be able to sit down in sunlight instead of the areas receiving net new shadow from the Commercial Variant or Residential Variant. One exception is the date of maximum shading (August 16 and April 26) where nearly the entire plaza would be shaded for approximately 17 minutes from 6:45 p.m. until sunset at 7:02 p.m. At this point in the day, the majority of the plaza is already shaded under existing conditions. It is anticipated park users would be accustomed to and expect shade during these late afternoon hours just before sunset and would be less likely to be using the plaza for eating or conversing.

Therefore, given the time of day and relatively limited extent of net new shadow, park users are not anticipated to be substantially or adversely affected by new shadow.

Sue Bierman Park

Sue Bierman Park is a 4.08-acre (177,577-square foot) urban park located in the Financial District of San Francisco on Assessor's Block 0203 / Lot 014 and Block 0202 / Lots 006, 015, 018, and 020. The Park is physically divided by Drumm Street into two parts, the western portion is bounded by Washington Street to the north, Clay Street to the south, Drumm Street to the east, and Davis Street to the west, while the eastern portion is bounded by Washington Street to the north, Clay Street to the south, the Embarcadero to the east, and Drumm Street to the west.

The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an Absolute Cumulative Limit (ACL) of zero percent was adopted for "Embarcadero Plaza I (North)," a park east of Drumm Street which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of ACLs for downtown parks, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits had ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

A previously proposed project located at 8 Washington Street (Case No. 2007.0030) would have cast net new shadow on Sue Bierman Park in its current form, size, and configuration. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 22, 2012 to consider whether to set an ACL equal to 0.00067% of the TAAS, equal to approximately 4,425 sfh of net new shadow for Sue Bierman Park. Through Motion No. 18562, the Planning Commission adopted the findings under Shadow Analysis Application No. 2007.0030K to set an ACL equal for Sue Bierman Park of 0.00067% of TAAS. The vested development rights and corresponding Planning Commission motions for the previously proposed project located at 8 Washington Street (Case No. 2007.0030) are deemed expired. As such, no formal shadow criteria or limits exist for Sue Bierman Park, in its present form, size, and configuration.

The net new shadow from both the Commercial Variant and Residential Variant would only affect the western portion of the park (west of Drumm Street).

The park is not fenced, and the official hours of operation are from 5 a.m. to 12 a.m. (midnight). The western portion of the park contains grassy and heavily vegetated landscape areas, divided by three paved walkways connecting the northwest, southwest, and southeast corners of the park. A large sculpture is located in the center of a large grassy area near Drumm Street. The southwestern corner is heavily wooded with unpaved trails through a natural area. The northeast corner features a stand of tall trees surrounding a small utility building complex owned by the San Francisco Public Utilities Commission.

Under current conditions, the park receives 281,550,861 annual sfh of shadow. Based on a calculated TAAS of 660,834,406 sfh, Sue Bierman Park's existing annual shadow load is 42.6054 percent of its TAAS. Under existing conditions, the park is predominantly unshaded during the morning hours, with shadow

levels generally growing toward the afternoon. The park is almost entirely shaded throughout the afternoon during late fall and winter months.

The Commercial Variant would result in net new shadowing on the park of approximately 976 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

The Residential Variant would result in net new shadowing on the park of approximately 892 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

Net new shadow from both the Commercial Variant and Residential Variant would occur for a total of approximately 26 days between approximately March 16 through March 28 and September 14 and September 26. Net new shadow on the western portion of Sue Bierman Park from both the Commercial Variant and Residential Variant would be limited to northern edge of the western portion of the park adjacent to the Washington Street sidewalk. Observed uses in this area were transitory in nature and would not likely be affected by the presence of a small amount of new shadow.

Conclusion

While each of the Commercial Variant and Residential Variant would cast net new shadow on two (2) existing parks, neither would create new shadow that would substantially and adversely affect the use or enjoyment of publicly accessible open spaces based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing and adopted Planning Commission Resolution No. XXXXX and Recreation and Park Commission Resolution No. XXXX-XXX raising the ACL for Maritime Plaza and setting an ACL for Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation & Park Department that would be shadowed by the Project.

At the same hearing on June 24, 2021, the Recreation and Park Commission recommended that the General Manager of the Recreation & Park Department recommend to the Planning Commission that the shadows cast by the Project on two (2) properties under the jurisdiction of the Recreation & Park Department would not be adverse to the use of these properties, and that the Planning Commission allocate to the Project allowable shadow from the absolute cumulative shadow limits for Maritime Plaza (where such limits have been adopted) and setting an absolute cumulative shadow for Sue Bierman Park (Case No. 2019-017481SHD). As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with a Mitigation Monitoring and Reporting program ("MMRP") for the Project (Recreation and Park Commission Resolution No. XXXX-XXX).

- U. Review of Residential, Hotel, and Motel Projects (Section 314).** In addition to any other factors appropriate for consideration under the Planning Code, the Planning Department and Planning Commission shall consider the compatibility of uses when approving Residential Uses, Hotel Uses, or Motel Uses, as those terms are defined in Chapter 116 of the Administrative Code, adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential, hotel,

or motel project takes into account the needs and interests of both the Places of Entertainment and the future residents or guests of the new development. Such considerations may include, among others: (a) the proposed project's consistency with applicable design guidelines; (b) any proceedings held by the Entertainment Commission relating to the proposed project, including but not limited to any acoustical data provided to the Entertainment Commission, pursuant to Administrative Code Section 116.6; and (c) any comments and recommendations provided to the Planning Department by the Entertainment Commission regarding noise issues related to the project pursuant to Administrative Code Section 116.7.

The Project is located within 300 radial feet of three Places of Entertainment ("POE") and is subject to Chapter 116 of the Administrative Code. On April 7, 2021, the Entertainment Commission received notification of both the Commercial Variant and Residential Variant, each of which are subject to Chapter 116. In accordance with the Entertainment Commission's approved recommended noise attenuation conditions Entertainment Commission staff determined on May 5, 2021, that a hearing on this project was not required under Section 116.7(b) of the Administrative Code. The Commission recommends that the Planning Department and/or Department of Building Inspection impose standard conditions on the development permit(s) for either the Commercial Variant or Residential Variant, reflected in Exhibit A hereto. Therefore, each of the Commercial Variant and Residential Variant complies with Section 314.

- V. Inclusionary Affordable Housing Program (Section 415).** The Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, if the project is a rental or ownership project, and the date that the project submitted a complete Project Application.

The Commercial Variant is not subject to Section 415.

The Residential Variant includes 256 rental dwelling units and is therefore subject to Section 415. The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415, to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, whether the project is rental or ownership, and the date that the project submitted a complete Project Application. The Department's Environmental Planning division accepted an application from the Project Sponsor to study the Residential Variant under CEQA on September 15, 2020; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to 30% of the Residential Variant's residential gross floor area.

Therefore, the Residential Variant complies with Section 415.

- W. Public Art (Section 429).** The Planning Code Section requires a project to include works of art costing an amount equal to one percent of the construction cost of the building for construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District.

Each of the Residential Variant and Commercial Variant will comply with this Code requirement by dedicating one percent of the Project's construction cost to works of art. The public art is proposed to be installed as part of the hardscaping and furnishing improvements to Merchant Street.

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

- A. Rear Yard (Section 134).** 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.

The Commercial Variant does not propose any residential uses and therefore is not subject to a rear yard requirement of Section 134.

The rear yard requirements of Section 134 apply to the Residential Variant, commencing at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. With a lot depth of approximately 179 feet (as measured from Sansome Street), the rear yard requirement for the Residential Variant is approximately 45 feet. Due to the unique mix of uses proposed, including construction of a new SFFD Station 13, the Residential Variant does not provide a traditional rear yard, but rather provides a large, outer court along the eastern boundary of the Site, measuring approximately 33 feet in depth, that is open to both adjacent street frontages (Washington and Merchant Streets).

Section 134(d) allows for an exception to the rear yard requirement pursuant to the Section 309 process so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." While the Residential Variant does not propose a rear yard and thus does not meet the strict requirements of the Code, it does ensure adequate open space through a large, open court, and allows sufficient light and air to reach the residential units through the provision of private balconies for 123 of the 256 dwelling units, as well as an approximately 6,384 square foot solarium for the enjoyment of residents.

Due to the adequate air and light and open space provided by the Residential Variant, it is appropriate to grant an exception from the rear yard requirements of Section 134.

- B. Dwelling Unit Exposure (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 dwelling unit exposure requirement only applies to Residential Variant, as the Commercial Variant does not propose any dwelling units. The Site is a corner lot with frontages along Washington Street,

Sansome Street and Merchant Street, with all three streets meeting the minimum width requirements established by Code. Further, beginning at level 6, the Residential Variant proposes a large, outer court between its eastern façade (which does not front a street) and the eastern boundary of the Site that would have a minimum dimension of at least 33', thereby meeting the dimensional requirements established by Code. A total of four (4) eastward-facing dwelling units at level 4 and 5 would face onto the SFFD podium structure and would not meet the Code's dwelling unit exposure requirements, therefore requiring an exception under Section 309. Exceptions to dwelling unit exposure requirements are permitted as part of a downtown project authorization approval pursuant to Section 309(a)(14). The minimum unobstructed distance from each of the four dwelling units would be 6'6". While the four (4) dwelling units would not meet the strict exposure standards of the Code, the units 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 that will provide the City with a new state-of-the-art fire station.

It is therefore appropriate to grant an exception from the dwelling unit exposure requirements of Section 140.

- C. Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148).** Within 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 mph 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.

Background

A qualified wind consultant (Rowan Williams Davies & Irwin Inc., "RWDI") analyzed ground-level wind currents in the vicinity of the Site through a series of wind studies. The wind studies were prepared using wind testing analysis and evaluation methods to determine conformity with Section 148 criteria. The wind studies measured wind speeds for the existing, existing plus project, and cumulative scenario. The cumulative scenario included massing models of other potential future development in the vicinity. The wind consultant determined that for purposes of wind analysis and evaluation, the respective designs of the Commercial Variant and Residential Variant were sufficiently similar that any effects from wind would not greatly vary from a pedestrian wind comfort or hazard perspective. As such, the wind testing analysis studied the Commercial Variant and concluded that wind effects associated with the Residential Variant would be anticipated to be congruent with the reported for the Commercial Project. Wind speed measurements were taken at a total 77 locations for the project and cumulative scenarios. No street trees or landscaping was included in the wind testing analysis, meaning the testing results

represent conservative assessments of potential wind effects of the Project, which would likely be less after implementation of required street tree plantings and other landscaping improvements.

Hazard Criterion

The wind studies found that, under existing conditions, 12 of the 77 locations exceeded the 26-mph wind hazard criterion for a total of 249 hours per year. With the addition of either the Commercial Variant or Residential Variant, the number of locations with hazardous wind conditions would decrease to 10 (net reduction of two locations), and the total number of hours with hazardous wind conditions would decrease from 249 to 138 (a reduction of 111 hours).

The FMND concluded that each of the Commercial Variant and Residential Variant would have a less than significant impact with regards to potential wind impacts under CEQA.

Pedestrian Seating Comfort Criterion

The wind studies found that, under the existing scenario, wind speeds exceed the 11-mph comfort criterion at 53 out of 77 test locations, with the average 90th percentile wind speed for the 77 test locations being 14 mph, exceeding the applicable criterion on average 21% of the year. With the addition of either the Commercial Variant or Residential Variant, wind speeds would exceed the 11-mph comfort criterion at 55 out of 77 test locations (a net increase of two (2) locations), with no net increase or decrease in average speed for the 77 test locations (i.e., 14 mph), exceeding the applicable criterion on average 20% of the year (a net decrease of 1%).

Conclusion

Either the Commercial Variant or Residential Variant would result in a net decrease of two test locations exceeding the wind hazard criterion. In addition, the total number of hours with hazardous wind conditions would decrease by 111 hours under either the Commercial Variant or Residential Variant. The addition of the proposed street tree plantings and other landscaping is expected to further improve the wind hazard conditions compared to existing conditions.

Although either the Commercial Variant or Residential Variant would reduce by 1% the percentage time of the year during which wind comfort criteria would be exceeded and would not result in a net increase in average wind speed, the addition of two pedestrian comfort criterion exceedances requires an exception under the (Section 309) Downtown Project Authorization process. The exception to the ground-level wind current requirements (Section 148) is warranted since it is unlikely that either the Commercial Variant or Residential Variant could be designed in a manner that would eliminate all existing comfort criterion exceedances. Moreover, because there would be no net increase in wind speed, the two net new exceedances can be considered insubstantial, particularly given a 1% net decrease in the percentage time of year during which an exceedance would occur.

It is therefore appropriate to grant an exception from the strict requirements of Section 148.

- D. Off-Street Freight Loading (Sections 152.1, 153, 154, 161).** The Planning Code requires certain amounts of off-street freight loading space based on the type and size of uses in a project. For office, 0.1 spaces are required for every 10,000 square feet of Occupied Floor Area, rounded to the nearest whole number. For hotels and residential units, 2 off-street spaces are required between 200,001 and 500,000 square feet of Occupied Floor Area for each use, and hotel and residential uses exceeding

500,000 square feet of Occupied Floor Area are required 3 spaces, plus one space for each additional 400,000 square feet of Occupied Floor Area. Pursuant to Section 153(a)(6), two service vehicle spaces can be substituted for one required freight loading space if at least 50% of the required number of freight loading spaces are provided. Planning Code Section 154 sets forth standards as to location and arrangement of off-street freight loading and service vehicle spaces. Off-street loading spaces are required to have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except that the first freight loading space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet. Exceptions to the Code's off-street freight loading requirements may be granted by the Planning Commission pursuant to Section 309.

The Residential Variant requires two (2) off-street loading spaces. The Residential Variant proposes one (1) standard-sized loading space meeting strict dimensional standards along the Washington Street frontage and two (2) substituted service vehicle spaces meeting strict dimensional standards at basement level (B1) that count as a one (1) standard space. Therefore, the Residential Variant complies with the Code's off-street freight loading requirements.

The Commercial Variant requires a total of four (4) off-street loading spaces. The Commercial Variant proposes a total of two (2) spaces off-street loading spaces: one (1) standard-sized loading space meeting strict dimensional standards along the Washington Street frontage and two (2) substituted service vehicle spaces meeting strict dimensional standards at basement level (B1) that count as a one (1) standard space. Therefore, the Commercial Variant requires a Section 309 exception from the freight loading and service vehicle space requirements of Section 152.1. 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. 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.

- X. Height (Sections 250 and 263.9).** The Planning Code requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. In the S bulk district, additional height up to 10 percent of the otherwise permitted height may be allowed by

Section 309 exception, as an extension of the upper tower, provided that the volume of the upper tower as extended is reduced by the percentage shown in Chart C of Section 271. If granting a height extension pursuant to Section 263.9, the Section 309 exception must include a determination that the upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building and to the visual interest to the termination of the building, and that the added height will improve the appearance of the sky-line when viewed from a distance, will not adversely affect light and air to adjacent properties, and will not add significant shadows to public open spaces.

The Site is located within the 200-S Height and Bulk District, meaning an extension up to 20' above the otherwise applicable 200' height limit is allowable pursuant to Section 263.9. The Commercial Variant would construct an upper tower reaching approximately 217'7", while the Residential Variant would construct an upper tower reaching approximately 218' (the minor variation is the result of different floor-to-ceiling heights for the 19-story upper tower of the Commercial Variant and the 21-story upper tower of the Residential Variant). Therefore, the height of the upper tower of either the Commercial Variant or Residential Tower is allowable with benefit of a Section 309 exception for height.

The design of the Commercial Variant upper tower presents an initial appearance of uniform bulk, that gently shifts with each perspective of the tower due to a geometric system of metal horizontal fins and vertical pipes framing the recessed glass line of the tower. The result is a visually distinctive and elegant upper tower form that is compatible with nearby buildings such as One Maritime Plaza and the Embarcadero Center towers, while enhancing the downtown skyline. The extended height achieves a sense of slenderness by shifting building massing from lower levels of the tower, thereby creating enhanced separation from the seven-story building at 423 Washington Street. Accentuated by its crowning, opaque rooftop screening, the upper tower volume is distributed in a manner that creates visual interest and will improve the appearance of the skyline when viewed from a distance. The height extension will not adversely affect light and air to adjacent properties or add significant shadows to public open spaces.

The design of the Residential Variant's upper tower is materially similar to that of the Commercial Variant, with minor variations in the form of permitted roof top screening that do not detract from the visual interest of the Residential Variant's upper tower or adversely affect light and air to adjacent properties or add significant shadows to public open spaces.

The exception for height is therefore warranted for each of the Commercial Variant and Residential Variant.

- Y. Bulk (Section 270).** The Planning Code establishes bulk controls by district. For buildings located within the "S" Bulk District, there are no bulk limitations below the base of the building (90' in the case of the Site), with lower tower and upper tower established by Section 270(d)(2)-(3). Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B of Section 270(d). The bulk controls for the lower tower are a maximum length of 160 feet, an average floor size of 17,000 square feet, and a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet. Pursuant to Chart B, upper tower bulk controls apply beginning at 160' and are a maximum length of 130 feet, a maximum average floor size of 12,000 square feet, a maximum floor size for any floor of 17,000 square feet, and a maximum average diagonal measure of 160 feet. When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the

upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on Chart C of Section 270(d). In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

For the both the Commercial Variant and Residential Variant, bulk controls apply to the lower tower, starting at 90 feet above grade, and to the upper tower, starting at 160 feet above grade. The mass for both the Commercial Variant and Residential Variant is positioned as far west on the Site as feasible to minimize shadow impacts on Maritime Plaza and Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation and Parks Department that are subject to the controls of Section 295.

The Commercial Variant proposes a 19-story tower, with a Code-compliant lower tower (floors 8 through 14), and an upper tower (floors 15 through 19) with a maximum length of 146 feet, a maximum diagonal of 171 feet and an average floor size of 12,313 square feet. While the lower tower's average floor size is 2,590 square feet less than what is permitted by Code, the upper tower exceeds the limits established within Code Section 270(d)(2)(A) for maximum length, diagonal and average floor size due to the form of the upper tower mimicking the form of the lower tower. Further, Section 270(d)(3)(B) requires a volume reduction of 21.5% from the average floor size of the lower tower, whereas the upper tower only achieves a reduction of 7.1% from the average floor size from the lower tower. However, because the average floor area of the lower tower is smaller than the allowable by Code by a total of 18,130 square feet (2,590 square feet per floor), in practical terms, the upper tower achieves a reduction of 22.3% from the maximum allowable lower tower average floor area (15,840 square feet) as permitted by Code. Nonetheless, the Commercial Variant requires an exception pursuant to Section 309 from the bulk limits established within Section 270.

The Residential Variant proposes a 21-story tower, with a Code-compliant lower tower (floors 9 through 15) and an upper tower (floors 16 through 21) with a maximum length of 146 feet, a maximum diagonal of 171 feet and an average floor size of 11,642 square feet. While the lower tower's average floor size is 2,840 square feet less than what is permitted by Code, the upper tower exceeds the limits established within Code Section 270(d)(2)(A) for maximum length, diagonal and average floor size due to the form of the upper tower mimicking the form of the lower tower. Further, Section 270(d)(3)(B) requires a volume reduction of 21.5% from the average floor size of the lower tower, whereas the upper tower only achieves a reduction of 10.4% from the average floor size from the lower tower. However, because the average floor area of the lower tower is smaller than the allowable by Code by a total of 19,880 square feet (2,840 square feet per floor), in practical terms, the upper tower achieves a reduction of 26.5% from the maximum allowable lower tower average floor area (15,840 square feet) as permitted by Code. Nonetheless, the Residential Variant requires an exception pursuant to Section 309 from the bulk limits established within Section 270.

The design of either the Commercial Variant or Residential Variant tower includes an elegant form achieved in significant part by consistent massing from the lower level to the upper tower, accentuated by a geometric system of metal horizontal fins and vertical pipes framing the recessed glass line of the tower. This design is desirable in the setting of the Financial District, provided that the footprint of the lower tower has been substantially reduced from what would be permitted by Code. The slender form of the tower does not result in aggravated shadowing on nearby open spaces and creates a sense of

separation of the Commercial Variant or Residential Variant tower from nearby towers. Further, either the Commercial Variant or Residential Variant tower includes community-serving uses in the form of a new state-of-the-art fire station and new shared-street POPOS improvements on Merchant Street, resulting in a desirable building and program.

The exception for bulk for each of the Commercial Variant and Residential Variant is therefore warranted.

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

GENERAL PLAN: HOUSING ELEMENT
Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.8

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

Policy 1.10

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

OBJECTIVE 4

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

Policy 4.1

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

Policy 4.5

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

OBJECTIVE 5

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4

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

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

OBJECTIVE 12

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

Policy 12.1

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

Policy 12.2

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

Policy 12.3

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

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1

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

Policy 13.3

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

GENERAL PLAN: URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

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

OBJECTIVE 3

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

Policy 3.1

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

Policy 3.3

Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

GENERAL PLAN: COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 8

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.1

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

GENERAL PLAN: TRANSPORTATION

Objectives and Policies

OBJECTIVE 1

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

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

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

Policy 1.6

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

OBJECTIVE 2

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

Policy 2.1

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

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

OBJECTIVE 2

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

Policy 2.1

Encourage prime downtown office activities to grow as long as undesirable consequences of growth can be controlled.

Policy 2.2

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

OBJECTIVE 6

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 6.1

Adopt a downtown land use and density plan which establishes subareas of downtown with individualized controls to guide the density and location of permitted land use.

OBJECTIVE 7

WITHIN ACCEPTABLE LEVELS OF DENSITY, PROVIDE SPACE FOR FUTURE OFFICE, RETAIL, HOTEL, SERVICE AND RELATED USES IN DOWNTOWN SAN FRANCISCO.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

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

OBJECTIVE 10

ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

Policy 10.2

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

OBJECTIVE 13

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

Policy 13.1

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

The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses (Commercial Variant) and one that would construct residential uses (Residential Variant). The Commercial Variant includes a mix of commercial uses (200-room hotel, 32,000-square-foot gym, 37,000 square feet of office floor area, and 7,900 square feet of ground floor retail (restaurant)) that would reinforce one of the primary roles of downtown San Francisco's C-3 districts as representing the largest concentration of commercial activity and employment in the Bay Area Region. Future commercial tenants and patrons alike can walk, bike, or access BART, MUNI, or regional bus service from the Site. The Residential Variant includes 256 dwelling units in lieu of the commercial uses, adding 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. Similarly, future residents can walk, bike, or access BART, MUNI, or regional bus service from the Site. Further, both Commercial Variant or Residential Variant includes community-serving uses in the form of a new, state-of-the-art fire station (SFFD Station 13), and shared-street improvements along Merchant Street, including new street trees and landscaping. On balance, the Project is consistent with the Objectives and Policies of the City's General Plan and the Downtown Area Plan.

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

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

The Commercial Variant would have a positive effect on existing neighborhood-serving retail uses because it would bring additional visitors and workers to the neighborhood, thus increasing the customer base of existing neighborhood-serving retail. The Commercial Variant will provide significant employment opportunities with the addition of restaurant, gym, office and hotel uses.

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

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

Neither the Commercial Variant nor Residential Variant would negatively affect the existing housing and neighborhood character. The Site contains non-historic commercial and institutional buildings containing non-residential uses. Each of the Commercial Variant and Residential Variant would replace the existing fire station on the Site with a state-of-the-art fire station, contributing significantly to the quality of life in the neighborhood. The Commercial Variant's unique mixed-use program would provide outstanding amenities to visitors and residents, and contributes significantly to the neighborhood, while the Residential Variant would provide needed housing in immediate proximity to the city's job center.

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

Neither the Commercial Variant nor the Residential Variant would displace housing given the Site contains only non-residential uses. Each of the Commercial Variant and Residential would generate impact fees to support the development of new affordable housing.

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

Neither the Commercial Variant nor Residential Variant would impede MUNI transit service or overburden local streets or parking. Each of the Commercial Variant and Residential Variant would implement shared-street improvements to a portion of Merchant Street, enhancing the pedestrian experience in the Financial District.

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

Neither the Commercial Variant nor Residential Variant would negatively affect the industrial and service sectors, nor would either displace any existing industrial uses. Each of the Commercial Variant and Residential Variant includes uses that are consistent with the character of existing development in the Financial District.

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

Each of the Commercial Variant and Residential Variant will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Site does not contain any City Landmarks or historic buildings. A historic sculpture located on the Washington Street façade of the existing fire station will be relocated in accordance with the MMRP applicable to each of the Commercial Variant and Residential Variant. The MMRP also includes measures to ensure that construction of the Commercial Variant or Residential Variant will not adversely impact the adjacent historic structure at 447 Battery Street.

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

A Shadow Study indicated that each of the Commercial Variant and Residential Variant may cast a shadow on Maritime Plaza and Sue Bierman Park. However, based upon the amount and duration of new shadow and the importance of sunlight to each of the open spaces analyzed, neither the Commercial Variant nor Residential Variant would substantially affect, in an adverse manner, the

use or enjoyment of these open spaces. Shadow from the Commercial Variant or Residential Variant on public plazas, and other publicly-accessible spaces other than those protected under Section 295 would be generally be limited to certain days of the year and would be limited in duration and noticeability on those days.

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

The Project Sponsor submitted a First Source Hiring Affidavit for each of the Commercial Variant and Residential Variant and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 11.** Each of the Commercial Variant and Residential Variant is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, either the Commercial Variant or Residential Variant would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 12.** The Commission hereby finds that approval of the Downtown Project Authorization for each of the Commercial Variant and Residential Variant would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2019-017481DNX** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated April 23, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the FMND and contained in the MMRP are included as Conditions of Approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. Any appeal shall be made to the Board of Appeals, unless an associated entitlement is appealed to the Board of Supervisors, in which case the appeal of this Motion shall also be made to the Board of Supervisors (see Charter Section 4.135). For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103, or the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 24, 2021

EXHIBIT A

Authorization

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to implementation of the Project located at 530 Sansome Street, within Assessor's Block 0206, Lots 013, 014 & 017, within the C-3-O (Downtown Office) Zoning District and 200-S Height and Bulk District, in general conformance with plans, dated **April 23, 2021**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-017481DNX** and subject to conditions of approval reviewed and approved by the Commission on June 24, 2021 under Motion No. **XXXXXX**.

In the case of the Project's Commercial Variant, this authorization, pursuant to Planning Code Section 148, 151.1, 263.9, 270 and 309 would allow for the construction of mixed-use building up to approximately 217'7"-feet tall (236' feet inclusive of rooftop mechanical features) with a total gross floor area of approximately 303,100 gross square feet, including a new Fire Station 13 (approximately 20,800 square feet of gross floor area), as well as a below-grade non-accessory parking garage for the San Francisco Fire Department containing 18 spaces (approximately 7,800 square feet of gross floor, as well as various commercial uses, including approximately 140,700 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,500 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, as well as 30 parking spaces and one (1) car share below-grade parking spaces for the non-Fire Department uses. In the case of the Project's Residential Variant, this authorization, pursuant to Planning Code Sections 134, 140, 148, 263.9, 270 and 309, would include a total of approximately 282,600 square feet of gross floor area, including the Fire Department uses, as well as approximately 246,900 square feet of residential uses (256 dwelling units) in a 21-story tower. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls.

This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for either the Project's Commercial Variant or Residential Variant, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 24, 2021** under Motion No. **XXXXXX**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for

either the Project's Commercial Variant and Residential Variant. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. A Site Permit application was filed for the Commercial Variant of the Project prior to the effective date of the 2020 San Francisco Building Code, and accordingly, the Commercial Variant of the Project is grandfathered under the prior San Francisco Building Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 6. Additional Project Authorization.** For each of the Commercial Variant and Residential Variant, the Project Sponsor must also obtain a Conditional Use Authorization, pursuant to Section 303; a Variance pursuant to Section 305; and adoption of shadow findings, pursuant to Section 295, and satisfy all the conditions thereof. For the Commercial Variant, the Project Sponsor must also obtain an Office Allocation, pursuant to Section 312, and satisfy all the conditions thereof. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 7. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 8. Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of a site permit for all development which exceeds the base FAR of 9.0 to 1. The net addition of gross floor area subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

Entertainment Commission – Noise Attenuation Conditions

- 9. Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on May 6, 2021. These conditions state:

- A. Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form (email).
- B. Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.

C. Design Considerations.

- i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
- ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- iii. During the design phase, project sponsor shall consider an outdoor lighting plan at the development site to protect residents as well as patrons of surrounding Places of Entertainment.

D. Construction Impacts. Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.

E. Communication. Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

Design – Compliance at Plan Stage

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330,

www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

14. Open Space Provision - C-3 Districts.

Pursuant to Planning Code Section 138, should the Sponsor pursue implementation of the Commercial Variant, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the improvements to Merchant Street, as noted below. The Project Sponsor shall complete final design of all required open space improvements, submit a Programming and Maintenance Plan and procure relevant City permits for the implementation of the open space improvements, prior to issuance of first architectural addenda. The Sponsor shall complete construction of all required open space improvements required by the Department of Building Inspection for issuance of a first temporary certificate of occupancy. All required open space improvements must be completed prior to the issuance of the final certificate of occupancy.

- A. The project sponsor shall submit improvements to Merchant Street, at minimum shall include the following:
 - i. The Project Sponsor shall repave Merchant Street (north of Merchant Street's southern sidewalk) as a shared street using high-quality pavers. The pavers are to be installed between the proposed curbs in the vehicle lane and meet requirements of Public Works and SFPUC. Special paving in the right-of-way will require a Major Encroachment Permit from Public Works and the exact materials used to implement the shared street improvements remains subject to review and approval by Public Works. Other permits and legislation may be required to authorize the programming of the space. A partial shared street or sidewalk widening shall be investigated at Merchant Street in the area of the project frontage, for benefit of tree planting and permanent bench installation at Merchant Street.
 - ii. The Project Sponsor shall design a minimal barrier such as movable planting boxes on casters or other mechanism that can be rolled so as to create public gathering space.
 - iii. The Project Sponsor shall be responsible for setting up chairs and tables in Merchant Street at minimum between 11 a.m and 3 p.m, seven days per week. The Project Sponsor shall either establish to the satisfaction of the City that the chairs and tables can be moved and stored in the pedestrian sidewalk area of the improved Merchant Street or dedicate storage space in

the subject building for storage of the tables and chairs. Table and chair design is to be easily moveable in case of emergency.

- iv. The project sponsor shall engage with area food service retailers to learn about the potential for extension of food service to this site (which may require additional permits from City Agencies), prepared/to-go foods to be brought to this Site, or some alternative proposal to have food service available at the open space.
 - v. The Project Sponsor shall ensure that the dumpsters for the Commercial Variant are retrieved after trash/recycling/compost service by the Site. The Project Sponsor shall engage with adjacent property owners lining Merchant Street to work towards ensuring that the dumpsters at those properties are retrieved after trash/recycling/compost service. Commercial Variant dumpsters are not to be stored in the Commercial Variant's Merchant Street POPOS area.
- B. The Project Sponsor shall submit a **Programming and Maintenance Plan** subject to review and approval by Planning Department, Department of Public Works and Fire Department. At minimum, the plan shall include:
- i. Hours of operation for plaza, at minimum 11 a.m. to 3 p.m. seven days per week, with anticipation for extension with inclusion of community input and agency input.
 - ii. Details on how vehicles will circulate through the shared street during the above-referenced hours of operation. The plan shall not require that the street be closed to vehicular access without the consent of the fronting property owners along Merchant Street.
 - iii. Programming for plaza, including assigning task for moving tables and chairs and identifying a dedicated area for storage for tables and chairs.
 - iv. Process for ensuring garbage collection at property and surrounding properties.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sf-planning.org

- 15. Open Space Plaques - C-3 Districts.** For the Commercial Variant, pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques within the Merchant Street POPOS space shown on Exhibit B, including the standard City logo identifying it and contact information for building management. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sf-planning.org

- 16. Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before the Planning Department approves the architectural addendum of the Site Permit for either the Project's Commercial Variant or Residential Variant. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage

program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 17. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: on-site PG&E meter and disconnect room. This location has the following design considerations: on basement level one, accessible from Washington Street. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org

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

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

Parking and Traffic

- 21. Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing

compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions. Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 628.652.7340, www.sfplanning.org

- 22. Car Share.** Pursuant to Planning Code Section 166, the Commercial Variant shall contain no fewer than **one (1)** car share space and the Residential Variant shall contain no fewer than **two (2)** car share spaces, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 23. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Commercial Variant shall provide no fewer than **22** Class 1 and **26** Class 2 bicycle parking spaces and shall pay the Code Section 430 Class 2 in-lieu for the **14** additional Class 2 bicycle parking spaces required by Code that cannot reasonably be provided adjacent to the Site. The Residential Variant shall provide no fewer than **143** Class 1 and **21** Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 24. Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the non-SFFD uses in the Commercial Variant shall provide no fewer than **6** showers and **36** clothes lockers and the SFFD uses shall provide no fewer than **2** showers and **12** clothes lockers. For the Residential Variant, the SFFD uses shall provide no fewer than **2** showers and **12** clothes lockers.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 25. Parking Maximum.** Pursuant to Planning Code Section 151.1, the non-SFFD uses in the Commercial Variant shall dedicate no more than **7%** of the Occupied Floor Area of non-SFFD, non-residential uses to accessory parking (not including car share spaces). The Residential Variant shall include no more than **64** parking spaces for the residential uses. In each of the Commercial Variant and Residential Variant, SFFD shall maintain no more than **18** non-accessory parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 26. Off-Street Loading.** Pursuant to Planning Code Section 152.1 and, in the case of the Commercial Variant Section 309, each of the Commercial Variant and Residential Variant will provide **3** off-street loading spaces (1 freight loading space and 2 service vehicle spaces), or another number of off-street loading spaces meeting the requirements of Section 152.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

- 28. Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 29. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415.581.2335, www.onestopSF.org

- 30. Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 31. Employment Brokerage Services - C-3 District.** Pursuant to Planning Code Section 164, the Project Sponsor shall provide employment brokerage services for the actual lifetime of the project. Prior to the issuance of any

certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's local employment program, subject to the approval of the Planning Director.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 32. Child Care Brokerage Services - C-3 District.** Pursuant to Planning Code Section 165, the Project Sponsor shall provide on-site child-care brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's child-care program, subject to the approval of the Planning Director.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 34. Downtown Park Fee - C-3 District.** The Commercial Variant is subject to the Downtown Park Fee, as applicable, pursuant to Planning Code Section 412.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 36. Child-Care Requirements for Office and Hotel Development.** The Commercial Variant is subject to the child-care requirements for office and hotel development projects, pursuant to Planning Code Section 414.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

- 38. Inclusionary Affordable Housing Program.** The following Inclusionary Affordable Housing Requirements

are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

- A. Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is thirty percent (**30%**) because it is a rental project. The Project Sponsor shall pay the applicable Affordable Housing Fee at the prior to the issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at (628.652.7330, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- B. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at:

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

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

For information about compliance, contact the Case Planner, Planning Department at (628.652.7330, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of

occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law, including interest and penalties, if applicable.

39. Art. The Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

40. Art Plaques. Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

41. Art. Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

42. Art. Pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

43. Art - Residential Projects. Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330,

www.sfplanning.org

Monitoring - After Entitlement

44. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

47. Eating and Drinking Uses. As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in [Section 102](#), shall be subject to the following conditions:

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

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org.

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

specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 628.652.3200, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415.553.0123, www.sf-police.org

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

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 628.652.7600, www.sfplanning.org

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

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org

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

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

50. Driveway Loading and Operations Plan (DLOP) Conditions of Approval. The Project Sponsor must prepare and submit a Driveway Operations and Loading Plan (DLOP). The DLOP must be submitted prior to the issuance of the first site or building permit.

- A. *Coordination with For-Hire Vehicle Companies (i.e., Geofencing).* The property owner will submit a request to for-hire vehicle companies that passenger loading zones on Sansome Street (all hours except PM peak) and Merchant Street (during PM peak) are incorporated into for-hire vehicle companies' (including transportation network companies) phone technology application device to guide passengers and drivers for passenger loading activities.
- B. *Off-Street Facilities Attendant.* The property owner will ensure that building management employs an attendant(s) for the project's non-SFFD off-street parking and loading facilities, including management of off-street loading and parking (the "Off-Street Facilities Attendant"). The Off-Street Facilities Attendant shall be responsible for overseeing on-going operations of the off-street parking and loading facilities and addressing any observed conflicts between maneuvering vehicles and public right-of-way users, as well as any parking or loading queueing that results in a public right of way being blocked. The attendant(s) shall record and submit to the property owner any observed or reported conflicts between maneuvering vehicles and public right-of-way uses or instances where parking or loading queueing ("Queueing"), defined as the public right of way being blocked for: 1) a combined 2 minutes for a consecutive 60-minute period from 7 a.m to 9 a.m. or 4 p.m. to 6 p.m. or 2) a combined 15 minutes between the hours of 6 a.m. and 10 p.m. on any given day. The Off-Street Facilities Attendant shall be on-site, at a minimum, from 6 a.m to 10 p.m..
- C. *Signage/Warning/Safety Devices.* To the extent the non-SFFD off-street parking uses are not entirely valet-managed and/or reserved spaces for specific tenants, the property owner will install "Full" signage near the off-street facility entrance. In the event "Full" signage is installed, the Off-Street Facilities Attendant will indicate "Full" if the off-street facility is fully occupied or if the Off-Street Facilities Attendant anticipates it will be occupied by a forthcoming (e.g., in the next 10 minutes) delivery. The property owner will also install signage at and within the off-street facility to alert drivers or other public right-of-way users of potential conflict areas (e.g., caution sign that alert vehicle drivers of people walking or bicycling that may be behind the vehicle or in the vehicle drivers' blind spots during driveway access or egress), speed limits and any circulation/access restrictions (e.g., vertical clearance and size limits or restrictions on ingress or egress movements).

The property owner will also install audible visual warning devices at locations where the off-street facility interfaces with public right-of-way to alert other public right-of-way users of vehicles entering or exiting the off-street facility. The audio device will issue alerts above the surrounding noise levels by approximately 5 decibels.

- D. *Loading Coordination System.* The Off-Street Facilities Attendant will implement a loading coordination system for scheduling project loading delivery vehicles so that they may identify and direct these vehicles to convenient on-site or, if necessary, on-street (within 250 feet of the site) loading spaces that are available at the time of a vehicle's arrival.
- E. *Limitations on Peak-Hour Deliveries.* The property owner shall implement written protocols applicable to all building tenants ensuring that building tenants do not voluntarily schedule commercial loading

activities during A.M. (7-9 A.M.) and P.M. (4-6 P.M.) peak periods, where such commercial loading can reasonably occur during off-peak periods.

- F.** *Large Truck Access Protocol.* To address instances where a delivery vehicle is too large to access the project's off-street facilities (a "Large Truck"), the property owner will establish a protocol applicable to building tenants for advising Large Truck drivers on potential locations of convenient on-street loading spaces (prioritizing locations within 250 feet of the site) that could accommodate the Large Truck and, as feasible, procedures to reserve these spaces from the San Francisco Municipal Transportation Agency (SFMTA). The protocol shall also prohibit Large Truck activities during A.M. (7-9 A.M.) and P.M. (4-6 P.M.) peak periods, to the extent such Large Truck activities can reasonably occur during off-peak periods.
- G.** *Unassisted Delivery Systems.* The property owner shall explore opportunities for unassisted delivery systems such as electronic fob, parcel lockers, delivery boxes, or common carrier locker systems. These systems allow someone to deliver goods during all hours without the need for human intervention at the receiving end such as the business or residence. Examples include the property owner:
- providing a key or electronic fob to loading vehicle operators, which enables the loading vehicle operator to deposit the goods in secured area within the building; and
 - installing lockers in locations that users of the building can share and use (e.g., delivery supportive amenities required by a TDM plan).
- H.** *Operations Queue Management.* Should the property owner receive a report of Queueing, the Property Owner shall consider implementing proactive abatement methods such as: redesign of off-street facilities; expanding the driveway throat; use of shared off-street facilities with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; TDM strategies such as those in the Planning Commission Standards for the TDM Program pursuant to Planning Code section 169; or other opportunities to further improve other Driveway Loading and Operation measures described above. Potential abatement methods will not include additional off-street parking spaces.

51. Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

DRAFT MOTION:
CONDITIONAL USE AUTHORIZATION
EXHIBIT A: CONDITIONS OF APPROVAL



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481CUA
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Approval with Conditions

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 210.2 AND 303 TO PERMIT A HOTEL USE AND NON-ACCESSORY PARKING GARAGE FOR THE SAN FRANCISCO FIRE DEPARTMENT AS PART OF A PROJECT THAT INCLUDES DEMOLITION OF TWO EXISTING BUILDINGS CONTAINING NON-RESIDENTIAL USES AND A BUILDING CONTAINING SAN FRANCISCO FIRE STATION 13 AND THE CONSTRUCTION OF A NEW 19-STORY BUILDING REACHING A ROOF HEIGHT OF UP TO 217' 7" (APPROXIMATELY 236' TALL INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A MAXIMUM TOTAL GROSS FLOOR AREA OF APPROXIMATELY 248,477 SQUARE FEET, LOCATED AT 530

SANSOME STREET, LOTS 013, 014, & 017 OF ASSESSOR'S BLOCK 0206, WITHIN THE C-3-O (DOWNTOWN OFFICE) ZONING DISTRICT AND 200-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On or after December 26, 2019, Jim Abrams of J. Abrams Law, P.C. (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Department") on behalf of EQX Jackson SW Holdco LLC and the City and County of San Francisco Division of Real Estate in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; Variance; and Transportation Demand Management.

The City and County of San Francisco, acting through the Department fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The Department determined that a mitigated negative declaration (hereinafter "MND") was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. The Department received three comments, one of which requested information on shadow effects to a private residential patio.

On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter "PMND") and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300- foot radius of the site on April 28, 2021. Notices of availability of the PMND were posted near the Site on April 28, 2021. The 20-day public review period for comments and appeal of the PMND ended at 5:00 p.m. on May 18, 2021.

During the 20-day public review period, the Department received one question regarding confirmation of proposed building height. Additionally, the Department received one written comment letter on May 20, 2021.

On May 18, 2021, an appeal of the PMND was filed with the Department.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2019-017481ENV.

On June 24, 2021, the Commission upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter "FMND") as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter "CEQA"), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The Commission found the FMND, including the Mitigation Monitoring and Reporting Program (MMRP) contained therein (which MMRP applies without distinction to both the Commercial Variant and Residential Variant of the Project as hereinafter defined) was adequate, accurate and objective, reflected the independent analysis and

judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on raising the absolute cumulative limit (ACL) for shadows on Maritime Plaza and establishing an ACL for Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation & Park Department that would be shadowed by the Project.

At the same hearing on June 24, 2021, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by either the Commercial Variant or Residential Variant of the Project (as hereinafter defined) on two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to the use of those properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with the MMRP Variant (Recreation and Park Commission Resolution No. XXXX-XXX).

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2019-017481CUA, at 49 South Van Ness, Suite 1400, San Francisco, California.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization application No. 2019-017481CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-017481CUA for each of the Commercial Variant and Residential Variant, subject to the conditions contained in "EXHIBIT A" of this motion, and to the Mitigation, Monitoring and Reporting Program contained in "EXHIBIT C", and incorporated by reference, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The proposed project (“Project”) includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236’ inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below (“Commercial Variant”) and one that would construct residential uses further described below (“Residential Variant”). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade non-accessory parking garage for the SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 248,000 square feet of gross floor area, including the SFFD uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,000 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non- SFFD uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the SFFD uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD’s ability to promptly respond to emergency calls.
- 3. Site Description and Present Use.** The project site (“Site”) is property at 530 Sansome Street, 425 Washington Street and 439 Washington Street, located on the block bounded by Sansome Street, Washington Street, Battery Street and Merchant; Lots 013, 014 & 027 in Assessor’s Block 0206. The Site is located within the C-3-O Zoning District and the 200-S Height and Bulk District. The Site is developed with two vacant commercial buildings and SFFD 13. The existing vacant commercial buildings on the Site are not considered historical resources pursuant to CEQA; however, Station 13 and an untitled sculpture (*Untitled*) on Station 13’s Washington Street façade are considered contributors to an eligible Embarcadero Center Historic District.

4. **Surrounding Properties and Neighborhood.** The Site is located within the northern edge of the Financial District's C-3-O Downtown Office zoning district and is near or adjacent to Jackson Square, Chinatown and North Beach. The area is characterized as an urban, mixed-use area. Office use is prevalent in the Financial District, with government and public uses, residential uses, hotel uses and other commercial uses interspersed in the area. On the north side of Washington Street across from the Site, is a C-2 Community Business zoning district that comprises a diverse mix of residential, commercial, and institutional uses, including a federal government building complex located immediately across Washington Street from the Site. To the northeast of the project site, north of Washington Street and east of Battery Street, is a RC-4 Residential-Commercial, High Density zoning district. To the northwest and west are the CCB Chinatown-Community Business and CRNC Chinatown Residential Neighborhood Commercial districts.
5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received one (1) letter of support from the Downtown Community Benefit District (DCBD).
6. **Planning Code Compliance.** The Planning Code compliance as set forth in Downtown Project Authorization Motion No. XXXXX for Case No. 2019-017481DNX apply to this Conditional Use Authorization Motion, and are incorporated as though fully set forth herein.
7. **Planning Code Section 303(c).** The Planning Code establishes criteria for the Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The Proposed use or feature, at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

Each of the Commercial Variant and Residential Variant is consistent with and helps to realize the vision set forth in the Downtown Area Plan.

The Commercial Variant will provide a vibrant mixed-use development that includes a new state-of-the-art fire station (SFFD Station 13) for the city and commercial tower including a new hotel, gym and restaurant. The Site is located in the Financial District, within blocks of multiple modes of local and regional transit services. The proposed hotel will supply hotel space in a location known to generate significant commercial and tourist demand for hotel rooms. The 200 rooms will serve the needs of the city in an ideal location for both tourist and business travel and will address the city's needs for economic growth and public service, representing a desirable addition to the Financial District.

A market study conducted by Newmark Knight Frank concluded that the Site's location in the Financial District and the overall strength of the San Francisco lodging market positions the proposed hotel use to have a stabilized value exceeding development costs, even despite current uncertainties surrounding the COVID-19 pandemic.

The non-accessory garage for the San Francisco Fire Department included in each of the Commercial Variant and Residential Variant will create a net reduction in three San Francisco Fire Department

parking spaces at the Site while supporting the San Francisco Fire Department's critical safety operations in one of the most high-density areas of the city.

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

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

Each of the Commercial Variant and Residential Variant would represent a desirable redevelopment of three low-rise non-residential structures in the Financial District to accommodate a state-of-the-art fire station for the city and mixed-use tower realizing development contemplated by the Site's zoning. Accordingly, the size, shape, and development potential on the Site are all consistent with the long-term vision for this particular location.

The tower for both the Commercial Variant and Residential Variant is designed to create appropriate spacing between both existing towers in close proximity, as well as potential new mid- and high-rise structures that could conceivably be built on nearby sites in the area. The new state-of-the-art fire station (SFFD Station 13), including the orientation of engine bays on to Washington Street and lane reconfigurations to Washington Street are designed to improve emergency fire service to the surrounding area.

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

The Site is located in the transit-rich Financial District. The location of the parking entrance for both the accessory parking of the non-Fire Department uses, as well as the non-accessory parking garage for the Fire Department is on Merchant Street, which will be improved with shared street streetscape improvements designed to calm vehicle traffic and improve the pedestrian experience in the area. The reconfiguration of SFFD Station 13's engine bays and lane reconfigurations to Washington Street are design to enhance the Fire Department's efficiency in responding to emergencies, while also minimizing the potential for safety conflicts between Fire Department engines and nearby vehicles, cyclists and pedestrians.

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

Neither the Commercial Variant, nor Residential Variant proposes any uses or materials that would present unusual, emissions, noise, glare, dust or odor. The Project Sponsor will work closely with the Planning Department to minimize the potential for any such negative effects.

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

Both the Commercial Variant and Residential Variant are designed to be aesthetically pleasing and provide desirable improvements to Merchant Street. The Commercial Variant includes shared-street improvements to Merchant Street, which would be regulated as privately-owned public open space (POPOS). The conceptual programming for the POPOS includes widened pedestrian zones on the north side of Merchant Street, seating areas and potential temporary closures to through traffic during lunchtime hours, when demand for the POPOS is anticipated to be highest. The Residential Variant would include shared-street improvements to Merchant Street (that would not be subject to regulation as POPOS), as well as Code-compliant open space for building residents.

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

The Project complies with the various provisions of the San Francisco Planning Code and is consistent with, and will not adversely affect the General Plan. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in the Downtown Project Authorization, Motion No. XXXXX

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

The City's Downtown Plan promotes the sensible development of commercial and residential uses, such as those proposed under either the Commercial Variant or Residential Variant.

- 8. **Planning Code Section 303(g).** The Planning Code establishes criteria for the Planning Commission to consider with respect to applications for the development of tourist hotels and motels. In addition to criteria set forth in Section 303(c), the Planning Commission shall also consider:

- A. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall consider the seasonal and part-time nature of employment in the hotel or motel;

The new 200-room hotel included in the Commercial Variant is not anticipated to have an adverse effect on housing. Due to the Site's proximity to a variety of local transit services, many hotel employees are anticipated to be current City residents and residents of nearby communities. The Sponsor's contribution to the Jobs-Housing Linkage Program will help fund the construction of affordable housing in the City.

Access to a variety of local public transit services, as well as the distribution of hotel employees between different daily shifts will reduce the Commercial Variant's impact on public transit. The Sponsor's contribution to the City's Transportation Sustainability Fund, as well as the Sponsor's ongoing participation in a Transportation Demand Management Plan will augment the funding of many planned downtown transit improvements and facilitate use by the Site's employees of the available modes of transportation to and from the Site.

The Project's participation in the childcare program, pursuant to Section 414 of the Planning Code, will enhance the availability of affordable childcare services in the city.

The Commercial Variant's proposed hotel use is not anticipated to have an appreciable impact on other social services and could provide new employment for currently unemployed service sector workers. The Project Sponsor will participate in the City's First Source Hiring Program, providing additional job opportunities to San Francisco residents and thereby lessening the need for some social services.

The Site's location in downtown San Francisco will ensure business visitors and leisure travelers throughout the year, resulting in a steady number of employees that is unlikely to vary significantly on a seasonal basis. The Commercial Variant's proposed hotel only has small-scale in-house banqueting and meeting spaces that can be serviced primarily with in-house staff and is unlikely to require the hiring of significant part-time or temporary labor.

- B.** The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation; and

The Project Sponsor will participate in the City's First Source Hiring Program, which aims to increase employment of San Francisco residents. The Project will benefit from steady occupancy due to its proximity to the City's major lodging demand generators, including the Financial District, cultural institutions, and tourism destinations. There are also high concentrations of large office tenants in the immediate vicinity of the Project, which also drives hotel occupancy. A steady occupancy will induce the hotel operator to hire permanent positions rather than those that are seasonal. The stable, full-time nature of employment will lead to the hiring of more local employees.

- C.** The market demand for a hotel or motel of the type proposed.

An April 2021 market analysis conducted by a qualified consultant ("Newmark Knight Frank") for the Project shows that the San Francisco lodging market and this location can support demand anticipated to rebound in the wake of the COVID-19 pandemic. The analysis notes the Site's access to the city's primary commercial and leisure hotel demand generators and ancillary amenities. Prior to the commencement of the COVID-19 pandemic, the San Francisco hotel market benefited from an extremely diverse customer base creating a good balance of year-round bookings. Though the pandemic has created uncertainty in the hotel market, the analysis includes data reflecting a recovery is underway, with reason to believe that substantial recovery will occur by 2023, which is the very earliest year in which construction of the Commercial Variant could possibly be completed, meaning the proposed hotel is not likely to open until market instability created by the pandemic has settled. Despite uncertainties presented by the pandemic, the city remains a desirable destination for business and leisure travel and conventions, supporting that there is market demand for the hotel proposed.

- 9. Planning Code Section 303(t).** The Planning Code establishes criteria for the Planning Commission to consider with respect to applications for the development of non-accessory parking uses. In addition to criteria set forth in Section 303(c), the Planning Commission shall also consider:

- A.** Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit

service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

The San Francisco Fire Department carefully considered its parking needs at the Site when setting forth the requirement that any redevelopment of Station 13 included 18 spaces to be available for San Francisco Fire Department uses (a reduction of three spaces from what currently exists at Station 13). This amount represents more than what could otherwise be permitted as accessory parking in the C-3 zoning district (7% of Occupied Floor area). In addition, the spaces are anticipated to be used around the clock to accommodate not only parking for on-call fire fighters based out of Station 13, but also parking for San Francisco Fire Department officials visiting the Financial District for various business purposes making the nature of the Fire Department's use of the spaces not wholly accessory to the uses on Site. The emergency response nature of the operations at Station 13 requires that SFFD personnel traveling to and from the site be dependable. Many shift changes for fire fighters at Station 13 occur during hours (including mid-night hours) when transit service, carpools, bicycling and walking are less feasible transportation alternatives. On-street parking is generally not an option for fire fighters working at Station 13 given fire fighter's inability to ensure their vehicles are parked and moved as required by metering and other on-street space regulations.

- B.** Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code;

The nature of the San Francisco Fire Department's operations is such that parking demand for the 18 spaces in the non-accessory garage cannot be satisfied by the provision of additional car-share parking spaces.

- C.** The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services, walking, and cycling;

The non-accessory parking garage will not be detrimental to the surrounding area, particularly given that the Project will result in a net decrease of three spaces dedicated to San Francisco Fire Department use. The FMND supports that the non-accessory parking garage will not unreasonably contribute to traffic congestion, or disrupt or conflict with transit services, walking and cycling.

- D.** In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

The non-accessory parking spaces will be available to fire fighters parking during their on-call shifts at Station 13, as well as SFFD personnel who use the spaces on a short-term basis when visiting the Financial District for various business purposes.

- E.** Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

Given the nature of the San Francisco Fire Department's 24-hour per day operations, allowing public access to the Project's non-accessory parking spaces would not be appropriate.

- 10. General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the Downtown Area Plan and the General Plan for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 11. Planning Code Compliance 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
- 12.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 13.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2019-017481CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated April 23, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the FMND and contained in the MMRP are included as Conditions of Approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

Draft Motion
June 24, 2021

RECORD NO. 2019-017481CUA
530 Sansome Street

ADOPTED: June 24, 2021

EXHIBIT A

Authorization

This authorization is for a **Conditional Use Authorization** to permit a hotel use and a non-accessory private parking garage use for the San Francisco Fire Department pursuant to Planning Code Sections 210.2 and 303, as part of the Commercial Variant (which includes the hotel and non-accessory parking garage) and Residential Variant (which includes the non-accessory parking garage, not the hotel) of the Project located at 530 Sansome Street, within Assessor's Block 0206, Lots 013, 014 & 027, within the C-3-O (Downtown Office) Zoning District and 200-S Height and Bulk District, in general conformance with plans, dated **April 23, 2021**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-017481DNX** and subject to conditions of approval reviewed and approved by the Commission on **June 24, 2021** under Motion No. **XXXXXX**.

In the case of the Project's Commercial Variant, this authorization, pursuant to Planning Code Section 148, 151.1, 263.9, 270 and 309 would allow for the construction of mixed-use building up to approximately 217'7"-feet tall (236' feet inclusive of rooftop mechanical features) with a total gross floor area of approximately 303,100 gross square feet, including a new Fire Station 13 (approximately 20,800 square feet of gross floor area), as well as a below-grade non-accessory parking garage for the San Francisco Fire Department containing 18 spaces (approximately 7,800 square feet of gross floor, as well as various commercial uses, including approximately 140,700 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,500 square feet of gym uses and approximately 3,800 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, as well as 30 parking spaces and one (1) car share below-grade parking spaces for the non-Fire Department uses. In the case of the Project's Residential Variant, this authorization, pursuant to Planning Code Sections 134, 140, 148, 263.9, 270 and 309, would include a total of approximately 282,600 square feet of gross floor area, including the Fire Department uses, as well as approximately 246,900 square feet of residential uses (256 dwelling units) in a 21-story tower. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD's ability to promptly respond to emergency calls.

This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Compliance with Other Requirements

The Planning Code Compliance Findings set forth in Motion No. **XXXXX**, Case No. 2019-017481DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit C to Planning Commission Motion No. **XXXXX**, Case No. 2019-017481DNX apply to this Motion, and are incorporated herein as though fully set forth.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for either the Project's Commercial Variant or Residential Variant, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 24, 2021** under Motion No. XXXXXX.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for either the Project's Commercial Variant and Residential Variant. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. A Site Permit application was filed for the Commercial Variant of the Project prior to the effective date of the 2020 San Francisco Building Code, and accordingly, the Commercial Variant of the Project is grandfathered under the prior San Francisco Building Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 6. Additional Project Authorization.** For each of the Commercial Variant and Residential, the Project Sponsor must also obtain a Downtown Project Authorization, pursuant to Section 309; a Variance pursuant to Section 305; and adoption of shadow findings, pursuant to Section 295, and satisfy all the conditions thereof. For the Commercial Variant, the Project Sponsor must also obtain an Office Allocation, pursuant to Section 312, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 7. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C for Case No. 2019-017481DNX (Downtown Project Authorization) are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 8. Transferable Development Rights.** Pursuant to Section 128, the Project Sponsor shall purchase the required number of units of Transferrable Development Rights (TDR) and secure a Notice of Use of TDR prior to the issuance of a site permit for all development which exceeds the base FAR of 9.0 to 1. The net addition of gross floor area subject to this requirement shall be determined based on drawings submitted with the Building Permit Application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7330, www.sfplanning.org

DRAFT MOTION:
OFFICE DEVELOPMENT ALLOCATION
EXHIBIT A: CONDITIONS OF APPROVAL



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481OFA
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATED TO THE ALLOCATION OF OFFICE SQUARE FOOTAGE UNDER THE 2020-2021 ANNUAL OFFICE DEVELOPMENT LIMITATION PROGRAM PURSUANT TO PLANNING CODE SECTIONS 320 THROUGH 325 THAT WOULD AUTHORIZE UP TO 40,500 GROSS SQUARE FEET OF GENERAL OFFICE USE AS PART OF THE COMMERCIAL VARIANT OF A PROJECT THAT INCLUDES THE NEW CONSTRUCTION OF A 19-STORY MIXED-USE BUILDING REACHING A ROOF HEIGHT OF UP TO 218 FEET TALL (236' INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A TOTAL GROSS FLOOR AREA OF APPROXIMATELY 248,500 SQUARE

FEET, LOCATED AT 530 SANSOME STREET, LOTS 013, 014, & 017 OF ASSESSOR'S BLOCK 0206, WITHIN THE C-3-O (DOWNTOWN OFFICE) ZONING DISTRICT AND 200-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On or after December 26, 2019, Jim Abrams of J. Abrams Law, P.C. (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Department") on behalf of EQX Jackson SW Holdco LLC and the City and County of San Francisco Division of Real Estate in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; Variance; and Transportation Demand Management.

The City and County of San Francisco, acting through the Department fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The Department determined that a mitigated negative declaration (hereinafter "MND") was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. The Department received three comments, one of which requested information on shadow effects to a private residential patio.

On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter "PMND") and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment; this notice was mailed to the Department's list of persons requesting such notice, and to property owners and occupants within a 300- foot radius of the site on April 28, 2021. Notices of availability of the PMND were posted near the Site on April 28, 2021. The 20-day public review period for comments and appeal of the PMND ended at 5:00 p.m. on May 18, 2021.

During the 20-day public review period, the Department received one question regarding confirmation of proposed building height. Additionally, the Department received one written comment letter on May 20, 2021.

On May 18, 2021, an appeal of the PMND was filed with the Department.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2019-017481ENV.

On June 24, 2021, the Commission upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter "FMND") as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter "CEQA"), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The Commission found the FMND, including the Mitigation Monitoring and Reporting Program (MMRP) contained therein (which MMRP applies without distinction to both the Commercial Variant and Residential Variant of the Project as hereinafter defined) was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing on raising the absolute cumulative limit (ACL) for shadows on Maritime Plaza and establishing an ACL for Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation & Park Department that would be shadowed by the Project.

At the same hearing on June 24, 2021, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by either the Commercial Variant or Residential Variant of the Project (as hereinafter defined) on two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to the use of those properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with the MMRP Variant (Recreation and Park Commission Resolution No. XXXX-XXX).

The Planning Department Commission Secretary is the custodian of records; all pertinent documents are located in the File for Case No. 2019-017481OFA, at 49 South Van Ness, Suite 1400, San Francisco, California.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Office Allocation application No. 2019-017481OFA.

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

MOVED, that the Commission hereby authorizes the Office Allocation as requested in Application No. 2019-017481OFA, subject to the conditions contained in "EXHIBIT A" of this motion, and to the Mitigation, Monitoring and Reporting Program contained in "EXHIBIT C", and incorporated by reference, based on the following findings:

FINDINGS

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The proposed project (“Project”) includes the demolition of three existing buildings, including San Francisco Fire Department (SFFD) Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236’ inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below (“Commercial Variant”) and one that would construct residential uses further described below (“Residential Variant”). Both the Commercial Variant and Residential Variant would include construction of a state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade non-accessory parking garage for the SFFD containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 248,000 square feet of gross floor area, including the SFFD uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,000 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non- SFFD uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the SFFD uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Residential Variant would contain a mix 191 studio and one-bedroom units, 38 two-bedroom units, and 27 three-bedroom units. For both the Commercial Variant and Residential Variant, SFFD proposes changes to the lane configuration and traffic light facilities on Washington Street, such that SFFD engines would be able to safely make westbound and eastbound turns out to Washington Street to enhance SFFD’s ability to promptly respond to emergency calls. Only the Commercial Variant of the Project requires this Office Allocation Motion approval, therefore references to Project are used interchangeably with Commercial Variant hereinafter.
- 3. Site Description and Present Use.** The project site (“Site”) is property at 530 Sansome Street, 425 Washington Street and 439 Washington Street, located on the block bounded by Sansome Street, Washington Street, Battery Street and Merchant; Lots 013, 014 & 027 in Assessor’s Block 0206. The Site is located within the C-3-O Zoning District and the 200-S Height and Bulk District. The Site is developed with two vacant commercial buildings and SFFD 13. The existing vacant commercial buildings on the Site are not considered historical resources pursuant to CEQA; however, Station 13 and an untitled sculpture (*Untitled*) on Station 13’s Washington Street façade are considered contributors to an eligible

Embarcadero Center Historic District.

4. **Surrounding Properties and Neighborhood.** The Site is located within the northern edge of the Financial District's C-3-O Downtown Office zoning district and is near or adjacent to Jackson Square, Chinatown and North Beach. The area is characterized as an urban, mixed-use area. Office use is prevalent in the Financial District, with government and public uses, residential uses, hotel uses and other commercial uses interspersed in the area. On the north side of Washington Street across from the Site, is a C-2 Community Business zoning district that comprises a diverse mix of residential, commercial, and institutional uses, including a federal government building complex located immediately across Washington Street from the Site. To the northeast of the project site, north of Washington Street and east of Battery Street, is a RC-4 Residential-Commercial, High Density zoning district. To the northwest and west are the CCB Chinatown-Community Business and CRNC Chinatown Residential Neighborhood Commercial districts.
5. **Public Outreach and Comments.** The Project Sponsor has conducted community outreach to stakeholders that includes local organizations and community groups. To date, the Department has received one (1) letter of support from the Downtown Community Benefit District (DCBD).
6. **Planning Code Compliance.** The Planning Code compliance as set forth in Downtown Project Authorization Motion No. XXXXX for Case No. 2019-017481DNX apply to this Office Allocation Motion, and are incorporated as though fully set forth herein.
7. **Office Development Authorization (Section 321).** The Planning Code establishes standards for San Francisco's Office Development Annual Limit. In determining which office developments best promote the public welfare, convenience and necessity, the Commission shall consider:
 - A. Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services, on the other.

As of December 10, 2020, there exists 728,338 gross square feet (gsf) of office development allocations available for "Small Allocation Projects" (projects with less than 50,000 gsf) under the Office Allocation Program (Section 321). That amount does not reflect the 683,923 gsf that has been "pre-allocated" for "pending projects" for which the Planning Department has a current Office Allocation Application on-file. The Project is included within the pending projects group, except that it requests 500 additional gsf over the 40,000 gsf requested in its initial December 26, 2019 application, for a total of up to 40,500 gross square feet, or, approximately 6 percent of the pending projects group. If the Project is approved, 43,915 gross square feet of space will remain in pending projects group for Small Allocation Projects.

The Project will support balancing economic growth with housing, transportation and public services through its location, its inclusion of a mix of new-construction institutional (fire station) and commercial (hotel, gym and restaurant) uses and office use (a net increase of approximately 40,500 gross square feet), and a range of public and private amenities that support workers' needs.

The Project is positioned at a transit-rich location in the Financial District, that also is well connected to existing and planned bicycle route infrastructure and within walking distance of adjacent, high-density residential uses north and west of the Financial District. New office at this location is well positioned to benefit from this existing infrastructure. In addition to a modest expansion of existing office uses, the Project will make the required Jobs-Housing Linkage Fee for new hotel, gym, office and restaurant uses, thereby supporting the jobs-housing balance in the city.

The Project will also include a range of public and private amenities, including shared street improvements to Merchant street subject to regulation as publicly-accessible open space (POPOS), thereby improving the pedestrian experience in the Financial District. This open space will augment and complement existing public open spaces in the neighborhood, ensuring that public amenities are not overburdened by new office workers.

In summary, the Project provides a thoughtful and balanced response to the city's needs for economic growth and housing, transportation, and public services.

- B.** The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location;
- i. **Use.** The proposed office development is an expansion of an existing office use at this location. The Site is zoned C-3-O (Downtown Office), reflecting that office is a contemplated feature use in the district.*
 - ii. **Transit Accessibility.** The Project is located in a particularly transit-rich part of the city and would therefore promote rather than impede the use of MUNI transit service. Future employees of the Project are within convenient walking distance existing MUNI rail and bus services, as well as BART and other regional transit services along Market Street. This proximity to public transit affords the Project the optimal location to produce sustainable, desirable office space to meet the city's long-term needs. Therefore, the Site is an appropriate location for an expansion of office uses.*
 - iii. **Open Space Accessibility.** The Project will implement shared-street improvements to an approximately 6,475 square foot area of Merchant Street, which will be subject to on-going regulation as POPOS. The conceptual shared street POPOS plan includes hardscaping, planting and furnishing improvements, designed to prioritize pedestrians and bicyclists and slow vehicular speeds, as well as potential weekday lunchtime programming that could include temporary through-traffic street closure that would maximize opportunities for social use of Merchant Street at the time most likely to attract users.*
 - iv. **Urban Design.** The Project will provide an important contribution to San Francisco's urban form. The design of the Project's tower includes an elegant form achieved in significant part by consistent massing from the lower level to the upper tower, accentuated by a geometric system of metal horizontal fins and vertical pipes framing the recessed glass line of the tower, which achieve a slandering effect on the appearance of the tower. The Project also provides a visually attractive new state-of-the-art fire station and shared-street POPOS improvements on Merchant Street at ground level, resulting in an overall desirable building and program.*

- v. **Seismic Safety.** *The Project would be designed in conformance with current seismic and life safety codes as mandated by the Department of Building Inspection.*
- C. Whether the proposed project includes development of New Affordable Housing Units such that all of the following criteria are satisfied:
- i. The New Affordable Housing units are on-site or located within a Community of Concern as designated by the Board of Supervisors;
 - ii. The New Affordable Housing Units will be developed pursuant to a requirement included in a development agreement authorized by Government Code Section 65865 or any successor section for the proposed office development;
 - iii. The number of New Affordable Housing Units is no less than 100% of the New Affordable Housing Units required to house the future employees of the proposed project's office development in accordance with the City's Affordable Housing Demand Ratio.

The Commercial Variant does not include residential uses. The Project is subject to the terms of a Conditional Property Exchange Agreement (CPEA), executed on July 30, 2020. Because the CPEA envisions development of the Site through two distinct land use programs (either the Commercial Variant or the Residential Variant), the applicable development impact fees (e.g. Inclusionary Affordable Housing Fee under Section 415, or Jobs-Housing Linkage Fee under Section 413) would vary depending on which Variant is eventually pursued by the Project Sponsor. In further consideration of the City's agreement to the CPEA, the CPEA requires an additional payment from the Project Sponsor to the City to fund affordable housing development (the exact amount calculated pursuant to Section 5.2 of the CPEA).

- D. The extent to which the project incorporates community improvements that exceed the requirements of zoning and city ordinances applicable to the project. "community improvement(s)" include construction, financing, land dedication, or land exchanges for the creation of any of the following facilities: community-serving facilities, including without limitation, childcare facilities, tot lots, community gardens, parks, indoor and outdoor neighborhood-oriented plazas and open space, neighborhood recreation centers, dog parks, public safety facilities, affordable space for community-serving retail services and food markets, and affordable space for community arts and cultural activities.

The Commercial Variant includes community-serving uses in the form of a new, state-of-the-art fire station (SFFD Station 13), a public safety facility, and streetscape improvements to Merchant Street.

8. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the Downtown Area Plan and the General Plan for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.

9. **Planning Code Compliance 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. XXXXX, which are incorporated by reference as though fully set forth herein.
10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Office Development Allocation would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Office Development Application No. 2019-017481OFA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated April 23, 2021, and attached as Exhibit B to Planning Commission Motion No. **XXXXX**, Case No. 2019-017481DNX.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required improvement and mitigation measures identified in the FMND and contained in the MMRP are included as Conditions of Approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Office Development Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 24, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 24, 2021

EXHIBIT A

Authorization

This authorization is for an **Office Development Allocation** authorizing up to 40,500 gross square feet of general office space under the 2020-2021 Annual Office Development Limitation Program, pursuant to Planning Code Sections 320 through 325 in connection with the Commercial Variant of the Project located at 530 Sansome Street, within Assessor's Block 0206, Lots 013, 014 & 017 that would allow for the construction of mixed-use building up to 218'-feet tall (236' feet inclusive of rooftop mechanical features) with a total gross floor area of approximately 303,100 gross square feet, including a new Fire Station 13 (approximately 20,800 square feet of gross floor area), as well as a below-grade non-accessory parking garage for the San Francisco Fire Department containing 18 spaces (approximately 7,800 square feet of gross floor area, as well as various commercial uses, including approximately 140,700 square feet of hotel uses (200 rooms), approximately 37,100 square feet of office uses, approximately 32,500 square feet of gym uses and approximately 7,900 square feet of restaurant uses within the C-3-O (Downtown Office) Zoning District and 200-S Height and Bulk District, in general conformance with plans, dated **April 23, 2021**, attached as Exhibit B to Planning Commission Motion No. **XXXXX**, Case No. 2019-017481DNX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Compliance with Other Requirements

The Planning Code Compliance Findings set forth in Motion No. **XXXXX**, Case No. 2019-017481DNX (Downtown Project Authorization, pursuant to Planning Code Section 309) and the Mitigation, Monitoring, and Reporting Program adopted as Exhibit C to Planning Commission Motion No. **XXXXX**, Case No. 2019-017481DNX apply to this Motion, and are incorporated herein as though fully set forth.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project's Commercial Variant, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 24, 2021** under Motion No. **XXXXXX**.

Printing of Conditions of Approval on Plans

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

Severability

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

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Development Timeline - Office.** Pursuant to Planning Code Section 321(d) (2), construction of the office development project shall commence within 18 months of the effective date of this Motion. Failure to begin work within that period or to carry out the development diligently thereafter to completion, shall be grounds to revoke approval of the office development under this office development authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Additional Project Authorization.** For the Commercial Variant, the Project Sponsor must also obtain a Downtown Project Authorization, pursuant to Section 309; Conditional Use Authorization, pursuant to Section 303; a Variance pursuant to Section 305; and adoption of shadow findings, pursuant to Section 295, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

**DRAFT RESOLUTION:
SHADOW FINDINGS
(ADJUSTMENTS TO ABSOLUTE CUMULATIVE LIMITS)**



PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481SHD
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Adoption of Resolution

JOINT RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON MARITIME PLAZA AND SET AN ABSOLUTE CUMULATIVE SHADOW LIMIT ON SUE BIERMAN PARK, TWO (2) PROPERTIES UNDER THE JURISDICTION OF THE RECREATION AND PARK DEPARTMENT, IN ORDER TO ALLOW A PROPOSED PROJECT THAT INCLUDES DEMOLITION OF TWO EXISTING COMMERCIAL STRUCTURES AND SAN FRANCISCO FIRE DEPARTMENT STATION 13 AND CONSTRUCTION OF A NEW MIXED-USE BUILDING REACHING A MAXIMUM ROOF HEIGHT OF UP TO 218 FEET TALL (236' INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL

EQUIPMENT) WITH A MAXIMUM TOTAL GROSS FLOOR AREA OF APPROXIMATELY 246,150 SQUARE FEET, LOCATED AT 530 SANSOME STREET, LOTS 013, 014, & 017 OF ASSESSOR'S BLOCK 0206, WITHIN THE C-3-O (DOWNTOWN OFFICE) ZONING DISTRICT AND 200-S HEIGHT AND BULK DISTRICT WOULD NOT BE ADVERSE TO THEIR USE.

PREAMBLE

The people of the City and County of San Francisco, in June 1984, adopted an initiative ordinance, commonly known as Proposition K, codified as Section 295 of the Planning Code.

Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure that will cast shadow on property under the jurisdiction of the Recreation and Park Department ("RPD"), unless it is determined that the shadow would not be significant or adverse. The Planning Commission and the Recreation and Park Commission must adopt criteria for the implementation of that ordinance.

Section 295 is implemented by analyzing park properties that could be shadowed by new construction, including the current patterns of use of such properties, how such properties might be used in the future, and assessing the amount of shadowing, its duration, times of day, and times of year of occurrence. The Commissions may also consider the overriding social or public benefits of a project casting shadow.

In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum ("1989 Memorandum") which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department. On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing Absolute Cumulative Limits (ACLs) for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Per the 1989 Memorandum, the quantitative standard that was established for Maritime Plaza was zero (0) percent of net new shadow. Sue Bierman Park was not named in the 1989 Memorandum as the Park did not exist in its current form, size, and configuration when the ACLs were first adopted in 1989. At that time, an ACL of zero percent was adopted for "Embarcadero Plaza I (North)," a park east of Drumm Street which has since been subsumed within the larger Sue Bierman Park.

On or after December 26, 2019, Jim Abrams of J. Abrams Law, P.C. (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Department") on behalf of EQX Jackson SW Holdco LLC and the City and County of San Francisco Division of Real Estate in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; Variance; and Transportation Demand Management. The Project site (hereinafter "Site") is property at 530 Sansome Street, 425 Washington Street and 439 Washington Street, located on the block bounded by Sansome Street, Washington Street, Battery Street and Merchant; Lots 013, 014 & 027 in Assessor's Block 0206. The Project includes the demolition of three existing buildings, including San Francisco Fire Department Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a new,

state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade non-accessory parking garage for use by SFFD personnel containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 248,000 square feet of gross floor area, including the SFFD uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,000 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non- SFFD uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the SFFD uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Commercial Variant and Residential Variant are substantially similar with respect to height and massing, save for slightly different configurations in the penthouse design. The Site is located within the C-3-O Zoning District and the 200-S Height and Bulk District.

A Shadow Study was prepared by qualified consultants (“Prevision Design”), finalized on February 5, 2021, that analyzed the potential shadow impacts of both the Commercial Variant and Residential Variant to properties under the jurisdiction of the RPD (Case No. 2019-017481SHD). The analysis was conducted according to criteria and methodology as described in (1) the February 3, 1989 memorandum titled “Proposition K – The Sunlight Ordinance” (“the 1989 memorandum”) prepared by RPD and the San Francisco Planning Department (“Planning”), (2) the July 2014 memorandum titled “Shadow Analysis Procedures and Scope Requirements” (“the 2014 memorandum”) prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected.

The Shadow Study indicated that the Project would cast new shadows on Maritime Plaza and Sue Bierman Park.

Maritime Plaza

Maritime Plaza is a 1.99-acre (86,676-sf) urban plaza located in the Financial District of San Francisco on Assessor’s Block 0204/Lots 020 and 022. The plaza is elevated above street level above a parking structure and consists of two separated sections of the double-block between Washington and Clay, the west section bordering Battery Street and east section bordering Davis Street. Public access to Maritime Plaza is via public stairwells located at Washington and Clay streets as well as elevated walkways that connect across Washington and Clay streets to adjacent properties to the north and south. Connection between the two portions of the plaza is via breezeway through the Alcoa building (One Maritime Plaza).

The official hours of operation are from 5 a.m. to 12 a.m. (midnight). The park contains a large fountain on the eastern side and a wide plaza area with a square lawn on the western portion. Flanking these plaza areas are fenced rectangular sculpture areas with seating which are ringed by small trees. Each side of the plaza includes a one-story building, with the Punchline Comedy club on the western side and private offices in the building on the eastern side. Behind each of these buildings, connected to the main plaza area by walkways are two other landscaped seating areas.

Under current conditions, the plaza receives 218,954,785 annual sfh of shadow. Based on a calculated TAAS of 322,556,066 sfh, the plaza's existing annual shadow load is 67.88 percent of its TAAS. Under existing conditions, the plaza is substantially shaded in the mornings and afternoons with some increased areas of sun around midday during the spring, summer, and early fall. The plaza is almost entirely shaded throughout the day during late fall and winter months.

The Commercial Variant would result in net new shadow cast on Maritime Plaza, adding 2,275,914 net new annual sfh of shadow and increasing the sfh of shadow by 0.71% annually above current levels. This increase would result in a new annual total shadow load of 68.59%.

The Residential Variant would result in similar but slightly lesser amount of net new shadow on the plaza, adding approximately 2,219,243 net new annual sfh of shadow, resulting in a new annual total shadow load of 68.57%.

The pattern of net new shadow from both the Commercial Variant and Residential Variant would be nearly identical, occurring for approximately 223 days a year between approximately March 2 and October 10. Net new shadowing from both the Commercial Variant and Residential Variant would fall primarily on the western portion of Maritime Plaza, with only a small band along the northern edge of the eastern portion of the plaza receiving any net new shadow. Net new shadow from both the Commercial Variant and Residential Variant would be cast only during afternoon hours, no earlier than 3:30 p.m. The most net new shadowing would occur in spring and summer after 4 p.m.

Most of the observed activities in the plaza are transitory in nature, including dog walking and pedestrian travel through the plaza. Net new shadow on areas of Maritime Plaza which could be of higher sensitivity to shadowing include seating areas and the western lawn, observed to be used for midday and afternoon eating or conversing. These areas would receive shadow from the Commercial Variant and Residential Variant only within the last one to four hours before sunset, depending on time of spring, summer and early fall.. In addition, during most affected times, there would be other seating areas of the park that would be unshaded where, assuming sunlight is desirable for the park user, the user(s) would be able to sit down in sunlight instead of the areas receiving net new shadow from the Commercial Variant or Residential Variant. One exception is the date of maximum shading (August 16 and April 26) where nearly the entire plaza would be shaded for approximately 17 minutes from 6:45 p.m. until sunset at 7:02 p.m. At this point in the day, the majority of the plaza is already shaded under existing conditions. It is anticipated park users would be accustomed to shade during this late afternoon hours and less likely to be using the plaza for eating or conversing, and would expect it given the time of day just before sunset. Therefore, given the time of day and relatively limited extent of net new shadow, park users are not anticipated to be substantially or adversely affected by new shadow.

Sue Bierman Park

Sue Bierman Park is a 4.08-acre (177,577 sf) urban park located in the Financial District of San Francisco on Assessor's Block 0203 / Lot 014 and Block 0202 / Lots 006, 015, 018, and 020. The park is physically divided by Drumm Street into two parts, the western portion is bounded by Washington Street to the north, Clay Street to the south, Drumm Street to the east, and Davis Street to the west, while the eastern portion is bounded by Washington Street to the north, Clay Street to the south, the Embarcadero to the east, and Drumm Street to the west.

The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an Absolute Cumulative Limit (ACL) of zero percent was adopted for "Embarcadero Plaza I

(North),” a park east of Drumm Street which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of ACLs for downtown parks, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits had ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

A previously proposed project located at 8 Washington Street (Case No. 2007.0030) would have cast net new shadow on Sue Bierman Park in its current form, size, and configuration. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 22, 2012 to consider whether to establish an ACL equal to 0.00067% of the TAAS, equal to approximately 4,425 sfh of net new shadow for Sue Bierman Park. Through Motion No. 18562, the Planning Commission adopted the findings under Shadow Analysis Application No. 2007.0030K to establish an ACL equal for Sue Bierman Park of 0.00067% of TAAS. The vested development rights and corresponding Planning Commission motions for the previously proposed project located at 8 Washington Street (Case No. 2007.0030) are deemed expired. As such, no formal shadow criteria or limits exist for Sue Bierman Park, in its present form, size, and configuration.

The net new shadow from both the Commercial Variant and Residential Variant would only affect the western portion of the park.

The park is not fenced, and the official hours of operation are from 5 a.m. to 12 a.m. (midnight). The western portion of the park contains grassy and heavily vegetated landscape areas, divided by three paved walkways connecting the northwest, southwest, and southeast corners of the park. A large sculpture is located in the center of a large grassy area near Drumm Street. The southwestern corner is heavily wooded with unpaved trails through a natural area. The northeast corner features a stand of tall trees surrounding a small utility building complex owned by the San Francisco Public Utilities Commission.

Under current conditions, the park receives 281,550,861 annual sfh of shadow. Based on a calculated TAAS of 660,834,406 sfh, Sue Bierman Park’s existing annual shadow load is 42.6054 percent of its TAAS. Under existing conditions, the park is predominantly unshaded during the morning hours, with shadow levels generally growing toward the afternoon. The park is almost entirely shaded throughout the afternoon during late fall and winter months.

The Commercial Variant would result in net new shadowing on the park of approximately 976 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

The Residential Variant would result in net new shadowing on the park of approximately 892 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

Net new shadow from both the Commercial Variant and Residential Variant would occur for a total of approximately 26 days between approximately March 16 through March 28 and September 14 and September 26. Net new shadow on the western portion of Sue Bierman Park from both the Commercial Variant and Residential Variant would be limited to northern edge of the western portion of the park adjacent to the Washington Street sidewalk. Observed uses in this area were transitory in nature and would not likely be affected by the presence of

a small amount of new shadow. Even for anyone considering this area to be a destination would not likely find the small amount and short duration of new shadowing noticeable and could relatively easily be relocated to a nearby unshaded area.

The Department determined that a mitigated negative declaration (hereinafter “MND”) was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. The Department received three comments, one of which requested information on shadow effects to a private residential patio.

On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter “PMND”) and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment; this notice was mailed to the Department’s list of persons requesting such notice, and to property owners and occupants within a 300- foot radius of the site on April 28, 2021. Notices of availability of the PMND were posted near the Site on April 28, 2021. The 20-day public review period for comments and appeal of the PMND ended at 5:00 p.m. on May 18, 2021.

During the 20-day public review period, the Department received one question regarding confirmation of proposed building height. Additionally, the Department received one written comment letter on May 20, 2021.

On May 18, 2021, an appeal of the PMND was filed with the Department.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2019-017481ENV.

On June 24, 2021, the Commission upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter “FMND”) as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter “CEQA”), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

The Commission found the FMND, including the Mitigation Monitoring and Reporting Program (MMRP) contained therein (which MMRP applies without distinction to both the Commercial Variant and Residential Variant of the Project as hereinafter defined) was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing to consider whether to raise the absolute cumulative shadow limit by an amount equal to 0.71% of the TAAS for Maritime Plaza.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing to consider whether to raise the absolute cumulative shadow limit equal to 0.002% of the TAAS for Maritime Plaza and set an absolute cumulative shadow limit equal to 0.002% of the TAAS for Sue Bierman Park.

At the same hearing on June 24, 2021, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by

the Project on two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to the use of those properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with the MMRP for the Commercial Variant and Residential Variant (Recreation and Park Commission Resolution No. XXXX-XXX).

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

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

FINDINGS

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

1. The foregoing recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by either the Commercial Variant or Residential Variant would not be adverse and is not expected to interfere with the use of the two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) for the following reasons:
 - a. The magnitude of the additional shadow on each open space is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area intended for increased building heights and density.
 - b. Either of the Commercial Variant or Residential Variant would result in net new shadow cast on Maritime Plaza, with the Commercial Variant adding 2,275,914 sfh of net new annual shadow, an increase from current levels by 0.71% (from 67.88% to 68.59% of the plaza's TAAS) or the Residential Variant adding 2,219,243 sfh of net new annual shadow, an increase from current levels by 0.69% (from 67.88% to 68.57% of the plaza's TAAS). The portions of Maritime Plaza that would receive net new shadow from either the Commercial Variant or Residential Variant would be the western portion of Maritime Plaza, with only a small band along the northern edge of the eastern portion of the plaza. Of the areas affected, the seating areas and lawn on the western portion of Maritime Plaza would likely be considered most sensitive to the addition of net new shadow. Other features receiving new shading could be characterized as being of lower sensitivity due to the fact that their use is typically transitory in nature (walkways). The seating areas and portion of the western lawn shaded by either the Commercial Variant or Residential Variant are similar to other nearby areas in the plaza that would be unshaded at the times affected by net new shadow from either the Commercial Variant or Residential Variant
 - c. Either of the Commercial Variant or Residential Variant would result in net new shadow cast on a small area of the western portion of Sue Bierman Park, with the Commercial Variant adding 976 sfh of net new annual shadow, an increase from current levels by 0.0001% (no material percentage change in the park's TAAS) and the Residential Variant adding 892 sfh of net new annual shadow, an increase

from current levels by 0.0001% (no material percentage change in the park's TASS). The portion of Sue Bierman Park that would receive net new shadow from either the Commercial Variant or Residential Variant is a narrow area in the northwest corner of the park adjacent to the Washington Street sidewalk. The net new shadow would be for a short temporal duration on a limited number of days in the spring and late summer and would not likely be perceptible to most users or otherwise affect the enjoyment of the park.

3. Either the Commercial Variant or Residential Variant would result in the construction of a new Fire Department Station 13, providing an important public benefit to the City. The Commercial Variant's uses will provide new employment opportunities within a walkable urban context. The Residential Variant would create new housing, including required compliance with the City's Inclusionary Affordable Housing Ordinance.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of either the Commercial Variant or the Residential Variant.
5. Planning Department staff recommends raising a shadow limit for Maritime Plaza of 0.71% of TAAS, equal to approximately 2,275,914 annual square-foot-hours of net new shadow.
6. Planning Department staff recommends setting a shadow limit for Sue Bierman Park of 0.0001% of the TAAS, equal to approximately 976 annual square-foot-hours of net new shadow.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department and the Recreation and Park Department, the oral testimony presented to the Planning Commission and Recreation and Park Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby **ADOPTS**, under Shadow Analysis Application No. 2019-0174811SHD, the proposal to raise the cumulative shadow limit for Maritime Plaza by 0.71% as a percentage of the Plaza's TAAS, and set an cumulative shadow limit for Sue Bierman Park by 0.0001% as a percentage of the Plaza's TAAS.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 24, 2021

**DRAFT MOTION:
SHADOW FINDINGS
(ANALYSIS OF SHADOW IMPACTS)**



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: JUNE 24, 2021

Record No.: 2019-017481SHD
Project Address: 530 SANSOME STREET
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Downtown Plan Area
Block/Lot: 0206 / 013, 014, & 017
Project Sponsor(s): Jim Abrams, J. Abrams Law, P.C.
on behalf of EQX Jackson SQ Holdco LLC
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
415.999.4402, jabrams@jabramslaw.com

Josh Keene, San Francisco Bureau of Real Estate
415.554.9859, joshua.keene@sfgov.org

Assistant Deputy Chief Dawn DeWitt, San Francisco Fire Department
415.674.5066, dawn.dewitt@sfgov.org

Property Owner(s): City and County of San Francisco Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

EQX Jackson SQ Holdco LLC
44 Montgomery Street, Suite 1300
San Francisco, CA 94104

Staff Contact: Nicholas Foster, AICP, LEED GA
628.652.7330, nicholas.foster@sfgov.org

Recommendation: Adoption of Findings

ADOPTING FINDINGS, WITH THE RECOMMENDATION FROM THE GENERAL MANAGER OF THE RECREATION AND PARKS DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW CAST UPON TWO (2) PROPERTIES UNDER THE JURISDICTION OF THE RECREATION AND PARK DEPARTMENT (MARITIME PLAZA AND SUE BIERMAN PARK) BY THE PROPOSED PROJECT THAT INCLUDES DEMOLITION OF TWO EXISTING COMMERCIAL STRUCTURES AND SAN FRANCISCO FIRE DEPARTMENT STATION 13 AND CONSTRUCTION OF A NEW MIXED-USE BUILDING REACHING A MAXIMUM ROOF HEIGHT OF UP TO 218 FEET TALL (236' INCLUSIVE OF ROOFTOP SCREENING/MECHANICAL EQUIPMENT) WITH A

MAXIMUM TOTAL GROSS FLOOR AREA OF APPROXIMATELY 246,150 SQUARE FEET, LOCATED AT 530 SANSOME STREET, LOTS 013, 014, & 017 OF ASSESSOR'S BLOCK 0206, WITHIN THE C-3-O (DOWNTOWN OFFICE) ZONING DISTRICT AND 200-S HEIGHT AND BULK DISTRICT WOULD NOT BE ADVERSE TO THEIR USE.

PREAMBLE

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

In 1989, the Recreation and Park Commission and Planning Commission jointly adopted a memorandum ("1989 Memorandum") which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department. On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Per the 1989 Memorandum, the quantitative standard that was established for Maritime Plaza was zero (0) percent of net new shadow. The 1989 Memorandum also established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the 1989 Memorandum. Sue Bierman Park was not named in the 1989 Memorandum and is classified as a larger park (two acres or greater) which is shadowed more than 40 percent of the time during the year. As such, the 1989 Memorandum recommends that no additional shadow be permitted unless the shadow meets the qualitative criteria of the 1989 Memorandum.

The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on the Park requires hearings at the Recreation and Park Commission and the Planning Commission.

On or after December 26, 2019, Jim Abrams of J. Abrams Law, P.C. (hereinafter "Project Sponsor") submitted the following applications with the Planning Department (hereinafter "Department") on behalf of EQX Jackson SW Holdco LLC and the City and County of San Francisco Division of Real Estate in association with the proposed project (hereinafter "Project"): Downtown Project Authorization; Conditional Use Authorization; Office Allocation; Shadow Analysis; Variance; and Transportation Demand Management. The Project site (hereinafter "Site") is property at 530 Sansome Street, 425 Washington Street and 439 Washington Street, located on the block bounded by Sansome Street, Washington Street, Battery Street and Merchant; Lots 013, 014 & 027 in Assessor's Block 0206. The Project includes the demolition of three existing buildings, including San Francisco Fire Department Station 13 and two vacant commercial buildings and the construction of a new mixed-use building reaching a roof height up to 218 feet tall (236' inclusive of rooftop screening/mechanical equipment). The Project proposes two distinct development programs that could be implemented, one that would construct various commercial uses further described below ("Commercial Variant") and one that would construct residential uses further described below ("Residential Variant"). Both the Commercial Variant and Residential Variant would include construction of a new, state-of-the-art, four-story Fire Station 13 (approximately 21,000 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant), as well as a below-grade

non-accessory parking garage for use by SFFD personnel containing 18 spaces (approximately 7,800 square feet of gross floor area with minor variations in square footage between the Commercial Variant and Residential Variant). The Commercial Variant would include a total of approximately 248,000 square feet of gross floor area, including the SFFD uses, as well as various commercial uses contained in a 19-story tower, including approximately 141,000 square feet of hotel uses (200 rooms), approximately 37,000 square feet of office uses, approximately 32,000 square feet of gym uses and approximately 7,900 square feet of restaurant uses. The Commercial Variant proposes 22 Class 1 and 26 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 30 parking spaces and one (1) car-share below-grade parking spaces for the non- SFFD uses. The Residential Variant would include a total of approximately 283,000 square feet of gross floor area, including the SFFD uses, as well as approximately 247,000 square feet of residential uses (256 dwelling units) in a 21-story tower. The additional two building stories in the Residential Variant are the result of slightly smaller floor-to-floor ceiling heights for the residential floors. The Residential Variant proposes 143 Class 1 and 21 Class 2 bicycle parking spaces, three (3) off-street freight loading spaces, as well as 64 parking spaces and two (2) car-share below-grade parking spaces for the residential uses. The Commercial Variant and Residential Variant are substantially similar with respect to height and massing, save for slightly different configurations in the penthouse design. The Site is located within the C-3-O Zoning District and the 200-S Height and Bulk District.

A Shadow Study was prepared by qualified consultants (“Prevision Design”), finalized on February 5, 2021, that analyzed the potential shadow impacts of both the Commercial Variant and Residential Variant to properties under the jurisdiction of the RPD (Case No. 2019-017481SHD). The analysis was conducted according to criteria and methodology as described in (1) the February 3, 1989 memorandum titled “Proposition K – The Sunlight Ordinance” (“the 1989 memorandum”) prepared by RPD and the San Francisco Planning Department (“Planning”), (2) the July 2014 memorandum titled “Shadow Analysis Procedures and Scope Requirements” (“the 2014 memorandum”) prepared by Planning, and (3) direction from current Planning and RPD staff regarding the appropriate approach, deliverables, and scope of analysis appropriate in consideration of the open spaces affected.

The Shadow Study indicated that the Project would cast new shadows on Maritime Plaza and Sue Bierman Park.

Maritime Plaza

Maritime Plaza is a 1.99-acre (86,676-sf) urban plaza located in the Financial District of San Francisco on Assessor’s Block 0204/Lots 020 and 022. The plaza is elevated above street level above a parking structure and consists of two separated sections of the double-block between Washington and Clay, the west section bordering Battery Street and east section bordering Davis Street. Public access to Maritime Plaza is via public stairwells located at Washington and Clay streets as well as elevated walkways that connect across Washington and Clay streets to adjacent properties to the north and south. Connection between the two portions of the plaza is via breezeway through the Alcoa building (One Maritime Plaza).

The official hours of operation are from 5 a.m. to 12 a.m. (midnight). The park contains a large fountain on the eastern side and a wide plaza area with a square lawn on the western portion. Flanking these plaza areas are fenced rectangular sculpture areas with seating which are ringed by small trees. Each side of the plaza includes a one-story building, with the Punchline Comedy club on the western side and private offices in the building on the eastern side. Behind each of these buildings, connected to the main plaza area by walkways are two other landscaped seating areas.

Under current conditions, the plaza receives 218,954,785 annual sfh of shadow. Based on a calculated TAAS of 322,556,066 sfh, the plaza's existing annual shadow load is 67.88 percent of its TAAS. Under existing conditions, the plaza is substantially shaded in the mornings and afternoons with some increased areas of sun around midday during the spring, summer, and early fall. The plaza is almost entirely shaded throughout the day during late fall and winter months.

The Commercial Variant would result in net new shadow cast on Maritime Plaza, adding 2,275,914 net new annual sfh of shadow and increasing the sfh of shadow by 0.71% annually above current levels. This increase would result in a new annual total shadow load of 68.59%.

The Residential Variant would result in similar but slightly lesser amount of net new shadow on the plaza, adding approximately 2,219,243 net new annual sfh of shadow, resulting in a new annual total shadow load of 68.57%.

The pattern of net new shadow from both the Commercial Variant and Residential Variant would be nearly identical, occurring for approximately 223 days a year between approximately March 2 and October 10. Net new shadowing from both the Commercial Variant and Residential Variant would fall primarily on the western portion of Maritime Plaza, with only a small band along the northern edge of the eastern portion of the plaza receiving any net new shadow. Net new shadow from both the Commercial Variant and Residential Variant would be cast only during afternoon hours, no earlier than 3:30 p.m. The most net new shadowing would occur in spring and summer after 4 p.m.

Most of the observed activities in the plaza are transitory in nature, including dog walking and pedestrian travel through the plaza. Net new shadow on areas of Maritime Plaza which could be of higher sensitivity to shadowing include seating areas and the western lawn, observed to be used for midday and afternoon eating or conversing. These areas would receive shadow from the Commercial Variant and Residential Variant only within the last one to four hours before sunset, depending on time of spring, summer, and early fall. In addition, during most affected times, there would be other seating areas of the park that would be unshaded where, assuming sunlight is desirable for the park user, the user(s) would be able to sit down in sunlight instead of the areas receiving net new shadow from the Commercial Variant or Residential Variant. One exception is the date of maximum shading (August 16 and April 26) where nearly the entire plaza would be shaded for approximately 17 minutes from 6:45 p.m. until sunset at 7:02 p.m. At this point in the day, the majority of the plaza is already shaded under existing conditions. It is anticipated park users would be accustomed to shade during this late afternoon hours and less likely to be using the plaza for eating or conversing, and would expect it given the time of day just before sunset. Therefore, given the time of day and relatively limited extent of net new shadow, park users are not anticipated to be substantially or adversely affected by new shadow.

Sue Bierman Park

Sue Bierman Park is a 4.08-acre (177,577 sf) urban park located in the Financial District of San Francisco on Assessor's Block 0203 / Lot 014 and Block 0202 / Lots 006, 015, 018, and 020. The park is physically divided by Drumm Street into two parts, the western portion is bounded by Washington Street to the north, Clay Street to the south, Drumm Street to the east, and Davis Street to the west, while the eastern portion is bounded by Washington Street to the north, Clay Street to the south, the Embarcadero to the east, and Drumm Street to the west.

The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an Absolute Cumulative Limit (ACL) of zero percent was adopted for "Embarcadero Plaza I (North)," a park east of Drumm Street which has since been subsumed within the larger Sue Bierman Park. In

addition, at the time of the adoption of ACLs for downtown parks, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits had ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

A previously proposed project located at 8 Washington Street (Case No. 2007.0030) would have cast net new shadow on Sue Bierman Park in its current form, size, and configuration. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 22, 2012 to consider whether to establish an ACL equal to 0.00067% of the TAAS, equal to approximately 4,425 sfh of net new shadow for Sue Bierman Park. Through Motion No. 18562, the Planning Commission adopted the findings under Shadow Analysis Application No. 2007.0030K to establish an ACL equal for Sue Bierman Park of 0.00067% of TAAS. The vested development rights and corresponding Planning Commission motions for the previously proposed project located at 8 Washington Street (Case No. 2007.0030) are deemed expired. As such, no formal shadow criteria or limits exist for Sue Bierman Park, in its present form, size, and configuration.

The net new shadow from both the Commercial Variant and Residential Variant would only affect the western portion of the park (west of Drumm Street).

The park is not fenced, and the official hours of operation are from 5 a.m. to 12 a.m. (midnight). The western portion of the park contains grassy and heavily vegetated landscape areas, divided by three paved walkways connecting the northwest, southwest, and southeast corners of the park. A large sculpture is located in the center of a large grassy area near Drumm Street. The southwestern corner is heavily wooded with unpaved trails through a natural area. The northeast corner features a stand of tall trees surrounding a small utility building complex owned by the San Francisco Public Utilities Commission.

Under current conditions, the park receives 281,550,861 annual sfh of shadow. Based on a calculated TAAS of 660,834,406 sfh, Sue Bierman Park's existing annual shadow load is 42.6054 percent of its TAAS. Under existing conditions, the park is predominantly unshaded during the morning hours, with shadow levels generally growing toward the afternoon. The park is almost entirely shaded throughout the afternoon during late fall and winter months.

The Commercial Variant would result in net new shadowing on the park of approximately 976 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

The Residential Variant would result in net new shadowing on the park of approximately 892 net new annual sfh of shadow, resulting in an increased annual shadow load of just 0.00001% and a new annual total shadow load of 42.6055%.

Net new shadow from both the Commercial Variant and Residential Variant would occur for a total of approximately 26 days between approximately March 16 through March 28 and September 14 and September 26. Net new shadow on the western portion of Sue Bierman Park from both the Commercial Variant and Residential Variant would be limited to northern edge of the western portion of the park adjacent to the Washington Street sidewalk. Observed uses in this area were transitory in nature and would not likely be affected by the presence of a small amount of new shadow. Even for anyone considering this area to be a destination would not likely find the

small amount and short duration of new shadowing noticeable and could relatively easily relocated to a nearby unshaded area.

The Department determined that a mitigated negative declaration (hereinafter “MND”) was required and provided public notice of that determination by publication of a neighborhood notice sent November 19, 2020. The Department received three comments, one of which requested information on shadow effects to a private residential patio.

On April 28, 2021, the Department published the Preliminary Mitigated Negative Declaration (hereinafter “PMND”) and provided public notice in a newspaper of general circulation of the availability of the PMND for public review and comment; this notice was mailed to the Department’s list of persons requesting such notice, and to property owners and occupants within a 300- foot radius of the site on April 28, 2021. Notices of availability of the PMND were posted near the Site on April 28, 2021. The 20-day public review period for comments and appeal of the PMND ended at 5:00 p.m. on May 18, 2021.

During the 20-day public review period, the Department received one question regarding confirmation of proposed building height. Additionally, the Department received one written comment letter on May 20, 2021.

On May 18, 2021, an appeal of the PMND was filed with the Department.

On June 24, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2019-017481ENV.

On June 24, 2021, the Commission upheld the PMND and reviewed, considered and approved the issuance of the Final Mitigated Declaration (hereinafter “FMND”) as prepared by the Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.; hereinafter “CEQA”), Title 14 California Code of Regulations Sections 15000 et seq. (hereinafter the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (hereinafter “Chapter 31”).

The Commission found the FMND, including the Mitigation Monitoring and Reporting Program (MMRP) contained therein (which MMRP applies without distinction to both the Commercial Variant and Residential Variant of the Project as hereinafter defined) was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On June 24, 2021, the Planning Commission and the Recreation and Park Commission held a duly noticed joint public hearing and adopted Planning Commission Resolution No. XXXXX and Recreation and Park Commission Resolution No. XXXX-XXX raising the ACL for Maritime Plaza and setting an ACL for Sue Bierman Park, two (2) properties under the jurisdiction of the Recreation & Park Department that would be shadowed by the Project.

At the same hearing on June 24, 2021, the General Manager of the Recreation & Parks Department, in consultation with the Recreation and Park Commission, recommended to the Planning Commission that the shadows cast by the Project on two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) would not be adverse to the use of those properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with the MMRP for the Commercial Variant and Residential Variant (Recreation and Park Commission Resolution No. XXXX-XXX).

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

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

FINDINGS

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

1. The foregoing recitals are accurate and constitute findings of this Commission.
2. The additional shadow cast by either the Commercial Variant or Residential Variant would not be adverse and is not expected to interfere with the use of the two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park) for the following reasons:
 - a. The magnitude of the additional shadow on each open space is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area intended for increased building heights and density.
 - b. Either of the Commercial Variant or Residential Variant would result in net new shadow cast on Maritime Plaza, with the Commercial Variant adding 2,275,914 sfh of net new annual shadow, an increase from current levels by 0.71% (from 67.88% to 68.59% of the plaza's TAAS) or the Residential Variant adding 2,219,243 sfh of net new annual shadow, an increase from current levels by 0.69% (from 67.88% to 68.57% of the plaza's TAAS). The portions of Maritime Plaza that would receive net new shadow from either the Commercial Variant or Residential Variant would be the western portion of Maritime Plaza, with only a small band along the northern edge of the eastern portion of the plaza. Of the areas affected, the seating areas and lawn on the western portion of Maritime Plaza would likely be considered most sensitive to the addition of net new shadow. Other features receiving new shading could be characterized as being of lower sensitivity due to the fact that their use is typically transitory in nature (walkways). The seating areas and portion of the western lawn shaded by either the Commercial Variant or Residential Variant are similar to other nearby areas in the plaza that would be unshaded at the times affected by net new shadow from either the Commercial Variant or Residential Variant.
 - c. Either of the Commercial Variant or Residential Variant would result in net new shadow cast on a small area of the western portion of Sue Bierman Park, with the Commercial Variant adding 976 sfh of net new annual shadow, an increase from current levels by 0.0001% (no material percentage change in the park's TAAS) and the Residential Variant adding 892 sfh of net new annual shadow, an increase from current levels by 0.0001% (no material percentage change in the park's TAAS). The portion of Sue Bierman Park that would receive net new shadow from either the Commercial Variant or Residential Variant is a narrow area in the northwest corner of the park adjacent to the Washington Street sidewalk. The net new shadow would be for a short temporal duration on a limited number of

days in the spring and late summer and would not likely be perceptible to most users or otherwise affect the enjoyment of the park.

3. Either the Commercial Variant or Residential Variant would result in the construction of a new Fire Department Station 13, providing an important public benefit to the City. The Commercial Variant's uses will provide new employment opportunities within a walkable urban context. The Residential Variant would create new housing, including required compliance with the City's Inclusionary Affordable Housing Ordinance.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of either the Commercial Variant or the Residential Variant.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to Planning Commission at the public hearings, and all other written materials submitted by all parties, the Planning Commission hereby **DETERMINES**, under Shadow Analysis Application No. 2019-0174811SHD, that the net new shadow cast by either the Commercial Variant or Residential Variant will not be adverse to the use of two (2) properties under the jurisdiction of the Recreation & Parks Department (Maritime Plaza and Sue Bierman Park).

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 24, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: June 24, 2021

EXHIBIT C:
MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

MITIGATION MONITORING AND REPORTING PROGRAM

Monitoring and Reporting Program ^a				
Adopted Mitigation Measures	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES/HISTORIC ARCHITECTURAL				
Mitigation Measure M-CR-1: Interpretation and Relocation Plan				
<p>Interpretation for Untitled Sculpture. The project sponsor shall facilitate the development of an interpretive program focused on the history and design of the <i>Untitled</i> sculpture. The interpretive program shall be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public, such as a museum or exhibit curator. The primary goal of the program is to educate the public about the sculpture, the work of artist Henri Marie-Rose, and the historical association of the sculpture with the Embarcadero Center and Fire Station 13. This program shall be initially outlined in a proposal for an Historic Resources Public Interpretive Plan (HRPIP) subject to review and approval by planning department preservation staff. The HRPIP shall lay out the various components of the interpretive program that shall be developed in consultation with an architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards, and approved by planning department staff prior to issuance of a site permit or demolition permit.</p> <p>The interpretive program shall include the installation of a permanent on-site interpretive display. All interpretive material shall be publicly available. For physical interpretation the plan shall include the proposed format and accessible location of the interpretive content, as well as high-quality graphics and written narratives. The interpretive plan may also explore contributing to digital platforms that are publicly accessible, such as the History Pin website or phone applications. Interpretive material could include elements such as virtual museums and content, such as oral history, brochures, and websites. The interpretive program should also coordinate with other interpretive programs currently proposed or installed in the vicinity or for</p>	<p>Project sponsor in consultation with an architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards.</p>	<p>Prior to issuance of the architectural addendum to the site permit or demolition permit for the HRPIP</p>	<p>Planning Department Preservation Staff</p>	<p>Considered complete upon approval of the HRPIP</p>
<p>The interpretive program shall include the installation of a permanent on-site interpretive display. All interpretive material shall be publicly available. For physical interpretation the plan shall include the proposed format and accessible location of the interpretive content, as well as high-quality graphics and written narratives. The interpretive plan may also explore contributing to digital platforms that are publicly accessible, such as the History Pin website or phone applications. Interpretive material could include elements such as virtual museums and content, such as oral history, brochures, and websites. The interpretive program should also coordinate with other interpretive programs currently proposed or installed in the vicinity or for</p>	<p>Project sponsor</p>	<p>Prior to issuance of a temporary certificate of occupancy for the detailed content, media and other characteristics of such interpretive program</p>	<p>Planning Department Preservation Staff</p>	<p>Considered complete upon approval of the detailed content, media and other characteristics of the interpretive program</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measures	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
<p>similar resources in the city, such as the San Francisco Fire Department Museum.</p> <p>The HRPIP shall be approved by planning department preservation staff prior to issuance of the architectural addendum to the site permit. The detailed content, media and other characteristics of such interpretive program shall be approved by planning department preservation staff prior to issuance of a temporary certificate of occupancy.</p> <p>Relocation Plan for Untitled Sculpture. Prior to issuance of the architectural addendum to the site permit, the project sponsor shall provide a relocation plan to be reviewed and approved by the planning department to ensure that the sculpture will be removed from the building, transported, and stored during construction in a manner that will protect the historical resource. The relocation plan shall identify the storage location for the sculpture and storage and monitoring protocols. The sculpture shall be relocated to the exterior of the new fire station portion of the project, either along its north (Washington Street) or south (Merchant Street) façades; or, if approved by planning department preservation staff, to another prominent publicly accessible location on the project site. The relocation plan shall also include an initial reinstallation plan and maintenance plan for the sculpture and schedule for reviewing and finalizing those plans in consultation with planning department preservation staff prior to issuance of temporary certificate of occupancy.</p>	Project sponsor	Prior to issuance of the architectural addendum to the site permit and prior to issuance of temporary certificate of occupancy	Planning Department Preservation Staff	Considered complete upon approval of Relocation Plan by Planning Department Preservation Staff
<p>Mitigation Measure M-CR-3: Archeological Testing</p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archeological consultant from the rotational qualified archeological consultants list maintained by the planning department's archeologist who specializes in geoarchaeology and maritime resources. After the first project approval action or as directed by the Environmental Review Officer, the project sponsor shall contact the department archeologist to obtain the names and contact information for the next three archeological consultants on the qualified archeological consultants list.</p>	Project sponsor's qualified archeological consultant and construction contractor	Prior to issuance of construction permits and throughout the construction period	Environmental Review Officer	Considered complete after completion of Archeological Testing Program, archeological monitoring program or Final Archeological Resources Report as provided herein

Monitoring and Reporting Program^a

Adopted Mitigation Measures

The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer for review and comment and shall be considered draft reports subject to revision until final approval by the Environmental Review Officer. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the Environmental Review Officer, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means for reducing potential effects on a significant archeological resource, as defined in CEQA Guidelines sections 15064.5 (a) and (c) to a less-than-significant level.

Consultation with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative of the descendant group and the Environmental Review Officer shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the Environmental Review Officer regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the final archeological resources report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the Environmental Review Officer for review and approval an archeological testing plan. The archeological testing program shall be conducted in accordance with the approved archeological testing plan. Testing shall include monitoring of basement demolition, trenching from the base of basement to 20 feet for historical resources and coring to Old Bay Clay to test for submerged resources.

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

The archeological consultant, project sponsor, and project contractor at the direction of the Environmental Review Officer

During soils disturbing activities

Consultation with Environmental Review Officer on identified descendant group

Contacted descendant group provides recommendations and is given a copy of the Final Archeological Resources Report

Project sponsor's qualified archeological consultant and construction contractor

Prior to issuance of construction permits and throughout the construction period

Environmental Review Officer

Considered complete after approval of Archeological Testing Program

Monitoring and Reporting Program^a

Adopted Mitigation Measures

The archeological testing plan shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the Environmental Review Officer. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the Environmental Review Officer in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include preservation in place, additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the Environmental Review Officer or the planning department archeologist.

If the Environmental Review Officer determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the Environmental Review Officer, in consultation with the project sponsor shall determine whether preservation of the resource in place is feasible. If so, the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource. If preservation in place is not feasible, a data recovery program shall be implemented, unless the Environmental Review Officer determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the Environmental Review Officer in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall include, at a minimum, the following provisions:

- The archeological consultant, project sponsor, and Environmental Review Officer shall meet and consult on the scope of the archeological

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Project sponsor/
archeological
consultant at the
direction of the
Environmental
Review Officer

After completion of
the Archeological
Testing Program

Archeological
consultant shall
submit report of
the findings of the
archeological
testing plan to the
Environmental
Review Officer

Archeological
Testing Result
report or
memorandum on
file with
Environmental
Planning, with
email or other
written
documentation of
concurrence on
need to
archeological data
recovery

Project sponsor and
archeological
consultant at the
direction of the
Environmental
Review Officer

Prior to issuance of
demolition permits
and throughout the
construction period

Consultation with
Environmental
Review Officer on
scope of the
archeological

After consultation
with and approval
by Environmental
Review Officer of
the archeological

Monitoring and Reporting Program^a

Adopted Mitigation Measures

**Implementation
Responsibility**

**Implementation
Responsibility**

**Implementation
Responsibility**

**Implementation
Responsibility**

- monitoring program reasonably prior to any project-related soils disturbing activities commencing. The Environmental Review Officer in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall undertake a worker training program for soil-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource;
 - The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the Environmental Review Officer until the Environmental Review Officer has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
 - The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
 - If an intact archeological deposit is encountered, irrespective of whether an archeologist is present, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. The archeological consultant shall immediately notify the Environmental Review Officer of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the Environmental Review Officer.

monitoring
program

monitoring
program

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the Environmental Review Officer.

Monitoring and Reporting Program^a

Adopted Mitigation Measures

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan. The archeological consultant, project sponsor, and Environmental Review Officer shall meet and consult on the scope of the archeological data recovery plan prior to preparation of a draft archeological data recovery plan. The archeological consultant shall submit a draft archeological data recovery plan to the Environmental Review Officer. The archeological data recovery plan shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the archeological data recovery plan will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the archeological data recovery plan shall include the following elements:

- Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.
- Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.
- Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.
- Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- Final Report. Description of proposed report format and distribution of results.
- Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value,

Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
Project sponsor and archeological consultant at the direction of the Environmental Review Officer	In the event that an archeological site is uncovered during the construction period	Environmental Review Officer	Considered complete upon approval of Final Archeological Data Recovery Program Report

Monitoring and Reporting Program^a

Adopted Mitigation Measures

identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and, in the event of the medical examiner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a most likely descendant. The most likely descendant will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The Environmental Review Officer also shall be notified immediately upon the discovery of human remains.

The project sponsor and Environmental Review Officer shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the most likely descendant, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the most likely descendant agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.

Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the Environmental Review Officer to accept treatment recommendations of the most likely descendant. However, if the Environmental Review Officer, project sponsor and most likely descendant are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the Environmental Review Officer, with cooperation of the project sponsor, shall ensure that the remains

Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
Project sponsor/ archeological consultant in consultation with the City, San Francisco Medical Examiner, California State Native American Heritage Commission, and most likely descendant	In the event that human remains are uncovered during the construction period	Environmental Review Officer	Considered complete after approval of Final Archeological Resources Report and disposition of human remains has occurred as specified in Agreement

Monitoring and Reporting Program^a

Adopted Mitigation Measures

and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project’s archeological treatment documents, and in any related agreement established between the project sponsor, medical examiner and the Environmental Review Officer.

Final Archeological Resources Report. The archeological consultant shall submit a final archeological resources report to the Environmental Review Officer that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The final archeological resources report shall include a curation and deaccession plan for all recovered cultural materials. The final archeological resources report shall also include an Interpretation Plan for public interpretation of all significant archeological features.

Copies of the final archeological resources report shall be sent to the Environmental Review Officer for review and approval. Once approved by the Environmental Review Officer, the consultant shall also prepare a public distribution version of the final archeological resources report. Copies of the final archeological resources report shall be distributed as follows: California Archeological Site Survey Northwest Information Center shall receive one (1) copy and the Environmental Review Officer shall receive a copy of the transmittal of the final archeological resources report to the Northwest Information Center. The Environmental Planning Division of the planning department shall receive one bound and one unlocked, searchable PDF copy on CD of the final archeological resources report along with copies of any formal site recordation forms (California Department of Parks and Recreation 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of public interest in or the high interpretive value of the resource, the Environmental Review Officer may require a different or additional final report content, format, and distribution than that presented above.

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Project sponsor’s qualified archeological consultant

At completion of archeological investigations

Environmental Review Officer

Considered complete after Final Archeological Resources Report is approved

Monitoring and Reporting Program^a

Adopted Mitigation Measures

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

TRIBAL CULTURAL RESOURCES

Mitigation Measure M-TCR-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program

In the event of the discovery of an archeological resource of Native American origin, the Environmental Review Officer, the project sponsor, and the tribal representative, shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the tribal cultural resource would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan, which shall be implemented by the project sponsor during construction. If the ERO in consultation with the project sponsor and the tribal representative determines that preservation-in-place of the TCR is not a sufficient or feasible option, then archeological data recovery shall be implemented as required by the ERO in consultation with the tribal representative. In addition, the project sponsor shall prepare an interpretive program of the TCR in consultation with affiliated Native American tribal representatives. The plan shall identify proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists' oral histories with local Native Americans, cultural displays and interpretation, and educational panels or other informational displays. Upon approval by the ERO and the tribal representative, and prior to project occupancy, the interpretive program shall be implemented by the project sponsor.

Project sponsor, archeological consultant, and Environmental Review Officer, in consultation with the affiliated Native American tribal representatives

If a significant archeological resource is uncovered during construction of the project

Environmental Review Officer

Considered complete upon project redesign, completion of archeological resource preservation plan, or interpretive program of the tribal cultural resource, if required

NOISE

Mitigation Measure M-NO-3, Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction

Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan to the Environmental Review Officer (ERO) or the ERO's designee for approval. The plan shall identify all feasible means to avoid damage to potentially affected buildings, which are 423 Washington Street and 447 Battery Street. Should demolition on the building at 447 Battery Street occur, this measure is no longer applicable to that structure;

Monitoring and Reporting Program^a

Adopted Mitigation Measures

however, to the extent a new structure exists or is under construction at 447 Battery Street, the Pre-construction Survey and Vibration Management and Monitoring Plan shall meet the requirements of this mitigation measure for non-historic buildings to avoid damage to such new structure. The project sponsor shall ensure that the following requirements of the Pre-Construction Survey and Vibration Management and Monitoring Plan are included in contract specifications, as necessary.

- Pre-construction Survey.** Prior to the start of any ground-disturbing activity, the project sponsor shall engage a consultant to undertake a pre-construction survey of the potentially affected historic building at 447 Battery Street and the non-historic building 423 Washington Street. The project sponsor shall engage a structural engineer or other professional with similar qualifications to undertake a pre-construction survey of both buildings, provided that if the historic building at 447 Battery Street has not been demolished, then the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake (in coordination with the structural engineer) the pre-construction survey of 447 Batter Street. If the historic building at 447 Batter Street has not been demolished, the pre-construction survey shall include descriptions and photograph of 447 Battery Street, including all facades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage such as cracks and loose or damaged features (as allowed by the property owner). The report shall also include pre-construction drawings that record the pre-construction condition of the buildings and identify cracks and other features to be monitored during construction. If the historic building at 447 Battery Street has not been demolished, the historic architect or qualified historic preservation professional shall be the lead author of the pre-construction survey for 447 Battery Street. These reports shall be submitted to the ERO and planning department preservation staff for review and approval prior to the start of vibration-generating construction activity.
- Vibration Management and Monitoring Plan.** The project sponsor shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to the adjacent buildings and/or structures at 447 Battery Street and 423 Washington Street to ensure that any such

Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
Project sponsor, structural engineer, historic architect or qualified historic preservation professional	Prior to issuance of demolition or building permit	Project sponsor, structural engineer, historic architect or qualified historic preservation professional to submit a Pre-construction Survey to the Environmental Review Officer and Planning Department Preservation Staff	Considered complete upon approval of the Pre-construction Survey by the Environmental Review Officer and Planning Department Preservation Staff
Project sponsor/contractor(s)	Prior to issuance of any demolition or building permits	Project sponsor to submit a Vibration Management and Monitoring Plan to	Considered complete upon approval of the Vibration

Monitoring and Reporting Program^a

Adopted Mitigation Measures

damage is documented and repaired. Prior to issuance of any demolition or building permit, the project sponsor shall submit the Vibration Management and Monitoring Plan that lays out the monitoring program to the ERO for approval. If the historic building at 447 Battery Street has not been demolished, the Vibration Management and Monitoring Plan shall also be submitted to planning department preservation staff for review and approval.

The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:

- *Maximum Vibration Level.* Based on the anticipated construction and condition of the affected buildings and/or structures, a qualified acoustical/vibration consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case the historic building at 447 Battery Street has not been demolished, a historic architect or qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded based on existing conditions, soil conditions, anticipated construction practices, and in the event the historic building at 447 Battery Street has not been demolished, character-defining features of that building (common standards are a peak particle velocity [PPV] of 0.25 inch per second for historic and some old buildings, a peak particle velocity [PPV] of 0.3 inch per second for older residential structures, and a peak particle velocity [PPV] of 0.5 inch per second for new residential structures and modern industrial/commercial buildings).
- *Vibration-Generating Equipment.* The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction).
- *Alternative Construction Equipment and Techniques.* Should construction vibration levels be observed in excess of the established standard, the contractor(s) shall halt construction and put alternative construction techniques into practice, to the extent feasible (e.g., non-vibratory compaction equipment). Following incorporation of the alternative construction techniques, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded.

Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
	and during construction	the Environmental Review Officer and planning department Preservation Staff	Management and Monitoring Plan by the Environmental Review Officer and Planning Department Preservation Staff

Monitoring and Reporting Program^a

Adopted Mitigation Measures

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

- *Vibration Monitoring.* The plan shall identify the method and equipment for vibration monitoring. To ensure that construction vibration levels do not exceed the established standard, the acoustical/vibration consultant shall monitor vibration levels at each affected building and/or structure on adjacent properties (as allowed by property owners) and prohibit vibratory construction activities that generate vibration levels in excess of the standard.
 - o Should construction vibration levels be observed in excess of the standards established in the plan, the contractor(s) shall halt construction and put alternative construction techniques identified in the plan into practice, to the extent feasible.
 - o The historic architect or qualified historic preservation professional (for effects on the historic building at 447 Battery Street if it has not been demolished) and/or structural engineer shall inspect each affected building and/or structure (as allowed by property owners) in the event the construction activities exceed the established standards.
 - o If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the ERO and prepare a damage report documenting the features of the building and/or structure that has been damaged.
 - o If vibration has damaged the historic building at 447 Battery Street, the historic preservation consultant shall immediately notify the ERO or the ERO's designee and preservation staff and prepare a damage report documenting the features of the building and/or structure that has been damaged.
 - o If no damage has occurred to the buildings at 447 Battery Street and Washington Street, then the historic preservation professional (if the historic building at 447 Battery Street has not been demolished) and/or structural engineer shall submit a monthly report to the ERO (and preservation staff, if needed) for review. This report shall identify and summarize the vibration level exceedances and describe the actions taken to reduce vibration.
 - o Following incorporation of the alternative construction techniques and/or planning department review of the damage report, vibration

Monitoring and Reporting Program^a

Adopted Mitigation Measures

	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
<p>monitoring shall recommence to ensure that vibration levels at 447 Battery Street and 423 Washington Street are not exceeded.</p> <ul style="list-style-type: none"> - <i>Periodic Inspections.</i> The plan shall identify the intervals and parties responsible for periodic inspections. The historic architect or qualified historic preservation professional (if the historic building at 447 Battery Street has not been demolished) and/or structural engineer shall conduct regular periodic inspections of each building and/or structure (as allowed by property owners) during vibration-generating construction activity on the project site. The plan will specify how often inspections and reporting shall occur. - <i>Repair Damage.</i> The plan shall also identify provisions to be followed should damage to any building and/or structure occur due to construction-related vibration. The building(s) and/or structure(s) shall be remediated to their pre-construction condition (as allowed by property owners) at the conclusion of vibration-generating activity on the site. Should damage occur at the historic building at 447 Battery Street, the building and/or structure shall be restored to its pre-construction condition in consultation with the historic architect or qualified historic preservation professions and planning department preservation staff. - <i>Vibration Monitoring Results Report.</i> After construction is complete the project sponsor shall submit a final report from the historic architect or qualified historic preservation professional (if the historic building at 447 Battery Street has not been demolished) and/or structural engineer to the planning department. The report shall include, at a minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The planning department shall review and approve the Vibration Monitoring Results Report. 	<p>Project sponsor, structural engineer, and, historic architect or qualified historic preservation professional.</p>	<p>Following end of construction activities</p>	<p>Project sponsor and structural engineer, historic architect, or qualified historic preservation professional to submit a Vibration Monitoring Results Report to planning department</p>	<p>Considered complete after approval of the Vibration Monitoring Results Report by the planning department.</p>

Monitoring and Reporting Program^a

Adopted Mitigation Measures

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

AIR QUALITY

Mitigation Measure M-AQ-4a: Off-Road Construction Equipment Emissions Minimization

The project sponsor or the project sponsor’s contractor shall comply with the following:

A. Engine Requirements.

1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed U.S. Environmental Protection Agency (EPA) Tier 4 Interim or Tier 4 Final off-road emission standards.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The project sponsor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit.
4. The project sponsor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. Waivers.

1. The planning department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the project sponsor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if the project sponsor demonstrates that use of the alternative

Project sponsor/
contractor(s)

Prior to construction activities requiring the use of off-road equipment

Project sponsor and contractor(s) to submit certification statement to the Environmental Review Officer

Considered complete upon submittal of certification statement

Monitoring and Reporting Program^a

Adopted Mitigation Measures

	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
<p>equipment would not result in a cancer risk from project construction and operation that exceeds 7 per one million exposed and annual average PM2.5 concentrations that exceed 0.2 µg/m³.</p> <p>C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the project sponsor shall submit a Construction Emissions Minimization Plan (plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the project sponsor will meet the requirements of Section A:</p> <ol style="list-style-type: none"> 1. The plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. As reasonably available, the description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel use and hours of operation. For any VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, air board verification number level, and installation date and hour meter reading on installation date. 2. The project sponsor shall ensure that all applicable requirements of the plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the project sponsor agrees to comply fully with the Plan. 3. The project sponsor shall make the plan available to the public for review onsite during working hours. The project sponsor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The project sponsor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. 	<p>Project sponsor/ contractor(s)</p>	<p>Prior to construction activities</p>	<p>Project sponsor and contractor(s) to prepare and submit a Construction Emissions Minimization Plan to the Environmental Review Officer</p>	<p>Considered complete on findings by Environmental Review Officer that Construction Emissions Minimization Plan is complete</p>
<p>D. Monitoring. After start of construction activities, the project sponsor shall submit quarterly reports to the ERO documenting compliance with the plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and</p>	<p>Project sponsor/ contractor(s)</p>	<p>Quarterly</p>	<p>Project sponsor and contractor(s) to submit quarterly reports to the</p>	<p>Considered complete upon findings by the Environmental Review Officer that</p>

Adopted Mitigation Measures	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
end dates and duration of each construction phase, and the specific information required in the plan.			Environmental Review Officer	the Plan is being/has been implemented
<p>Mitigation Measure M-AQ-4b: Diesel Backup Generator Specifications</p> <p>The project sponsor shall ensure that the proposed diesel backup generators meet or exceed California Air Resources Board Tier 4 off-road emission standards. Additionally, once operational, the diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generators are located shall maintain records of the testing schedule for the diesel backup generators for the life of those diesel backup generators and to provide this information for review to the planning department within three months of requesting such information.</p>	Project sponsor and facility operator(s)	During operation	Facility operator(s) to maintain records of the testing schedule for the life of the diesel backup generators and provide this information for review to the Planning Department within three months of requesting such information	Ongoing
GEOLOGY AND SOILS				
<p>Mitigation Measure M-GE-5a: Worker Environmental Awareness Training during Ground-Disturbing Construction Activities</p> <p>Prior to commencing construction, and ongoing throughout ground disturbing activities (e.g., excavation, utility installation, the property owner or their designee (herein referred as property owner) shall ensure that all project construction workers are trained on the contents of the Paleontological Resources Alert Sheet, as provided by the environmental review officer (ERO). The Paleontological Resources Alert Sheet shall be prominently displayed at the construction site, during ground disturbing activities, to provide pre-construction worker environmental awareness training regarding potential paleontological resources.</p>	Project sponsor/contractor(s)	Prior to and during ground disturbing activities	Project sponsor and contractor(s) to submit a confirmation letter to the Environmental Review Officer each time a training session is held. The letter shall be submitted	Considered complete upon end of ground disturbing activities

Monitoring and Reporting Program^a

Adopted Mitigation Measures

In addition, the property owner shall inform construction personnel of the immediate stop work procedures and other procedures to be followed if bones or other potential fossils are unearthed at the project site. As new workers that will be involved in ground disturbing activities arrive at the project site, the construction supervisor shall train them.

The property owner shall submit in writing (email, letter, memo) the timing of the worker training to the ERO. The letter shall confirm the project's location, the date of training, the location of the informational handout display, and the number of participants. The letter shall be transmitted to the ERO within 5 business days of conducting the training.

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

Implementation Responsibility

within five (5) business days of conducting a training session

Mitigation Measure M-GE-5b: Discovery of Unanticipated Paleontological Resources during Ground-Disturbing Construction Activities

In the event of the discovery of an unanticipated paleontological resource during construction, ground disturbing activities shall temporarily be halted within 20 feet of the find until the discovery is examined by a qualified paleontologist as recommended by the Society of Vertebrate Paleontology standards (SVP 2010) and Best Practices in Mitigation Paleontology (Murphey et al. 2019). Work within the sensitive area shall resume only when deemed appropriate by the qualified paleontologist in consultation with the ERO.

The qualified paleontologist shall determine: (1) if the discovery is scientifically significant; (2) the necessity for involving other responsible or resource agencies and stakeholders, if required or determined applicable; and (3) methods for resource recovery. If a paleontological resource assessment results in a determination that the resource is not scientifically important, this conclusion shall be documented in a Paleontological Evaluation Letter to demonstrate compliance with applicable statutory requirements (e.g., Federal Antiquities Act of 1906, CEQA Guidelines section 15064.5, California Public Resources Code chapter 17, section 5097.5, Paleontological Resources Preservation Act 2009). The Paleontological Evaluation Letter shall be submitted to the ERO for review within 30 days of the discovery.

If the qualified paleontologist determines that a paleontological resource is of scientific importance, and there are no feasible measures to avoid disturbing this paleontological resource, the qualified paleontologist shall prepare a Paleontological Impact Reduction Program (impact reduction program). The impact reduction program shall include measures to fully document and

Project sponsor, qualified paleontologist, and construction contractor

During ground disturbing activities

If necessary, the project sponsor and a qualified paleontologist shall submit a Paleontological Evaluation Letter or Paleontological Impact Reduction Program to the Environmental Review Officer

Considered complete upon end of ground disturbing activities or, if necessary, approval of a Paleontological Evaluation Letter or Paleontological Impact Reduction Program by the Environmental Review Officer

Monitoring and Reporting Program^a

Adopted Mitigation Measures

recover the resource of scientific importance. The qualified paleontologist shall submit the impact reduction program to the ERO for review and approval. The impact reduction program shall be submitted to the ERO for review within 10 business days of the discovery. Upon approval by the ERO, ground disturbing activities in the project area shall resume and be monitored as determined by the qualified paleontologist for the duration of such activities.

The impact reduction program shall include: (1) procedures for construction monitoring at the project site; (2) fossil preparation and identification procedures; (3) curation of paleontological resources of scientific importance into an appropriate repository; and (4) preparation of a Paleontological Resources Report (report or paleontology report) at the conclusion of ground disturbing activities. The report shall include dates of field work, results of monitoring, fossil identifications to the lowest possible taxonomic level, analysis of the fossil collection, a discussion of the scientific significance of the fossil collection, conclusions, locality forms, an itemized list of specimens, and a repository receipt from the curation facility. The property owner shall be responsible for the preparation and implementation of the impact reduction program, in addition to any costs necessary to prepare and identify collected fossils, and for any curation fees charged by the paleontological repository. The paleontology report shall be submitted to the ERO for review within 30 business days from conclusion of ground disturbing activities, or as negotiated following consultation with the ERO.

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

Mitigation Measure M-GE-5c: Preconstruction Paleontological Evaluation for Projects located in Class 3 (Moderate) Sensitivity Areas

The project site is located in San Francisco in Moderate Sensitivity Area (Class 3), which require ground disturbance activities deeper than 5 feet and would include the removal of more than 2,500 cubic yards of soil. The property owner shall engage a qualified paleontologist to complete a site-specific Preconstruction Paleontological Resources Evaluation (paleontology preconstruction evaluation) prior to commencing soil-disturbing activities occurring on the project site, for projects located in moderate sensitivity zones. Prior to issuance of any demolition or building permit, the property owner shall submit the Preconstruction Paleontological Evaluation to the ERO for approval.

Project sponsor and qualified paleontologist

Prior to issuance of any demolition or building permit

Environmental Review Officer

Considered complete upon Environmental Review Officer approval of the paleontology preconstruction evaluation and findings by the that the evaluation recommendations

Monitoring and Reporting Program^a

Adopted Mitigation Measures

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

Implementation
Responsibility

The purpose of the site-specific preconstruction evaluation is to identify early the potential presence of significant paleontological resources on the project site. At a minimum, the study shall include:

1. Project Description
2. Regulatory Environment – outline applicable federal, state and local regulations
3. Summary of Sensitivity Classification
4. Research Methods, including but not limited to:
 - 4.1. Field studies conducted by the approved paleontologist to check for fossils at the surface and assess the exposed sediments.
 - 4.2. Literature Review to include an examination of geologic maps and a review of relevant geological and paleontological literature to determine the nature of geologic units in the project area.
 - 4.3. Locality Search to include outreach to the University of California Museum of Paleontology in Berkeley.
5. Results: to include a summary of literature review and finding of potential site sensitivity for paleontological resources; and depth of potential resources if known.
6. Recommendations for any additional measures that could be necessary to avoid or reduce any adverse impacts to recorded and/or inadvertently discovered paleontological resources of scientific importance, in addition to paleontology standard requirements for Worker Environmental Awareness Training during Construction (M-GE-4a) and Discovery of Unanticipated Paleontological Resources during Construction (M-GE-4b). Such measures could include:
 - 6.1. Avoidance: If the cost of fossil recovery or other impact reduction options is determined to be too high, or permanent damage to the resource caused by surface disturbance is considered to be unavoidable, given the proposed construction, it may be necessary to “avoid” or “reroute” the portion of the project that intersects the fossil locality in order to prevent adverse impacts on the resource. Avoidance should also be considered if a known fossil locality appears to contain critical scientific information that should be left undisturbed for subsequent scientific evaluation. Avoidance for later

are being/have been implemented

Adopted Mitigation Measures

**Implementation
Responsibility**

**Implementation
Responsibility**

**Implementation
Responsibility**

**Implementation
Responsibility**

scientific research is the typical mitigation recommendation made for scientifically significant extensive paleontological discoveries.

- 6.2. Fossil Recovery: If isolated small, medium- or large-sized fossils are discovered within a project area during field surveys or construction monitoring, and they are determined to be scientifically significant, they should be recovered. Fossil recovery may involve simply collecting a fully exposed fossil from the ground surface, or may involve a systematic excavation, depending upon the size and complexity of the fossil discovery. Fossil excavations should be designed in such a way as to minimize construction delays while properly collecting the fossil and associated data according to professional paleontological standards.
- 6.3. Sampling: Scientifically significant microfossils (vertebrate, invertebrate, plant, or trace fossils) may be identified in rock matrix during surveys or monitoring, or, if they are known to occur elsewhere in the same geologic unit or type of deposit in the general area, a determination of their presence or absence may require the use of test sampling of rock matrix for screen-washing in a paleontological laboratory. In some cases, depending upon the geologic unit involved, test sampling may be appropriate even if microfossils are not visible in the field. The fossils found, if any, will then be inspected and evaluated to determine their significance and whether additional steps are necessary to reduce paleontological impacts. Such steps may include collection of additional matrix for screen-washing. The decision to sample may not be made until monitoring is occurring, because it is usually triggered by conditions in the field.
- 6.4. Monitoring: If scientifically important paleontological resources are known to be present in an area, or if there is a moderate or high likelihood that subsurface fossils are present in geologic units or members thereof within a given project area based on prior field surveys, museum records, or scientific or technical literature, paleontological monitoring of construction excavations would be required. Monitoring involves systematic inspections of graded cut slopes, trench sidewalls, spoils piles, and other types of construction excavations for the presence of fossils, and the fossil recovery and documentation of these fossils before they are destroyed by further

Adopted Mitigation Measures	Monitoring and Reporting Program ^a			
	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility	Implementation Responsibility
ground disturbing actions. Standard monitoring is typically used in the most paleontologically sensitive geographic areas/geologic units (moderate, high and very high potential); while spot-check monitoring is typically used in geographic areas/geologic units of moderate or unknown paleontological sensitivity (moderate or unknown potential). The goal of monitoring is to identify scientifically significant subsurface fossils as soon as they are unearthed in order to minimize damage to them and remove them and associated contextual data from the area of ground disturbance, thereby resulting in subsurface paleontological clearance. Microfossil sampling, macrofossil recovery, and avoidance of fossils may all occur during any monitoring program.				

NOTES:

- ^a Definitions of MMRP Column Headings:
 - *Adopted Mitigation Measures*: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.
 - *Implementation Responsibility*: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.
 - *Mitigation Schedule*: Identifies milestones for when the actions in the mitigation measure need to be implemented.
 - *Monitoring/Reporting Responsibility*: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.
 - *Monitoring Actions/Completion Criteria*: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

EXHIBIT D:
LAND USE DATA



LAND USE INFORMATION (COMMERCIAL VARIANT)

**PROJECT ADDRESS: 530 Sansome Street
RECORD NO. 2019-017481PRJ**

	EXISTING	PROPOSED	NET NEW
GROSS FLOOR AREA (GFA) / GROSS SQUARE FEET (GSF)*			
Parking GSF	8,850	22,575	13,725
Residential GSF	0	0	0
Retail/Commercial GSF	2,004	44,000	41,996
Cultural, Institutional, Educational GSF	18,626	20,730	2,104
Office GSF	20,718 (Accessory)	40,490	40,490
Hotel GSF	0	149,965	149,965
Usable Open Space (Residential) GSF	N/A	N/A	N/A
Privately-Owned Public Open Space (POPOS) GSF	0	6,476	6,476
Other (MECH, BOH, CIRCULATION, GROUND FLOOR OPEN SPACE) GSF	0	25,335	25,335
TOTAL GSF (excluding All Open Space)	48,194	303,095	254,901
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	N/A	N/A
Dwelling Units - Market Rate	N/A	N/A	N/A
Dwelling Units - Total	N/A	N/A	N/A
Hotel Rooms	0	200	200
Number of Buildings	3	-1	2
Number of Stories	2, 3, 3	5, 19	2, 17
Parking Spaces	21	27	48
Loading Spaces	0	2	2
Class 1 Bicycle Spaces	0	22	22
Class 2 Bicycle Spaces	0	26	26
Car Share Spaces	0	1	1
*GSF includes floor area exempt from Gross Floor Area per Section 102.			



LAND USE INFORMATION (RESIDENTIAL VARIANT)

PROJECT ADDRESS: 530 Sansome Street
RECORD NO. 2019-017481PRJ

	EXISTING	PROPOSED	NET NEW
GROSS FLOOR AREA (GFA) / GROSS SQUARE FEET (GSF)*			
Parking GSF	8,850	38,060	29,210
Residential GSF	0	257,200	257,200
Retail/Commercial GSF	2,004	0	-2,004
Cultural, Institutional, Educational GSF	18,626	20,820	2,194
Office GSF	20,718 (Accessory)	N/A	N/A
Hotel GSF	N/A	N/A	N/A
Usable Open Space (Residential) GSF	0	6,384	6,384
Shared Street GSF	0	6,476	6,476
Other (MECH, BOH, CIRCULATION, GROUND FLOOR OPEN SPACE) GSF	0	15,035	15,035
TOTAL GSF (excluding All Open Space)	48,194	331,465	310,023
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	256	256
Dwelling Units - Total	0	256	256
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	3	-1	2
Number of Stories	2, 3, 3	5, 21	2, 19
Parking Spaces	21	61	82
Loading Spaces	0	2	2
Class 1 Bicycle Spaces	0	143	143
Class 2 Bicycle Spaces	0	21	21
Car Share Spaces	0	2	2
*GSF includes floor area exempt from Gross Floor Area per Section 102.			

EXHIBIT E:
MAPS AND CONTEXT PHOTOS

Parcel Map

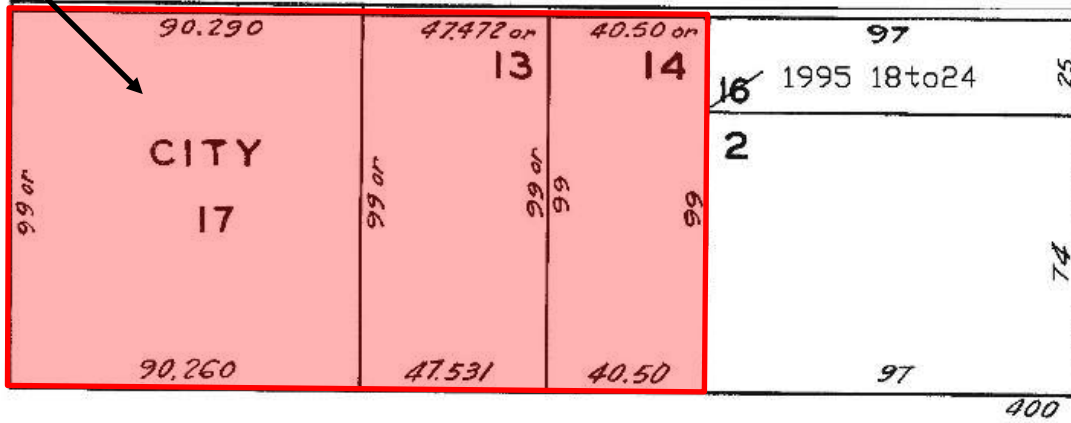
SUBJECT PROPERTY

WASHINGTON

Former city line of WASHINGTON ST.

401

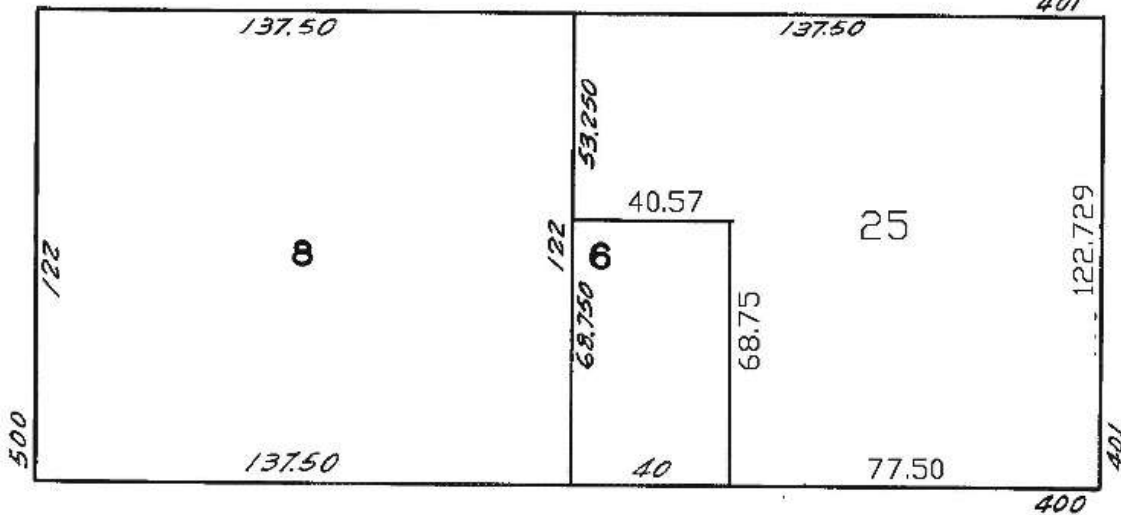
23



SANSOME

MERCHANT

BATTERY



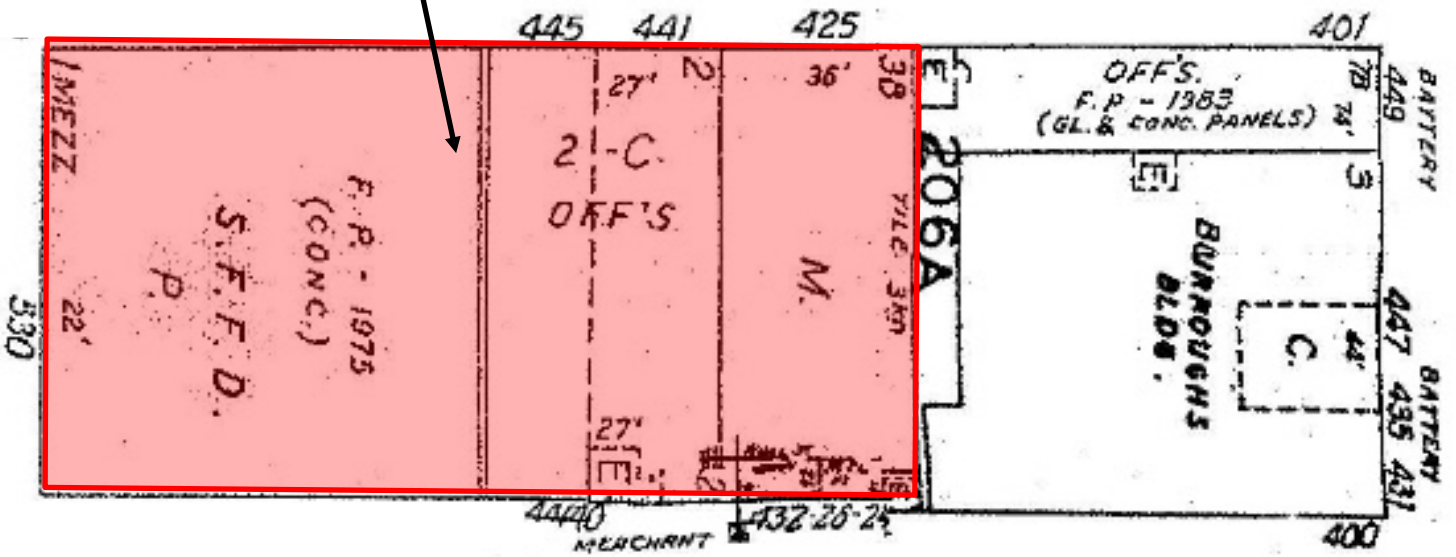
CLAY



Case Number 2019-017481PRJ
530 Sansome Street

Sanborn Map*

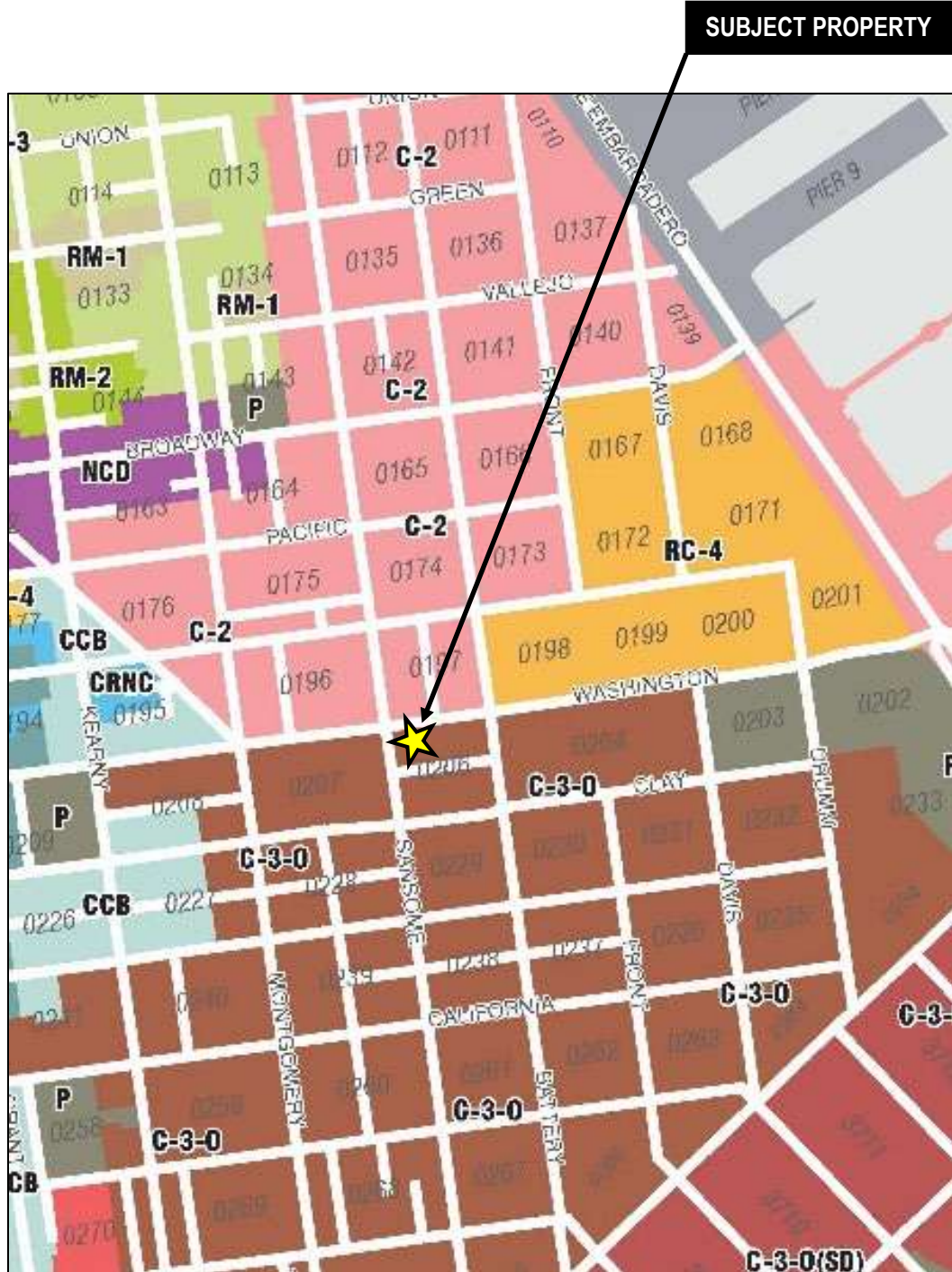
SUBJECT PROPERTY



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Case Number 2019-017481PRJ
530 Sansome Street

Zoning Map



Case Number 2019-017481PRJ
530 Sansome Street

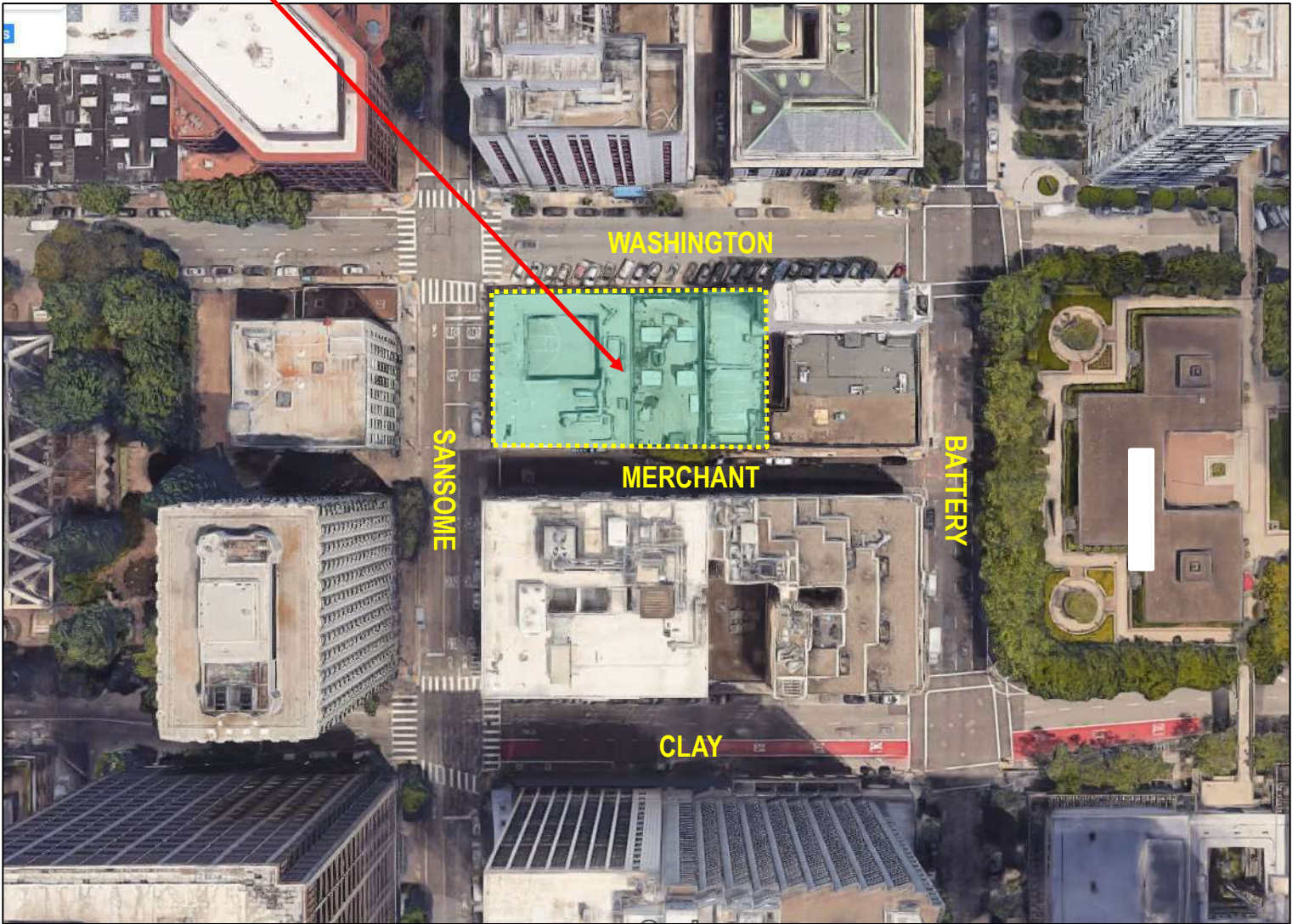
Height & Bulk Map



Case Number 2019-017481PRJ
530 Sansome Street

Aerial Photo

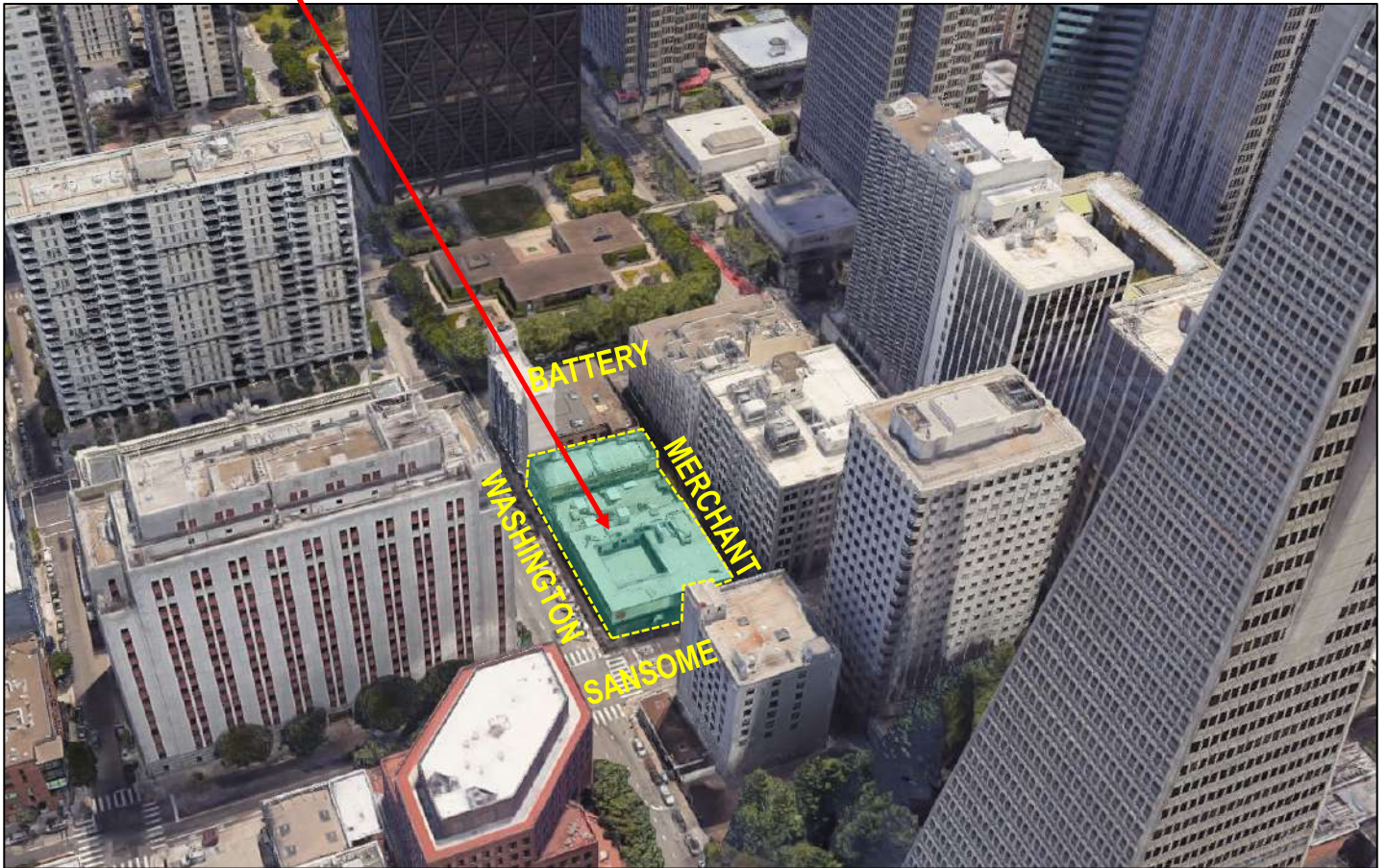
SUBJECT PROPERTY



Case Number 2019-017481PRJ
530 Sansome Street

Aerial Photo

SUBJECT PROPERTY



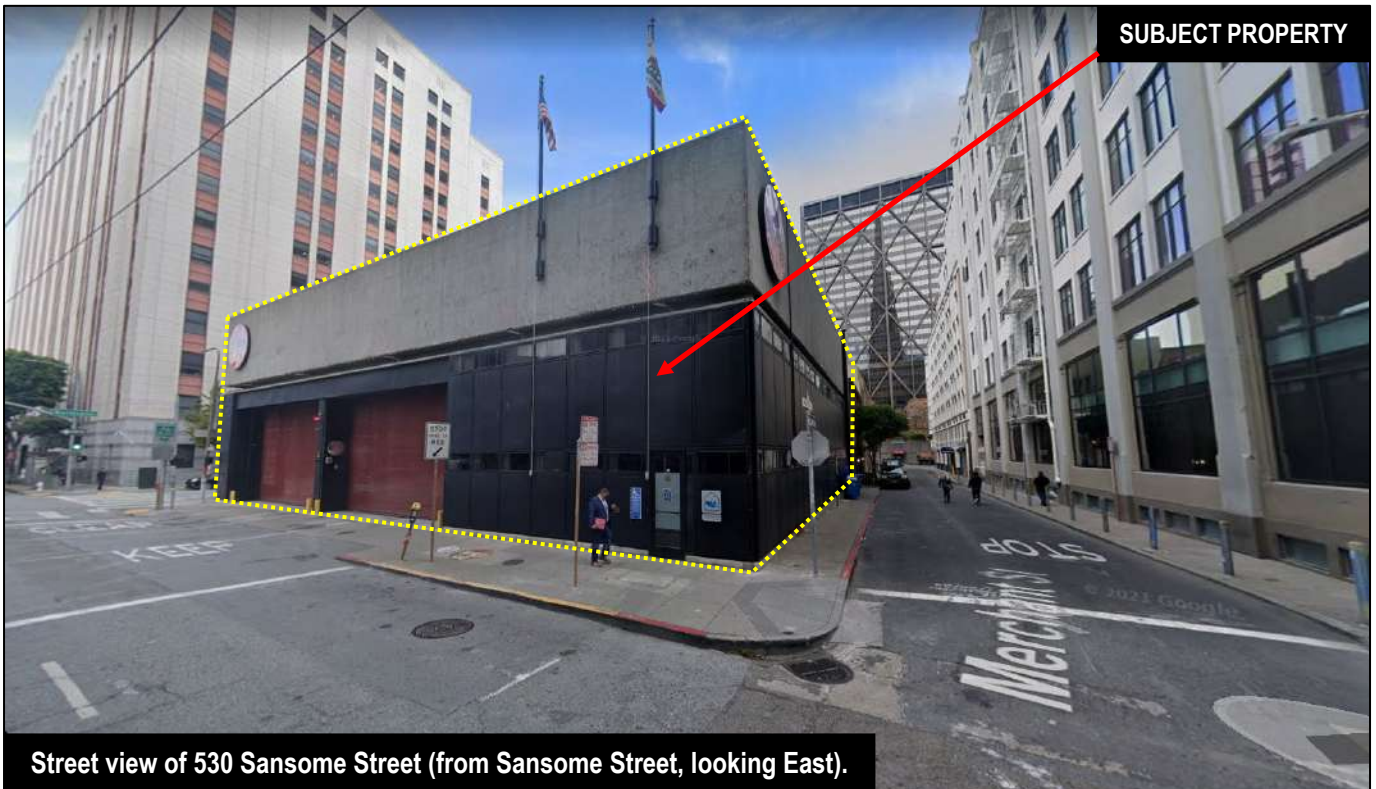
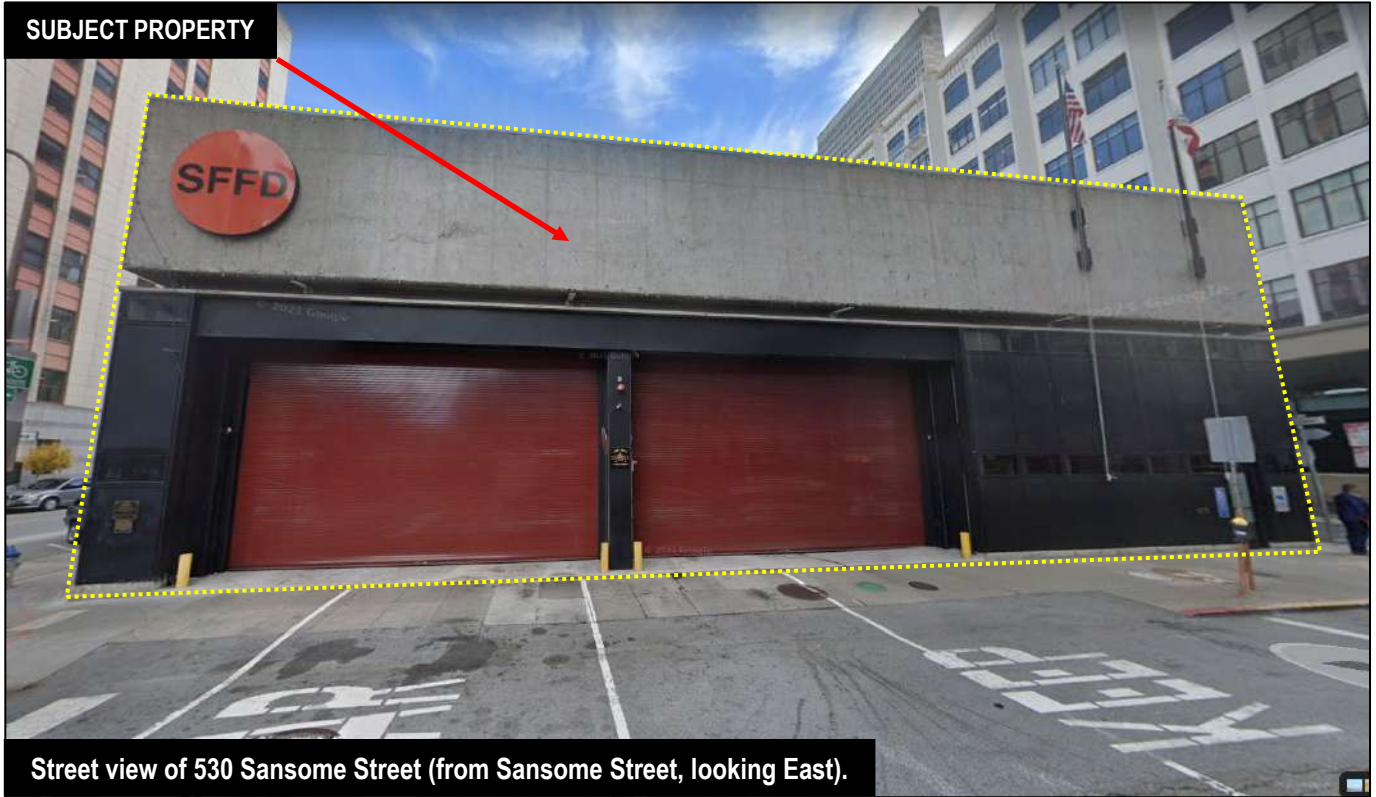
Case Number 2019-017481PRJ
530 Sansome Street

Site Photos



Case Number 2019-017481PRJ
530 Sansome Street

Site Photos



Case Number 2019-017481PRJ
530 Sansome Street

Site Photos



Case Number 2019-017481PRJ
530 Sansome Street

EXHIBIT F:
PROJECT SPONSOR BRIEF

J. ABRAMS LAW, P.C.

One Maritime Plaza Suite 1900
San Francisco, CA 94111

Jim Abrams
Jabrams@jabramslaw.com
(415) 999-4402

June 9, 2021

President Joel Koppel
San Francisco Planning Commission
49 South Van Ness, Suite 1400
San Francisco, CA 94103

Re: 530 Sansome Street Development Project

Dear President Koppel:

This firm represents EQX Jackson SQ Holdco LLC, a sponsor of the 530 Sansome Street Development Project (the “Project”). We are pleased to present the Project for the Planning Commission’s consideration, and respectfully request the Commission’s approval of the Downtown Project Authorization and associated approvals for the Project.

The Project is an exceptional example of infill development that will not only result in development contemplated by the City’s General Plan and Planning Code, but also will provide needed essential public services to the city and its residents in the form of a new, state-of-the-art San Francisco Fire Department (“SFFD”) Station 13. The Project, which is co-sponsored by SFFD and the City’s Bureau of Real Estate, includes two distinct possible land use programs that could accompany the new Station 13—one land use program that would provide a new 200-room hotel, approximately 40,000 square feet of office, a large fitness facility and ground floor restaurant space (the “Commercial Variant”) and one that would instead of commercial uses provide 256 rental apartments (the “Residential Variant”).

Each of the Commercial Variant and Residential Variant would, in addition to the new Station 13, construct shared-street improvements to the site’s Merchant Street frontage, improving the pedestrian experience for workers, residents and visitors to the Financial District and Jackson Square.

The Project has been designed by Skidmore, Owings, and Merrill, architect of a number of landmark buildings to San Francisco. The building’s design reflects a careful study of the Financial District’s skyline, with an attractive, geometric design that will complement the impressive architecture of the surrounding area.

The Project reflects thoughtful input from the Planning Department, Public Works, SFMTA and SFFD that will further a number of urban planning and life-safety objectives, including the above-mentioned improvements to Merchant Street, as well as sidewalk improvements,

accessibility upgrades, new street tree plantings, a carefully crafted passenger and commercial loading program and, significantly, a reconfiguration of Washington Street and nearby by signal facilities that will accommodate safe and effective SFFD engine egress heading both west and east on Washington Street to optimize SFFD emergency response times.

We look forward to presenting the Project in further detail at the hearing scheduled for June 24, 2021 and greatly appreciate your attention to and consideration of this matter.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long, sweeping horizontal line that tapers to the right.

Jim Abrams, Esq.

EXHIBIT G:
INCLUSIONARY AFFORDABLE
HOUSING AFFIDAVIT

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



San Francisco Planning

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 638-6378 SFPLANNING.ORG

April 21, 2021

Date

I, Gino Canori
do hereby declare as follows:

A The subject property is located at (address and block/lot):

530 Sansome Street

Address

0206 / 013, 014 & 017

Block / Lot

The subject property is located within the following Zoning District:

C-3-O

Zoning District

200-S

Height and Bulk District

N/A

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

Yes No

B The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

2019-017481

Planning Case Number

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- Zoning Administrator approval (e.g. Variance)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Nick Foster

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

December 26, 2019

Date

The project contains 256 total dwelling units and/or group housing rooms.

This project is exempt from the *Inclusionary Affordable Housing Program* because:

- This project is 100% affordable.
- This project is 100% student housing.

Is this project in an UMU Zoning District within the Eastern Neighborhoods Plan Area?

Yes No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

Yes No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

Yes No

- C** Please indicate the tenure of the project.
- Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.
 - Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

- D** This project will comply with the Inclusionary Affordable Housing Program by:
- Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5)
 - On-site Affordable Housing Alternative (Planning Code Sections 415.6)
 - Off-site Affordable Housing Alternative (Planning Code Sections 415.7)
 - Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
 - Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
 - Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:
30%

On-site, off-site or fee rate as a percentage

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

246,900

Residential Gross Floor Area

- E** The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

- F** The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:
- (1) Inform the Planning Department and the Mayor's Office of Housing and Community Development and, if applicable, fill out a new affidavit;
 - (2) Record a new Notice of Special Restrictions; and
 - (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

- G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

- I** For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

- J** For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

- K** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
256		52	139	38	27

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

On-site Affordable Housing Alternative (Planning Code Section 415.6, 419.3, or 206.4): % of the unit total.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
LOW-INCOME	Number of Affordable Units	% of Total Units		AMI Level	
MODERATE-INCOME	Number of Affordable Units	% of Total Units		AMI Level	
MIDDLE-INCOME	Number of Affordable Units	% of Total Units		AMI Level	

Off-site Affordable Housing Alternative (Planning Code Section 415.7 or 419.3): % of the unit total.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

AMI LEVELS:	Number of Affordable Units	% of Total Units		AMI Level
	Number of Affordable Units	% of Total Units		AMI Level:
	Number of Affordable Units	% of Total Units		AMI Level

UNIT MIX TABLES: CONTINUED

Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:
Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. On-Site % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

2. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee % of affordable housing requirement.

Is this Project a State Density Bonus Project? Yes No
 If yes, please indicate the bonus percentage, up to 35% _____, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) _____

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- On-site Affordable Housing Alternative
- Payment of the Affordable Housing Fee prior to the first construction document issuance
- Off-site Affordable Housing Alternative (Section 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

EQX JACKSON SQ HOLDCO LLC

Company Name

Gino Canori

Name (Print) of Contact Person

44 Montgomery Street, Suite 1300

Address

(415) 677-9000

Phone / Fax

San Francisco, CA 94104

City, State, Zip

jshum@related.com

Email

I am a duly authorized agent or owner of the subject property. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:



Name (Print), Title:

Gino Canori, Executive Vice President

Executed on this day in:

Location:

Date:

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:

EXHIBIT H:
ANTI-DISCRIMINATORY HOUSING AFFIDAVIT

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: EQX Jackson SQ Holdco LLC	
PROPERTY OWNER'S ADDRESS: 44 Montgomery St, Ste 1300, San Francisco, CA 94104	TELEPHONE: (415) 677-9000
	EMAIL: jshum@related.com

APPLICANT'S NAME: Jim Abrams Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: One Maritime Plaza, Suite 1900 San Francisco, CA 94111	TELEPHONE: (415) 999-4402
	EMAIL: jabrams@jabramslaw.com

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: ()
	EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT: 530 Sansome St		ZIP CODE: 94111
CROSS STREETS: Sansome/Washington/Merchant		
ASSESSORS BLOCK/LOT: 0206 / 013, 014 & 017	ZONING DISTRICT: C-3-O	HEIGHT/BULK DISTRICT: 200-S

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	N/A	256 (in residential variant)	256

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? YES NO

1a. If yes, in which States? National

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? YES NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? YES NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
Mullane Ahern at (415)252-2514 or mullane.ahern@sfgov.org

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: 

Date: 6/8/21

Print name, and indicate whether owner, or authorized agent:

Jim Abrams

Owner (Authorized Agent) (circle one)



ANTI-DISCRIMINATION, HARASSMENT, AND RETALIATION POLICIES

As an employee of Related, you are required to read, understand, and comply with the following employment policies. Please note that these policies supersede any and all prior versions, and further, nothing contained in these policies confers on you any contractual right, express or implied, to remain employed by the Company and they do not alter your employment-at-will relationship with the Company (unless specified otherwise in your employment or collective bargaining agreement with the Company), which means that nothing in these policies changes your right to resign at any time with or without notice, nor do they change the Company's right to terminate your employment at any time with or without reason and with or without progressive discipline. Questions about these policies or their enforcement should be directed to your Human Resources Business Partner or any other member of the Human Resources Department at hr@related.com.

A. EQUAL EMPLOYMENT OPPORTUNITY/ANTI-DISCRIMINATION POLICY

Related is an equal opportunity employer, and Related's policy is to make all employment decisions solely on the basis of an individual's merit, qualifications and abilities. The Company does not discriminate against employees or applicants on the basis of race, color, creed, religion, sex (including pregnancy, childbirth, or related condition), gender (including gender identity and gender expression), gender transitioning (including employees who are transitioning, have transitioned, or are perceived to be transitioning), sexual orientation, sexual and reproductive health decisions, age, national origin or ancestry, citizenship status, immigration status, physical or mental disability, medical condition, genetic information (including genetic predisposition and genetic carrier status), veteran status, military status, marital or registered domestic partner status, familial status, alienage, status as a victim of domestic violence, assault, or stalking and sex offenses, AIDS, AIDS-related complex or HIV status, or any other impermissible criterion or circumstance protected by federal, state or local law, ordinance or regulation.

This policy applies to all applicants and employees (regardless of position, including Related's partners, employees and interns, and regardless of immigration status), and applies to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation, benefits, and all other conditions and privileges of employment, in accordance with applicable federal, state and local law, ordinance or regulation. This policy also prohibits unlawful discrimination by or against non-employees, including Related's contractors, subcontractors, vendors, investors, clients, customers, residents and tenants.

Related complies with all applicable federal, state and local laws governing the employment relationship, including respecting the rights of employees under Section 7 of the National Labor Relations Act.

B. POLICY PROHIBITING HARASSMENT, INCLUDING SEXUAL HARASSMENT

Everyone shares the responsibility for maintaining an atmosphere free from unlawful harassment. Related will not tolerate, and is committed to maintaining a work environment that is free from, unlawful harassment, including sexual harassment. Related's policy against unlawful harassment applies to all employees (regardless of position, including Related's partners, employees and interns, and regardless of immigration status), and also protects against unlawful harassment by



and against non-employees, including Related's contractors, subcontractors, vendors, investors, clients, customers, residents and tenants.

HARASSMENT DEFINED

Harassment is a form of discrimination and it is defined as verbal, visual or physical conduct that denigrates or shows hostility toward a person based upon that person's membership in a protected class, and that (1) has the purpose or effect of creating a hostile work environment; (2) has the purpose or effect of interfering with the individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities. Those protected classes are set forth in Section A above. This definition of harassment is not exhaustive. Harassment may encompass additional conduct defined by applicable state or local law.

Prohibited harassment may occur not only through personal contact, comments, visual displays, or observation, but also through exposure to media such as email, display of Internet sites, social media platforms or other material or information on mobile devices, computer monitors, radio, television or other broadcasts containing sexually explicit, vulgar, profane or otherwise offensive language. Prohibited harassment may include, but is not limited to, telling racist or sexist jokes; using insulting epithets or nicknames; kidding, joking, teasing or practical jokes about another's protected classification; or otherwise making offensive or derogatory remarks about another person's protected classification. Prohibited harassment also includes sexual harassment, as defined below.

SEXUAL HARASSMENT DEFINED

Sexual harassment is a form of prohibited employee misconduct. Sexual harassment is defined as any unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may involve hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, or sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look. Sexual harassment may involve individuals of the same or different gender and is prohibited whether directed toward men or women and regardless of whether the targeted individual accepts or rejects the advances or other offensive behavior.

Prohibited sexual harassment may include, but is not limited to, threatening adverse employment action if sexual favors are not granted; promising preferential treatment in return for sexual favors; unwelcome physical contact, including physical conduct such as hugging, kissing, touching, rubbing, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body, rape, sexual battery, molestation or attempts to commit these assaults; offensive remarks of a sexual nature, including unwelcome comments



about appearance, obscene jokes or other inappropriate use of sexually explicit or offensive language; asking for sexual favors; subtle or obvious pressure for unwelcome sexual activities; repeated requests for dates; the display in the workplace of sexually suggestive objects or pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic; and unwelcome sexual advances by third parties who do business with Related and anyone visiting our premises. Prohibited sexual harassment may occur not only through personal contact, comments, visual displays, or observation, but also through exposure to media such as email, display of Internet sites, social media platforms or other material or information on mobile devices, computer monitors, radio, television or other broadcasts containing sexually explicit, vulgar, profane or otherwise offensive language or pictures or video.

C. REPORTING HARASSMENT AND DISCRIMINATION / NO RETALIATION

Every employee shares in the responsibility for maintaining an atmosphere free from prohibited and unlawful discrimination and harassment. Therefore, any employee who believes that they have been discriminated against or harassed, or any employee who has witnessed or otherwise become aware of any such conduct, is **strongly encouraged** to speak up. If comfortable doing so, tell the offending individual that their behavior or actions are inappropriate or unwelcome and to stop. The individual may not realize that their behavior is offensive and a simple communication may effectively end the behavior. This step is optional; it is not required. If an employee is not comfortable taking this step or if the communication does not resolve the issue, then as a next step, we strongly urge the employee to immediately report the conduct to their supervisor, any other member of management, Lauren Geer, Senior Vice President, Chief Human Resources Officer (at (212) 634-8099 or lgeer@related.com), your Human Resources Business Partner, or any other member of the Human Resources Department by emailing hr@related.com. Any employee with managerial or supervisory responsibilities who witnesses or otherwise becomes aware of an incident of discrimination or harassment must immediately report it to the Human Resources Department. Managers and other supervisory personnel who fail to report such conduct will be subject to discipline, up to and including termination.

ANONYMOUS HOTLINE

In addition to the reporting options listed above, the Company has also established an ethics and compliance hotline through Lighthouse Services, Inc. whereby employees can confidentially and anonymously report ethics violations, including prohibited discrimination and harassment. A complaint form that employees may use to report instances of discrimination and harassment is also available on [Related Insider](#). The hotline and complaint form do NOT replace communications with Human Resources staff about benefits or other job-related issues, and likewise are not substitutes for routine communications between employees and their supervisors as to workplace duties. Regular business matters that do not require anonymity should be directed to the employee's supervisor or the Human Resources Department. Hotline reports are submitted by Lighthouse Services to Company designees for investigation according to Company policies. Please note that while your anonymity will be protected to the fullest extent possible by Lighthouse, your identity may become known during the course of the investigation because of the information you have provided. Should you wish to utilize the hotline, Lighthouse Services' online services and toll free number are available to Company employees 24 hours a day, 7 days a week. The most convenient way to submit a report is online by visiting www.lighthouse-services.com/related or by emailing reports@lighthouse-services.com. Should you wish to speak to a representative, please call



833-630-0008 (toll free for English), or 800-216-1288 (toll free for Spanish).

Discrimination and harassment (and, as explained further below, retaliation) are not only prohibited by the Company, they are also prohibited by state, federal, and local law, as applicable, and may subject the offending individual to personal liability under certain circumstances. While we encourage you to utilize our internal complaint procedure, you may choose to contact a federal, state, or a local enforcement agency, as applicable. You may refer to [Related Insider](#) for the contact information of governmental agencies that enforce anti-discrimination/harassment/retaliation laws that may be applicable to you. You may also be able to pursue relief through judicial forums such as the courts in your state.

INVESTIGATIONS OF COMPLAINTS

Related is determined to resolve possible instances of discrimination and harassment as quickly and as discreetly as possible while ensuring due process for all involved parties, including by taking any necessary interim actions (e.g., instructing the person about whom the report was made to cease communicating with the reporting employee), reviewing relevant documents, and by interviewing the complainant, the accused and any other witness the Company determines may assist the investigation. The Company will investigate all allegations of discrimination and harassment in as confidential a manner as possible, consistent with the need for a thorough investigation, and will take appropriate corrective action as warranted. All employees are expected to cooperate fully in any investigation. The Company will follow up with the individual who made the complaint, the accused, and any other individual it deems necessary at the conclusion of the investigation.

NO RETALIATION

The Company will not tolerate retaliation against an employee who engages in protected activity. An employee engages in protected activity when they:

- make a complaint of discrimination or harassment, including sexual harassment, whether internally at the Company or externally to an enforcement agency, including a complaint about conduct directed towards the employee and/or another employee;
- testify, assist, or participate in an investigation, proceeding or hearing involving discrimination or harassment, including sexual harassment;
- oppose any unlawful discriminatory or harassing (including sexually harassing) practice by making a verbal or informal complaint to the Company or otherwise informing the Company of the opposed unlawful practice; or
- encourage another individual to report discrimination or harassment (including sexual harassment).

Retaliation can be any adverse action that is work-related (e.g., threat of termination) or non-work-related (e.g., threats of physical violence off premises outside of working hours) that could discourage an employee from engaging in a protected activity.

We strongly urge anyone who believes they have been subjected to retaliation or who has witnessed or otherwise become aware of the same to immediately report the conduct in accordance with the reporting procedure set forth above. Supervisory and managerial personnel who have witnessed or otherwise become aware of such conduct, must immediately report the conduct to the Human Resources Department through the channels indicated above. The Company will investigate reports of retaliation consistent with the investigation procedures described above.



Further, the Company recognizes that false accusations may have serious effects on innocent persons. Please note therefore, that while the protection against retaliation will apply where an employee makes a good faith complaint of discrimination or harassment (even if the conduct complained of does not ultimately rise to the level which violates the law), the protection against retaliation does not apply where, after investigation, it is clear that a person intentionally made a false accusation. Where we determine that an employee made an intentionally false accusation, we will subject the employee to appropriate discipline, up to and including termination of employment.

CORRECTIVE ACTION

Related does not tolerate discrimination, harassment (including sexual harassment), or retaliation in the workplace, which means that if we find that any employee has engaged in discrimination, harassment, including sexual harassment, or retaliation, and in the case of an employee with managerial or supervisory responsibilities, if they knowingly allowed such conduct to occur and/or failed to report such conduct, we will take disciplinary action against such employee, up to and including termination of employment. We will also take all necessary and appropriate action to address any discrimination, harassment or retaliation by a non-employee against one of our employees.

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- Anti-Discriminatory Housing Policy Form is **Complete**
- Anti-Discriminatory Housing Policy Form is **Incomplete**


Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):	DATE FILED:
201912200193	12/20/19

RECORD NUMBER:	DATE FILED:
2019-017481DNXCUAOFASHDVARTDMENVPRJ	12/13/19

VERIFIED BY PLANNER:

Signature:  Date: **6/8/21**

Printed Name: **Nicholas Foster** Phone: **628.652.7330**

ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	

EXHIBIT I:
FIRST SOURCE
HIRING AFFIDAVIT



AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM - ADMINISTRATIVE CODE CHAPTER 83

APPLICATION

Project Sponsor's Information

Name: EQX Jackson SQ Holdco LLC
Address: 44 Montgomery St, Ste 1300, San Francisco, CA 94104
Email Address: jshum@related.com
Telephone: 415.677.9000

Property Information and Related Applications

Project Address: 530 Sansome Street
Block/Lot(s): 0206 / 013, 014 & 017
Building Permit Application No(s): 201912200193
Estimated Residential Units: 256
Estimated SQ FT Commercial Space: n/a
Estimated Height/Floors: 218 / 21
Estimated Construction Cost: 157,000,000
Anticipated Start Date: 12/1/2021

FIRST SOURCE HIRING PROGRAM VERIFICATION

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	YES
Project is wholly residential	
Project is wholly commercial	
Project is mixed use	✓
A: The project consists of ten (10) or more residential units.	✓
B: The project consists of 25,000 square feet or more of gross commercial floor area/	
C: Neither A nor B apply	

Notes:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked A or B, your project IS subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or 415.701.4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

FIRST SOURCE HIRING PROGRAM - WORKFORCE PROJECTION

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	TBD	1	5	Laborer		15	50
Boilermaker		0	0	Operating Engineer		1	2
Bricklayer		0	0	Painter		3	5
Carpenter		10	50	Pile Driver		2	4
Cement Mason		5	20	Plasterer		2	4
Drywall/Latherer		7	25	Plumber and Pipefitter		7	12
Electrician		7	25	Roofer/Water proofer		3	8
Elevator Constructor		2	4	Sheet Metal Worker		7	25
Floor Coverer		2	4	Sprinkler Fitter		2	4
Glazier		4	10	Taper		3	10
Heat & Frost Insulator		1	2	Tile Layer/Finisher		2	4
Ironworker		5	10	Other:			
		TOTAL:	155			TOTAL:	128

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? YES NO
2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? YES NO
3. Will hiring and retention goals for apprentices be established? YES NO
4. What is the estimated number of local residents to be hired? N/A

DECLARATION OF SPONSOR OF PRINCIPAL PROJECT

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Gino Canori, EVP	jshum@related.com	(415) 677-9000
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
		(DATE)
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415.701.4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		



AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM - ADMINISTRATIVE CODE CHAPTER 83

APPLICATION

Project Sponsor's Information

Name: EQX Jackson SQ Holdco LLC

Address: 44 Montgomery St, Ste 1300, San Francisco, CA 94104

Email Address: jshum@related.com

Telephone: (415) 677-9000

Property Information and Related Applications

Project Address: 530 Sansome Street

Block/Lot(s): 0206 / 013, 014 & 017

Building Permit Application No(s): 201912200193

Estimated Residential Units: 0

Estimated SQ FT Commercial Space: 223,000

Estimated Height/Floors: 218 / 19

Estimated Construction Cost: \$150,000,000

Anticipated Start Date: 12/1/2021

FIRST SOURCE HIRING PROGRAM VERIFICATION

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	YES
Project is wholly residential	
Project is wholly commercial	
Project is mixed use	✓
A: The project consists of ten (10) or more residential units.	
B: The project consists of 25,000 square feet or more of gross commercial floor area/	✓
C: Neither A nor B apply	

Notes:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked A or B, your project IS subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or 415.701.4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

FIRST SOURCE HIRING PROGRAM - WORKFORCE PROJECTION

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	TBD	1	5	Laborer		15	50
Boilermaker		0	0	Operating Engineer		1	2
Bricklayer		0	0	Painter		3	5
Carpenter		10	50	Pile Driver		2	4
Cement Mason		5	20	Plasterer		2	4
Drywaller/Latherer		7	25	Plumber and Pipefitter		7	12
Electrician		7	25	Roofer/Water proofer		3	8
Elevator Constructor		2	4	Sheet Metal Worker		7	25
Floor Coverer		2	4	Sprinkler Fitter		2	4
Glazier		4	10	Taper		3	10
Heat & Frost Insulator		1	2	Tile Layer/ Finisher		2	4
Ironworker		5	10	Other:			
		TOTAL:	155			TOTAL:	128

- | | | |
|--|-------------------------------------|--------------------------|
| | YES | NO |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | <u>N/A</u> | |

DECLARATION OF SPONSOR OF PRINCIPAL PROJECT


PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Gino Canori, EVP	jshum@related.com	(415) 677-9000
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
		(DATE)
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415.701.4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		

EXHIBIT J:
PUBLIC CORRESPONDENCE



May 7, 2021

San Francisco Planning Commission
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Subject: Letter of Support for Proposed Development at 530 Sansome Street

Dear Commission President Koppel and Commissioners,

We support the proposed development at 530 Sansome Street, a 19-story mixed-use building atop a new four-story San Francisco fire station (#13) comprised of active ground floor uses and significant public realm enhancements. Co-project sponsors Related California and the San Francisco Fire Department recently presented their proposed development plan to the Downtown Community Benefit District (DCBD).

Important aspects of the development align with the DCBD's mission to provide supplemental neighborhood cleaning safety services and support a vibrant public realm. These aspects include:

- A new \$35 million state-of-the-art fire station
- Converting a portion of Merchant Street into a shared street/living alley with approximately 4,830 square feet of privately owned public open space
- A high-quality pedestrian-scale exterior lighting and public safety systems
- Expanded sidewalks and new street trees along Washington and Sansome Streets
- Active ground floor retail uses with transparent storefront windows

Reimagining the currently underutilized site with a new firehouse, neighborhood-serving amenities, and enhanced public realm improvements align with the DCBD's efforts to reinvigorate a post-COVID downtown district. We strongly support this project and look forward to further discussions with the project sponsors throughout the course of the development and beyond.

Sincerely,

A handwritten signature in black ink, appearing to read "Robbie Silver".

Robbie Silver
Interim Executive Director

EXHIBIT B:
PLANS

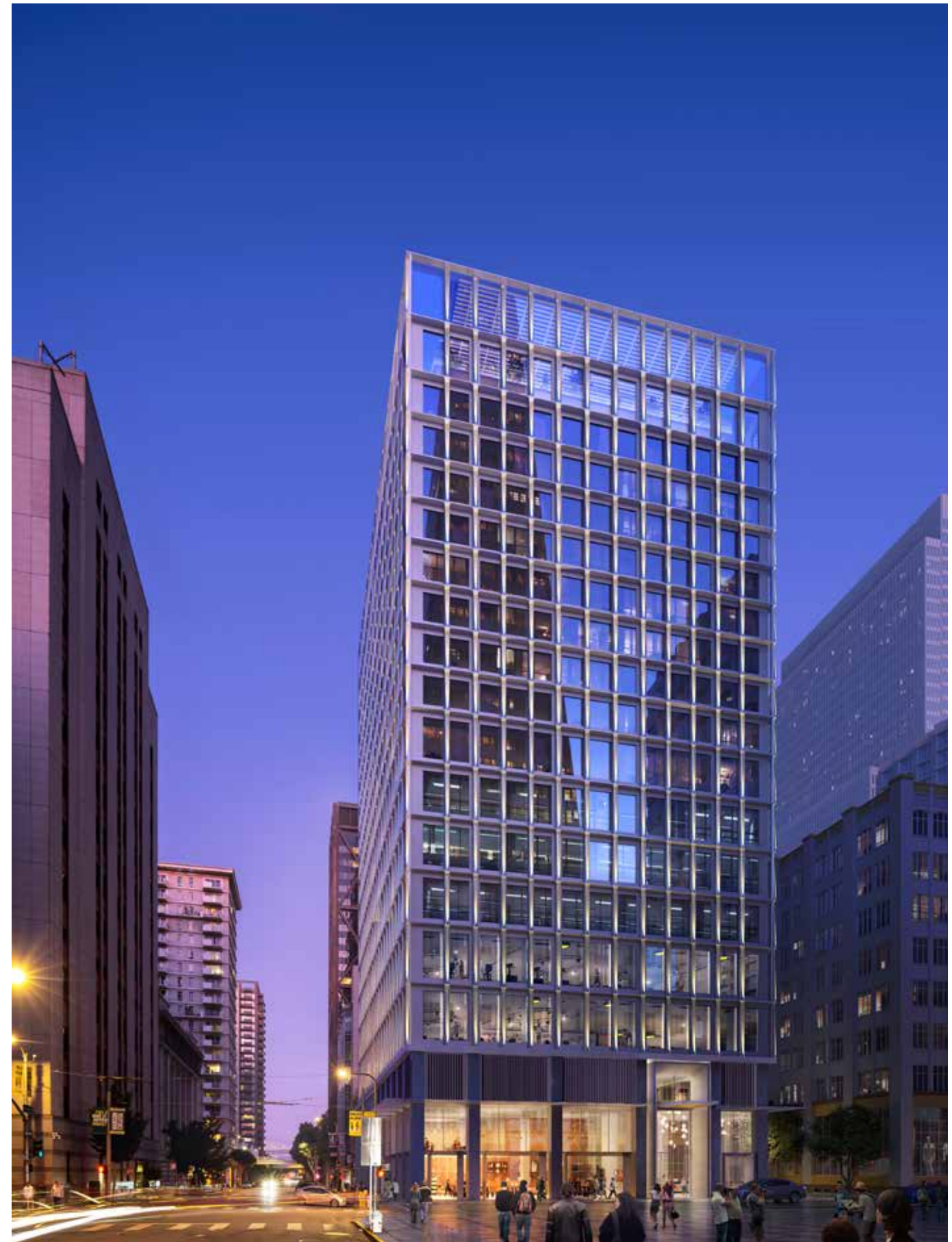
530 SANSOME STREET

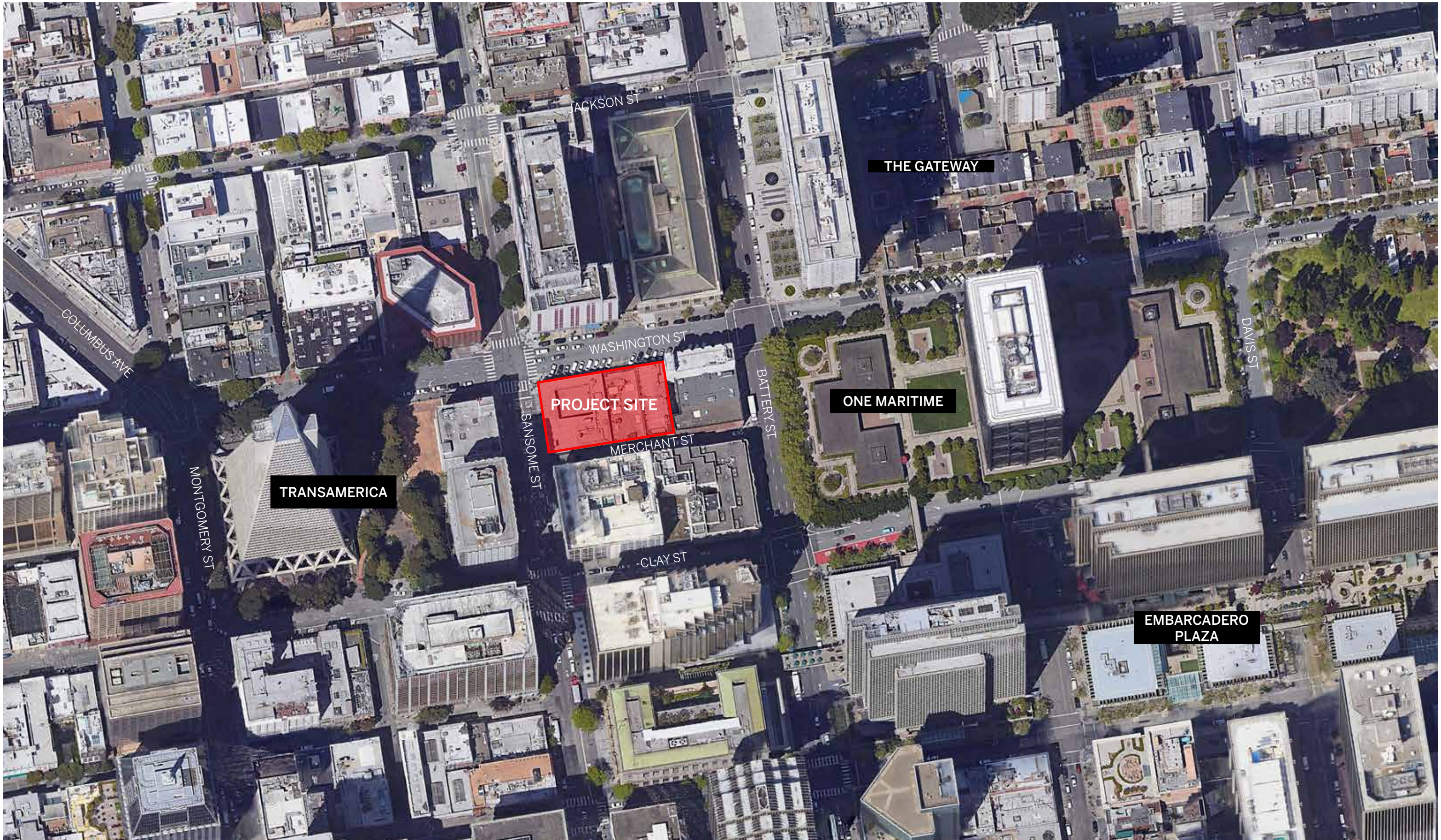
San Francisco, CA

Revised Project Application (PRJ)
Updated April 23rd, 2021

With Revised Residential Variant

SOM







1



2



4



3

	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

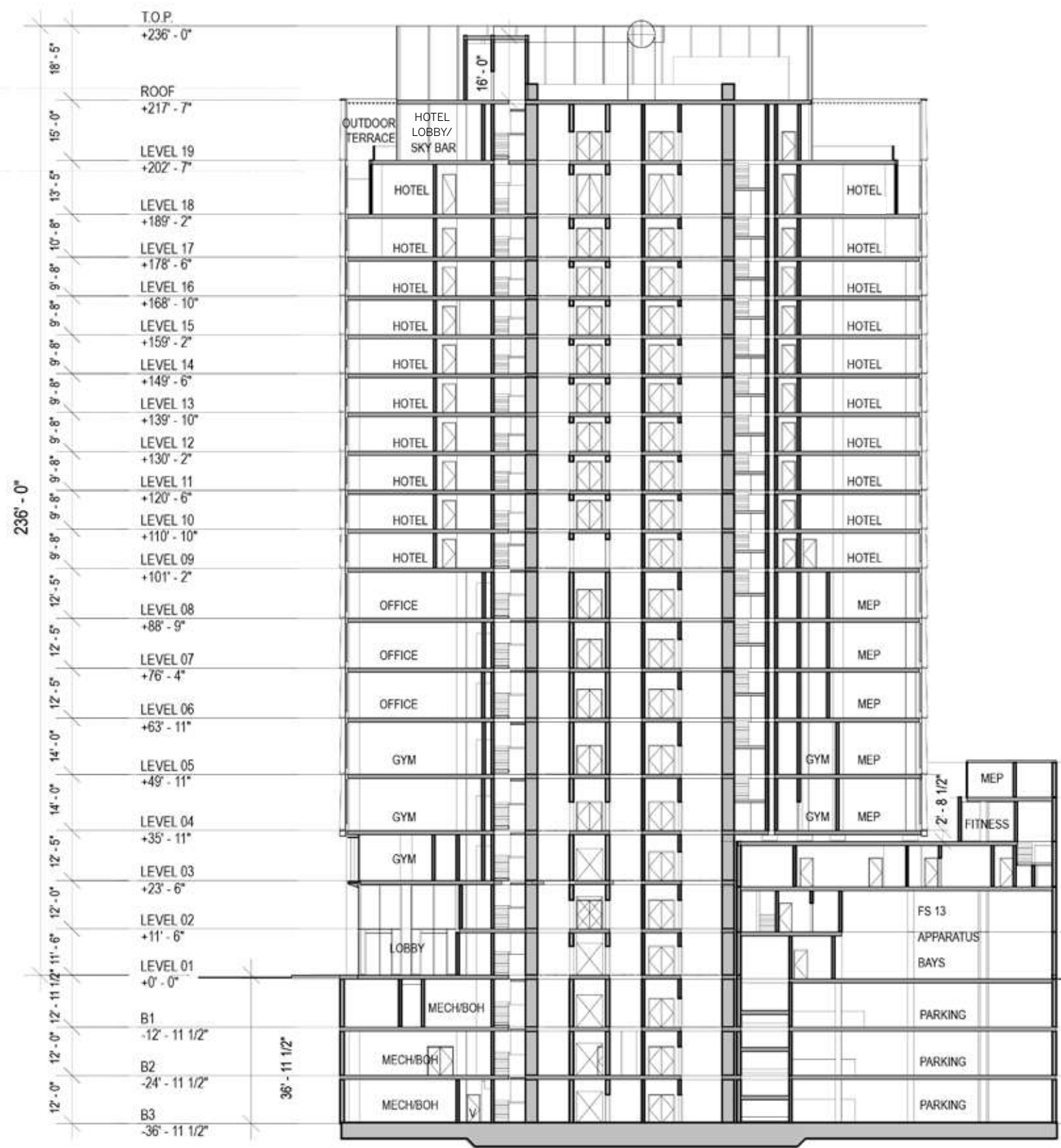
***** Represents extent of area of pedestrian-favored public realm improvements on Merchant Street. The POPOS requirements is () square feet per Section 138. See landscape street level plan sheets for detail on proposed scope of improvements

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

Use Category	Requirement Class 1	Requirement Class 2	# of rooms / spaces	OFA	# of Bike Spaces Required	
					Class 1	Class 2
Hotel	One Class 1 space for every 30 rooms.	Minimum two spaces. One Class 2 space for every 30 rooms	200	N/A	7	7
Hotel Conference Space	N/A	One Class 2 space for every 5,000 square feet of Occupied Floor Area of conference, meeting or function rooms.	N/A	4,433	0	1
Retail/Gym	One Class 1 space for every 7,500 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 2,500 sq. ft. of Occupied Floor Area. For uses larger than 50,000 occupied square feet, 10 Class 2 spaces plus one Class 2 space for every additional 10,000 occupied square feet	N/A	31,280	4	13
Restaurant (Eating and Drinking Facility)	One Class 1 space for every 7,500 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 750 square feet of Occupied Floor Area.	N/A	6,995	1	9
Office	One Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces for any Office Use greater than 5,000 square feet of Occupied Floor Area, and one Class 2 space for each additional 50,000 occupied square feet.	N/A	36,331	7	2
Fire Station (Public Facility)	Minimum two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces or one Class 2 space for every 2,500 occupied square feet of publicly-accessible or exhibition area.	N/A	19,610	4	2
SFFD Non-Accessory Parking Garage	None are required. However, if Class 1 spaces that can be rented on an hourly basis are provided, they may count toward the garage's requirement for Class 2 spaces.	One Class 2 space for every 20 car spaces, except in no case less than six Class 2 spaces.	18 Spaces	N/A	0	6
Total Required Spaces:					23	40

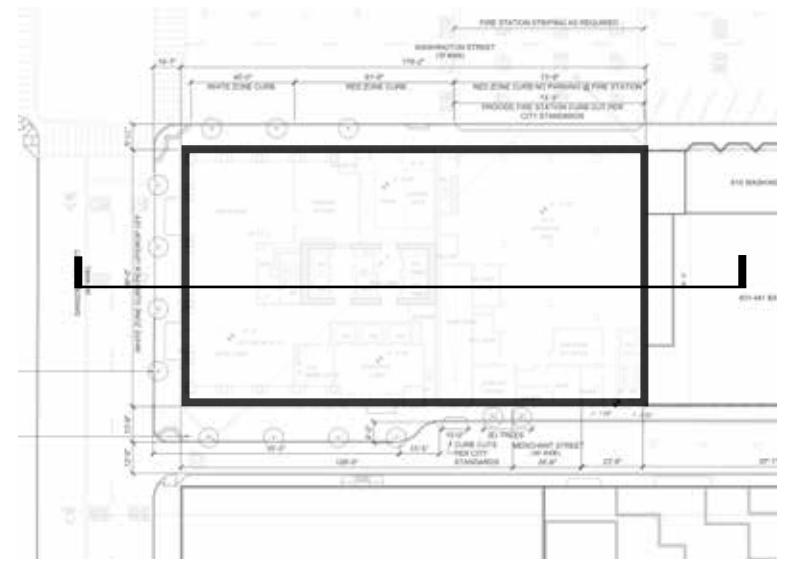
HEIGHT LIMIT W/
REQUESTED Sec. 263.9
HEIGHT EXCEPTION
+220' - 0"

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"

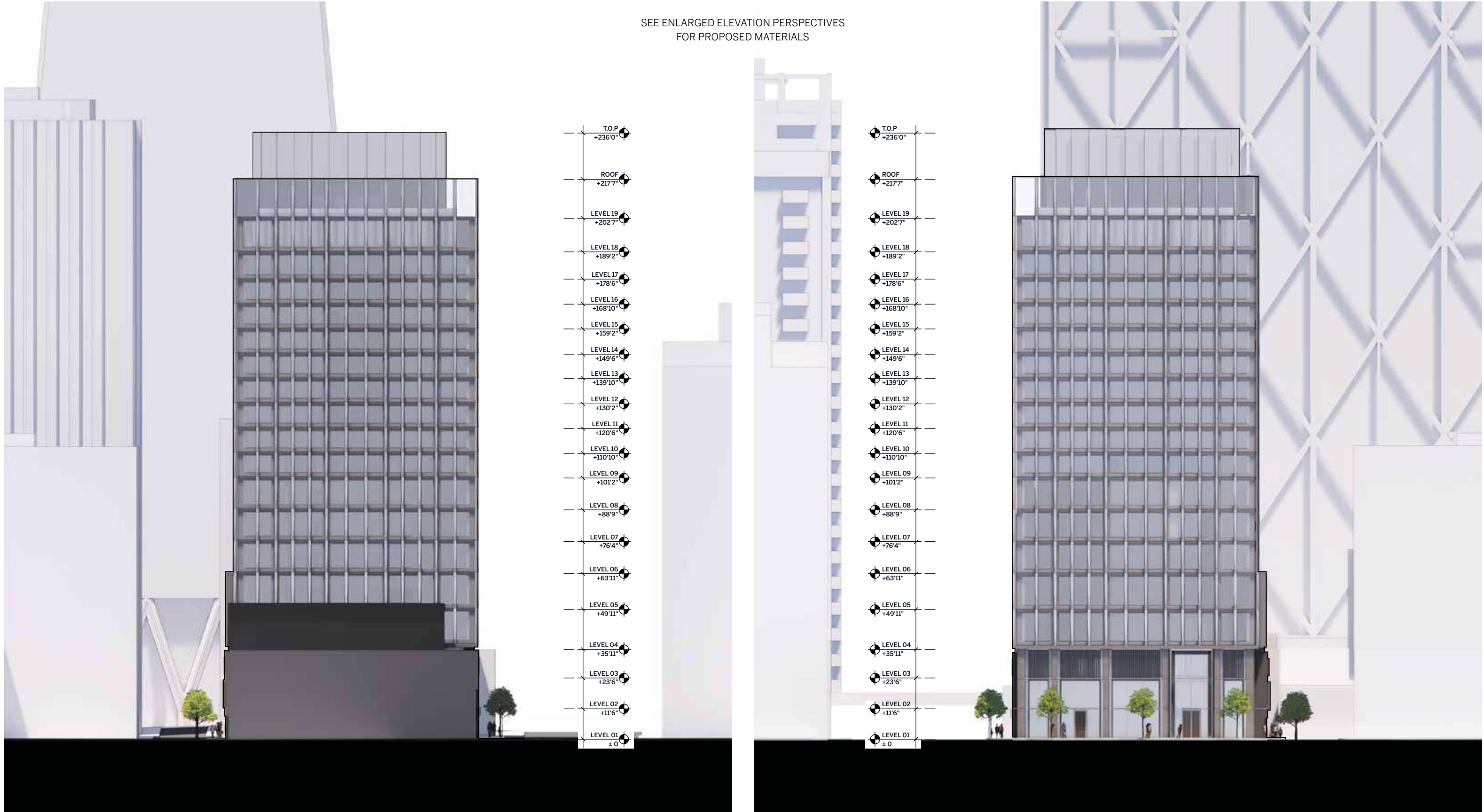
Proposed below grade
development net soil
volume displacement
approx 22,000 cu. yd.

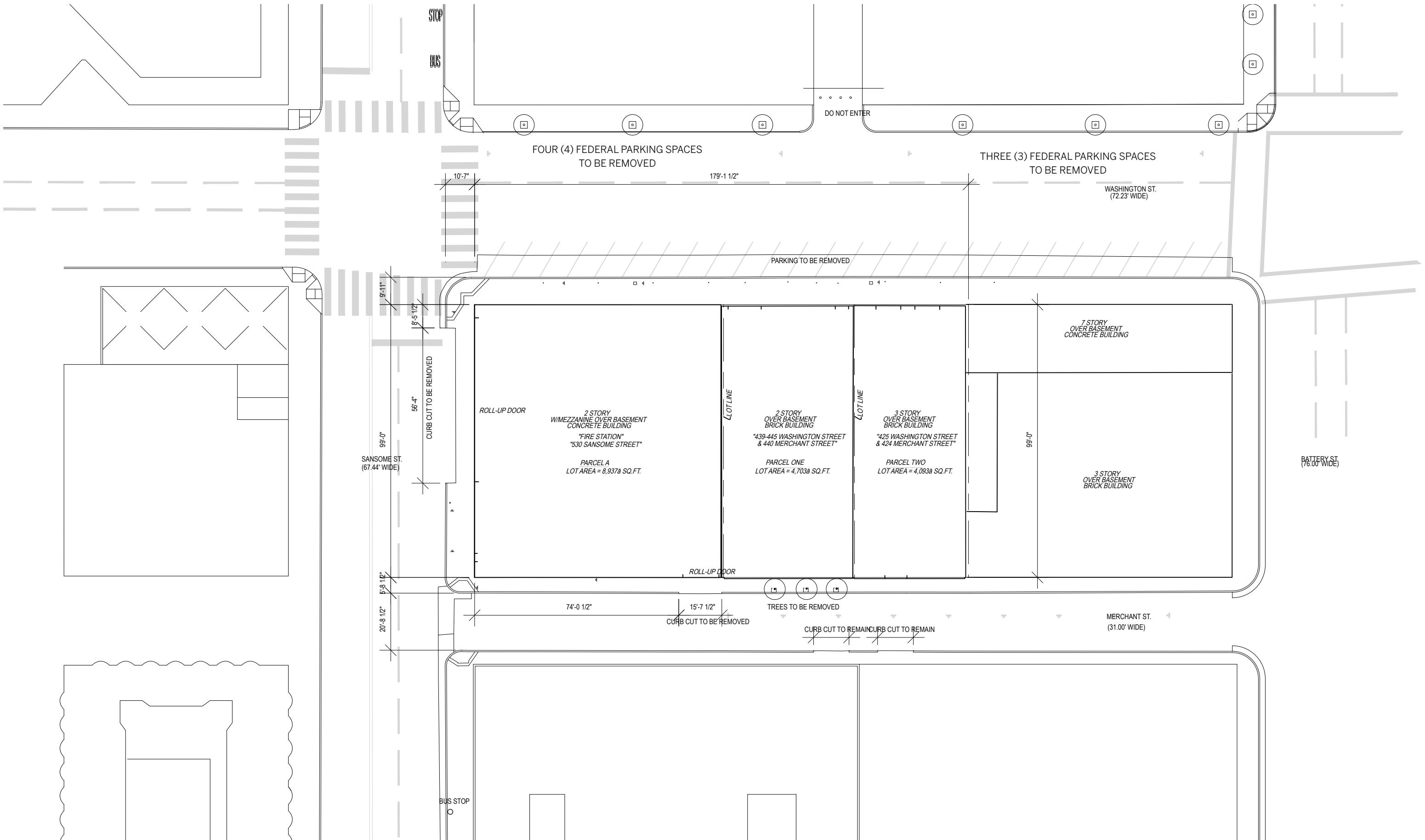


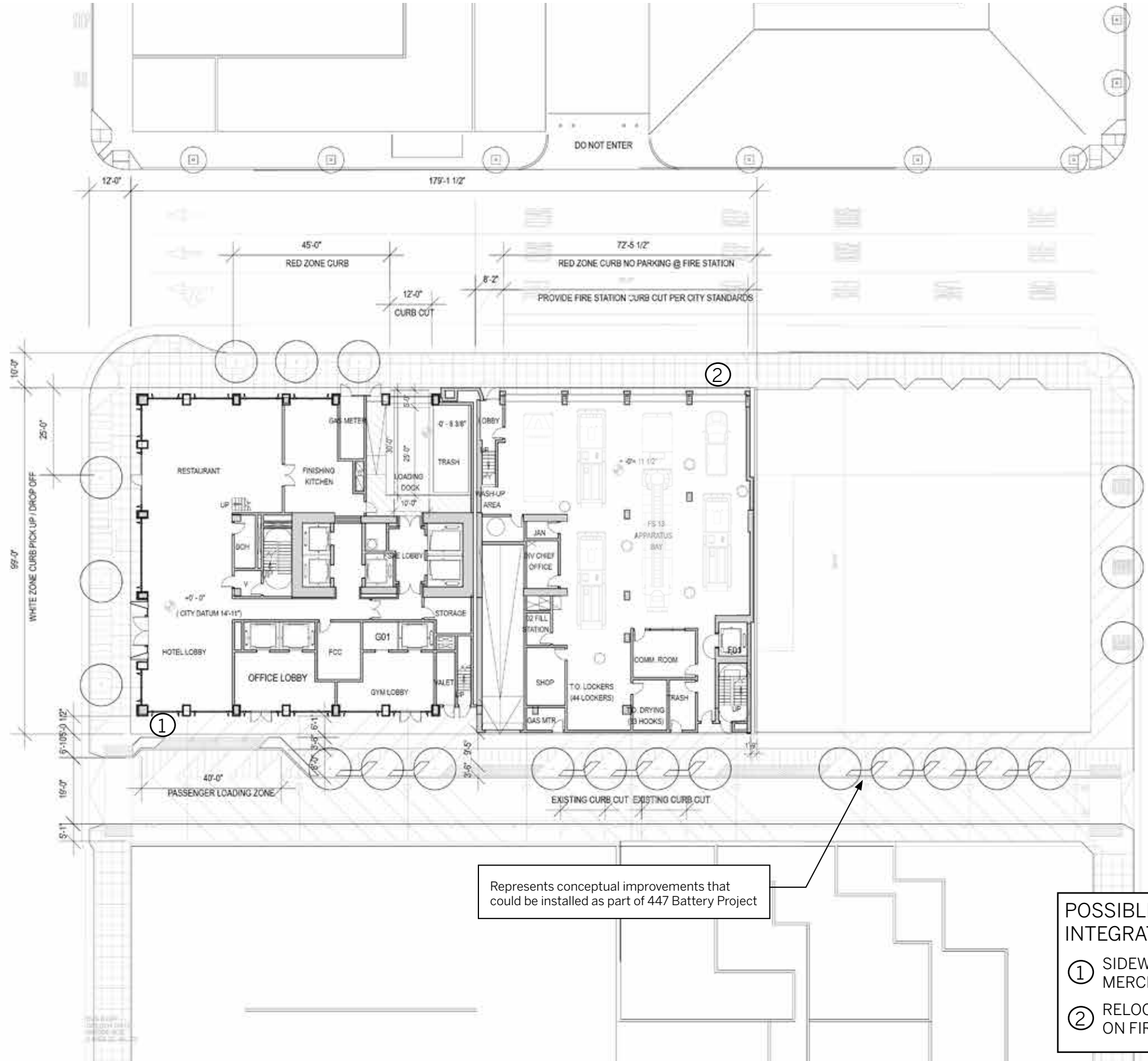
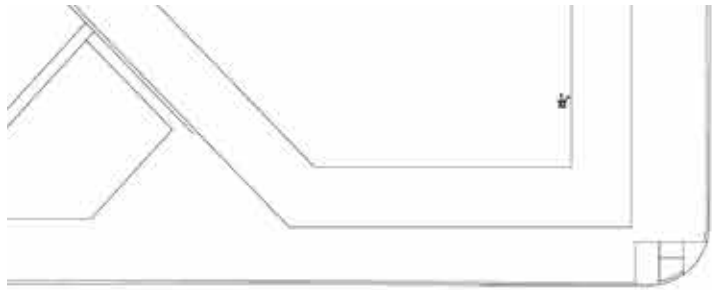
SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS



SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS

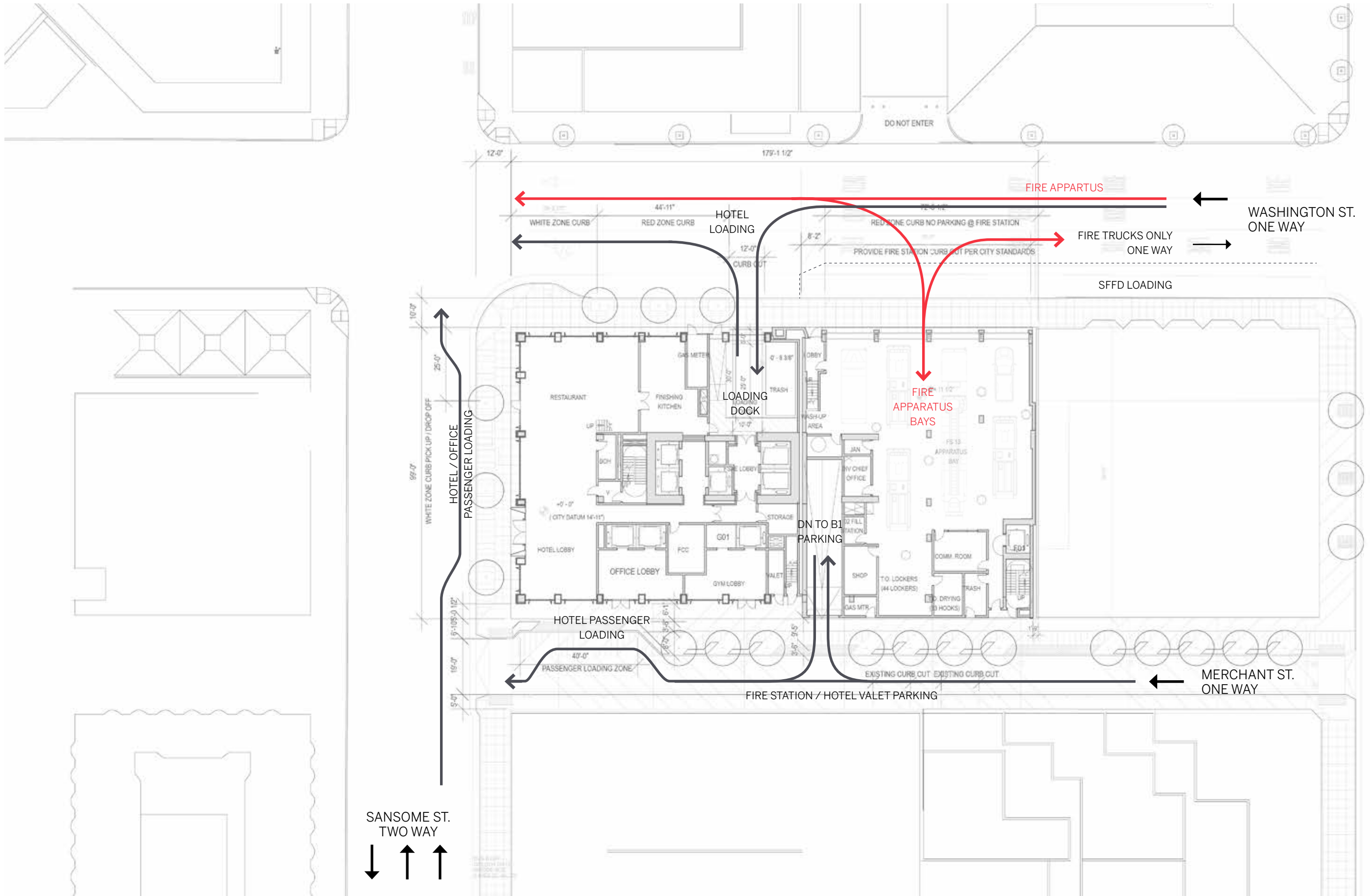


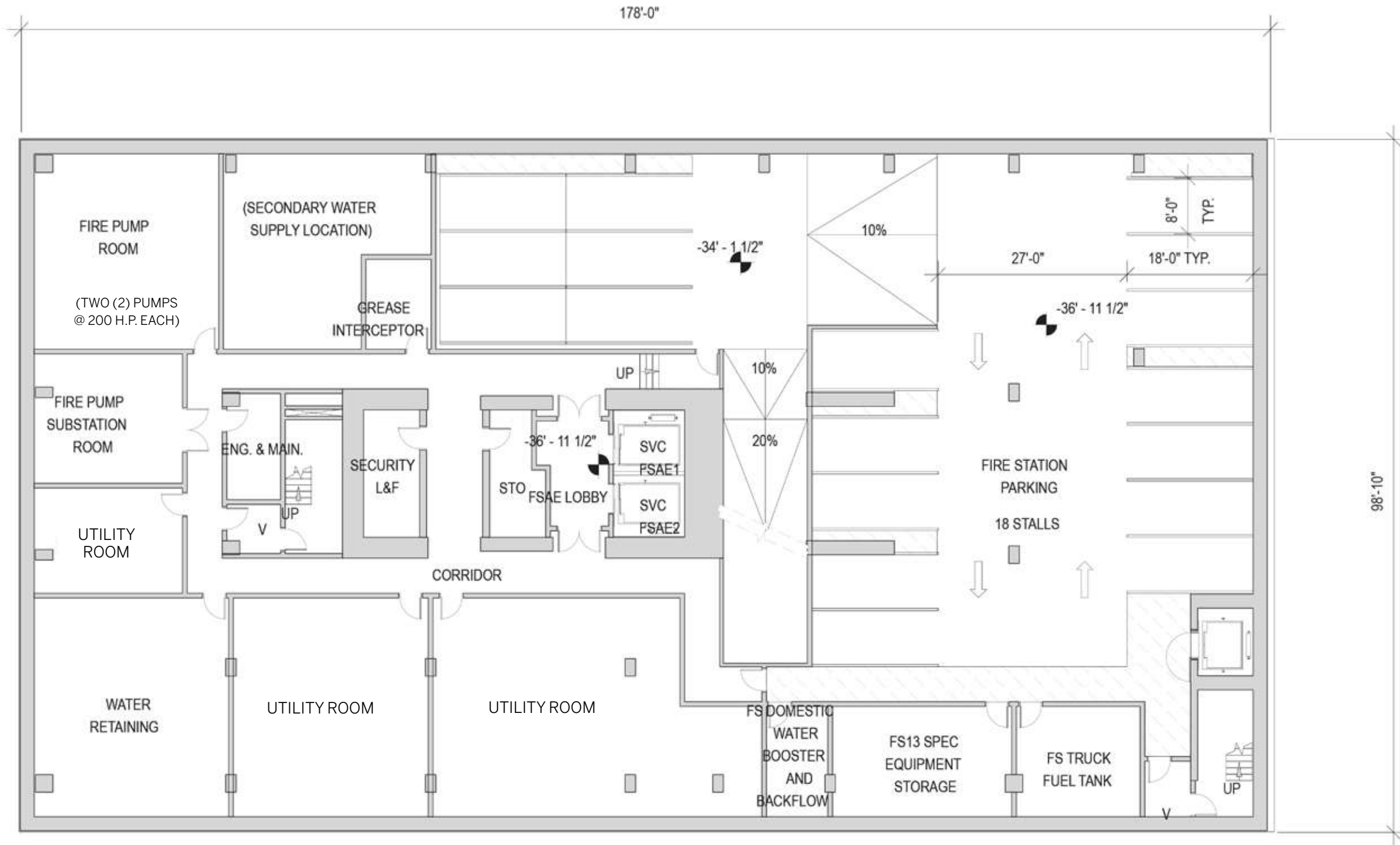


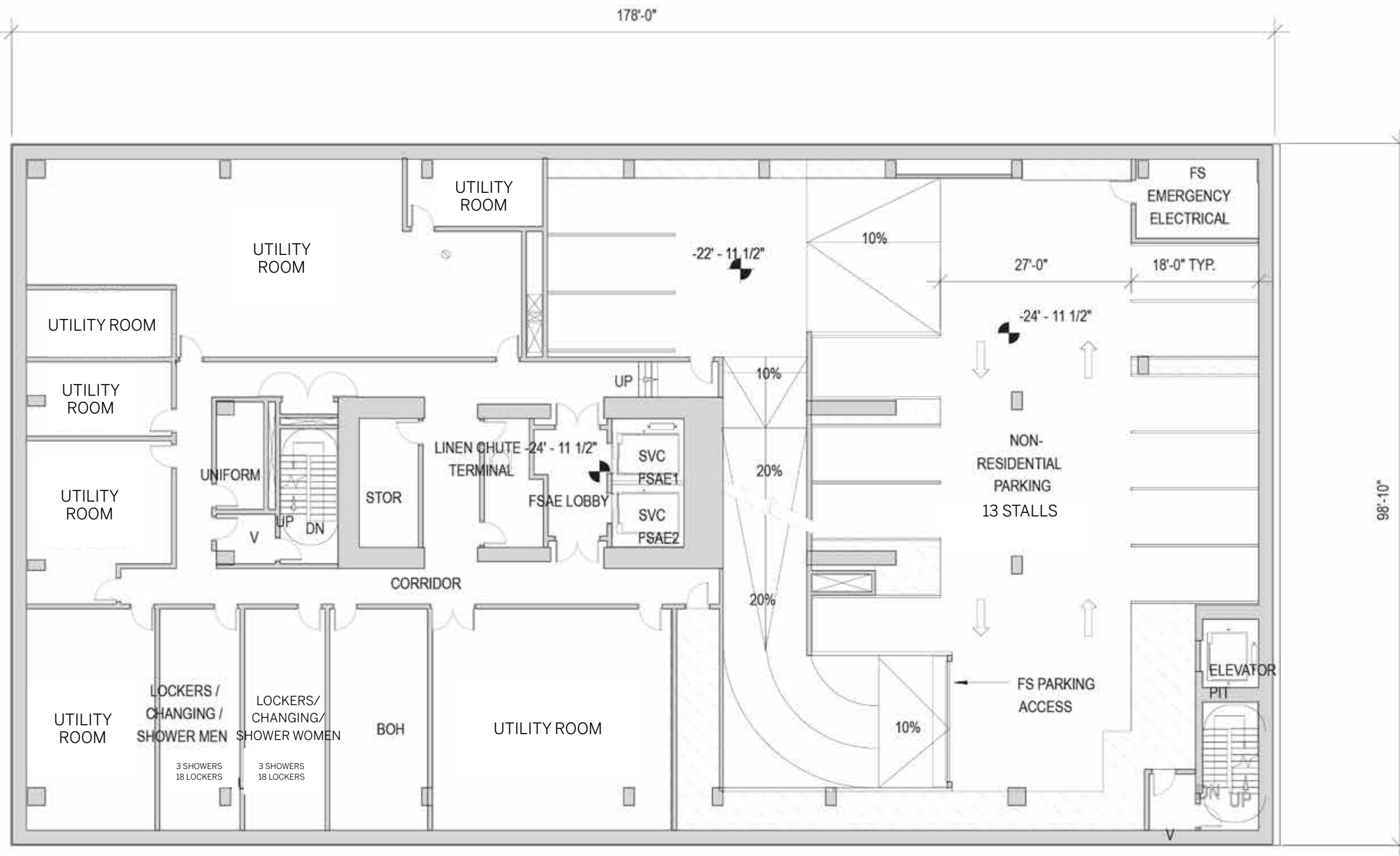


Represents conceptual improvements that could be installed as part of 447 Battery Project

- POSSIBLE LOCATIONS TO INTEGRATE PUBLIC ART**
- ① SIDEWALK EXTENSION ON MERCHANT STREET
 - ② RELOCATED SFFD SCULPTURE ON FIRE STATION FACADE

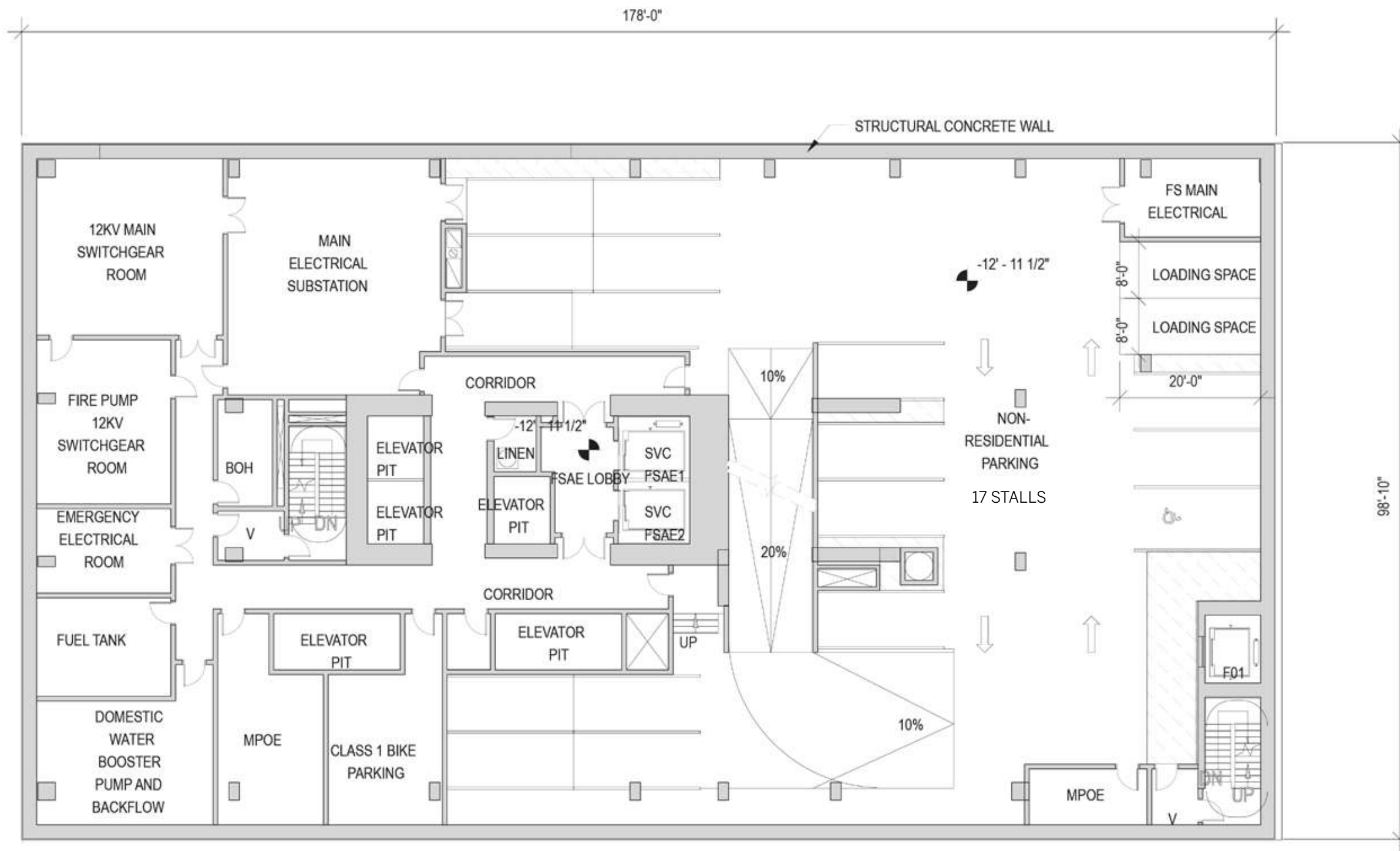






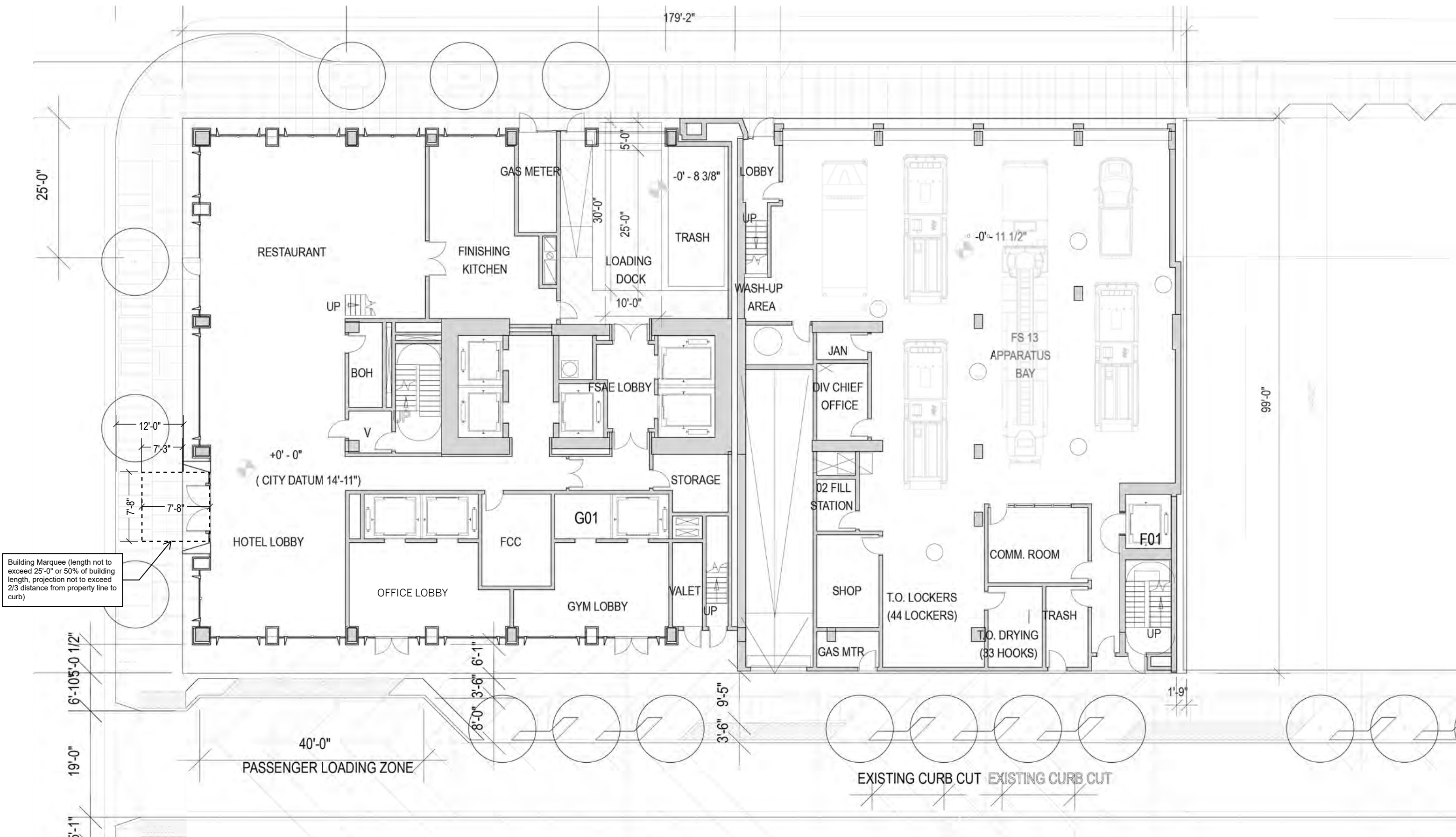
* Valet Parking may be used to park more automobiles than can be accommodated in individual parking spaces.





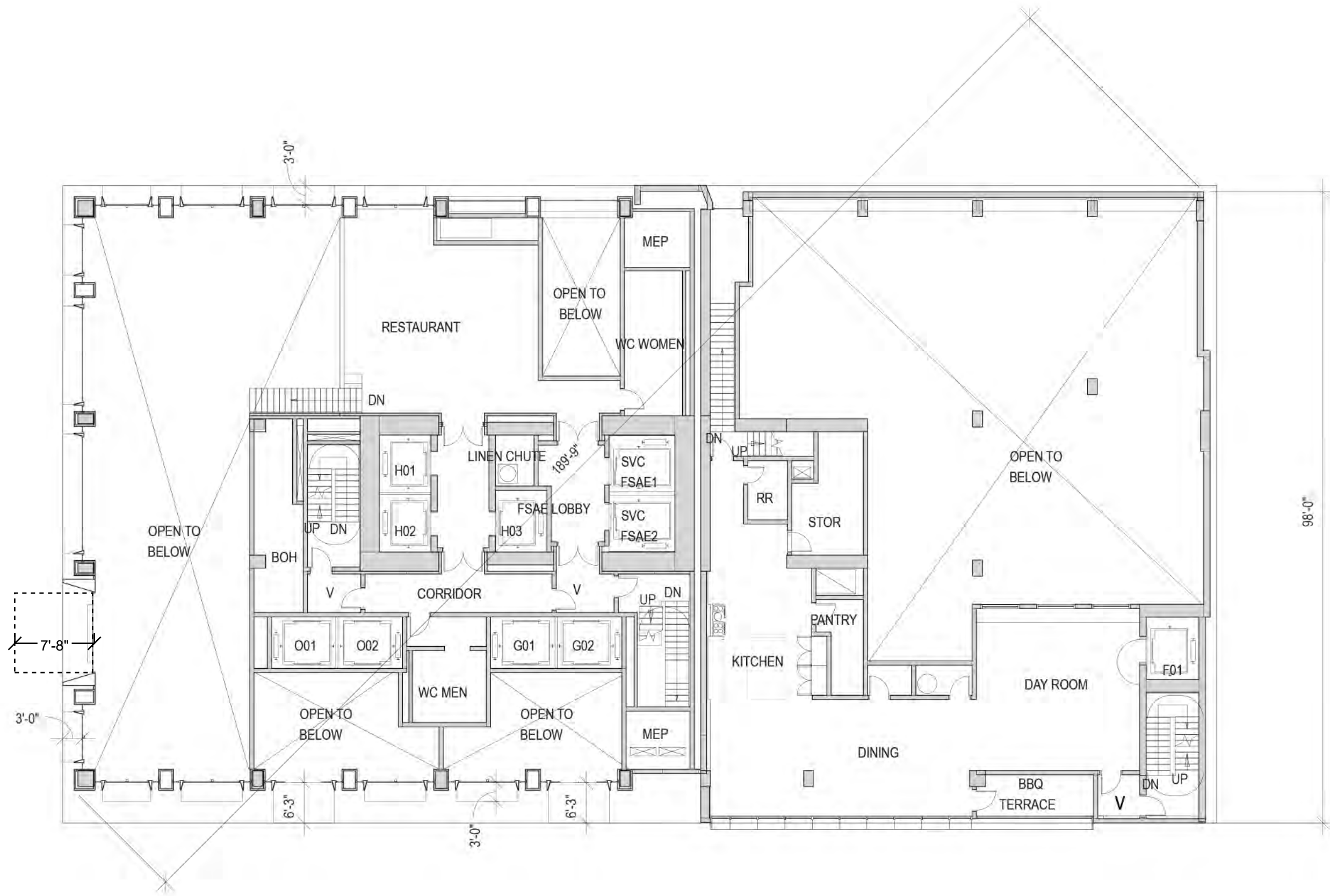
* Valet Parking may be used to park more automobiles than can be accommodated in individual parking spaces.

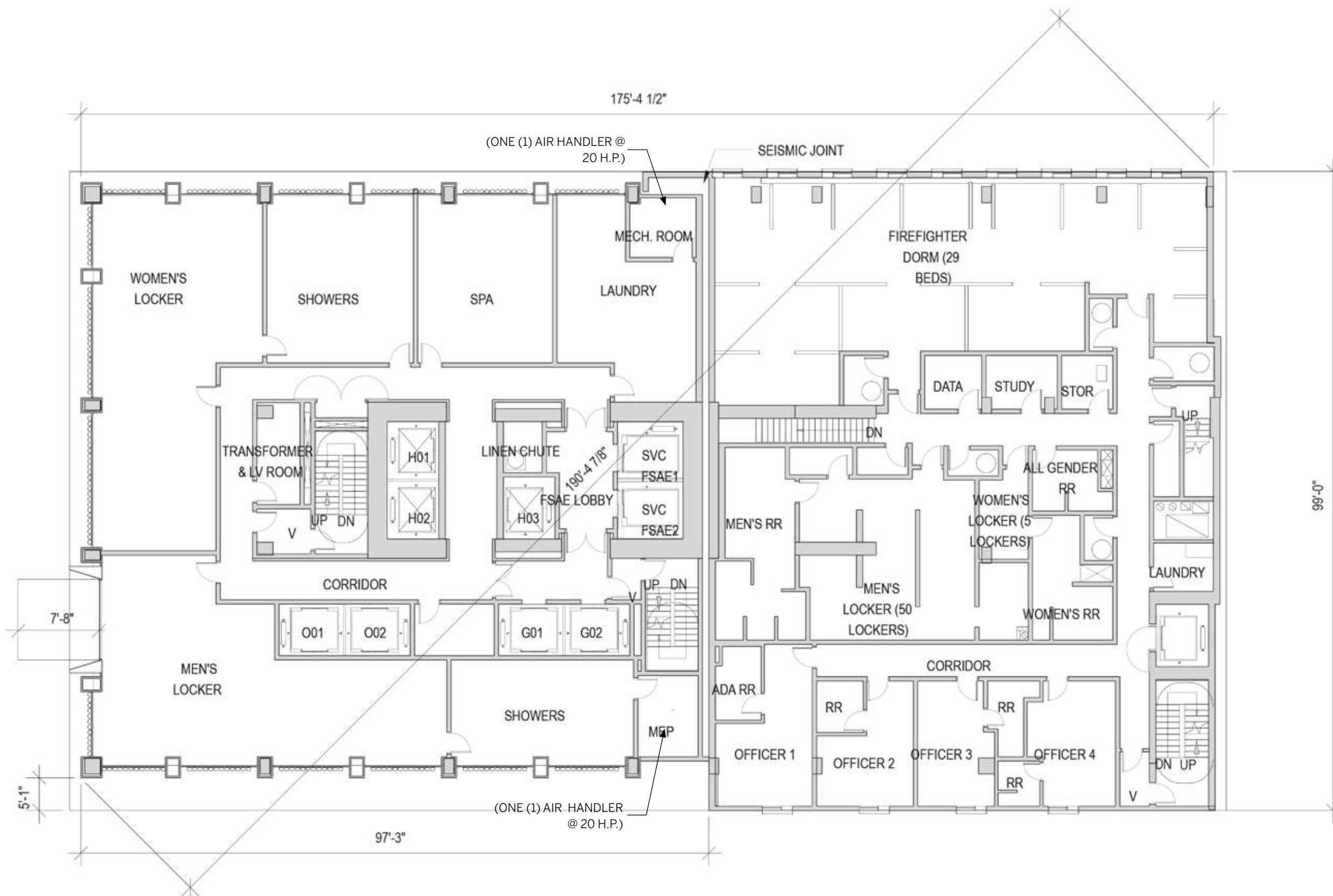


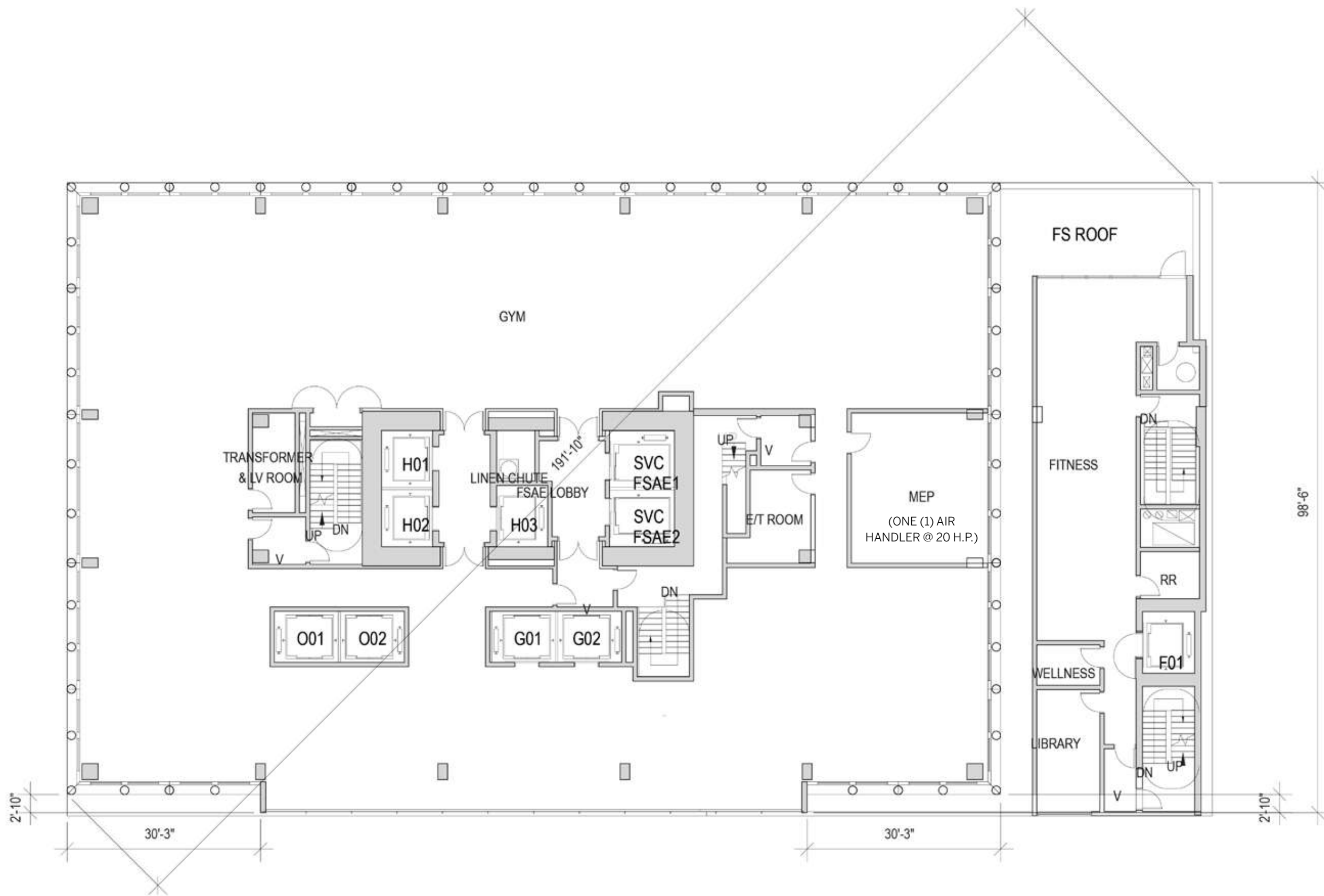


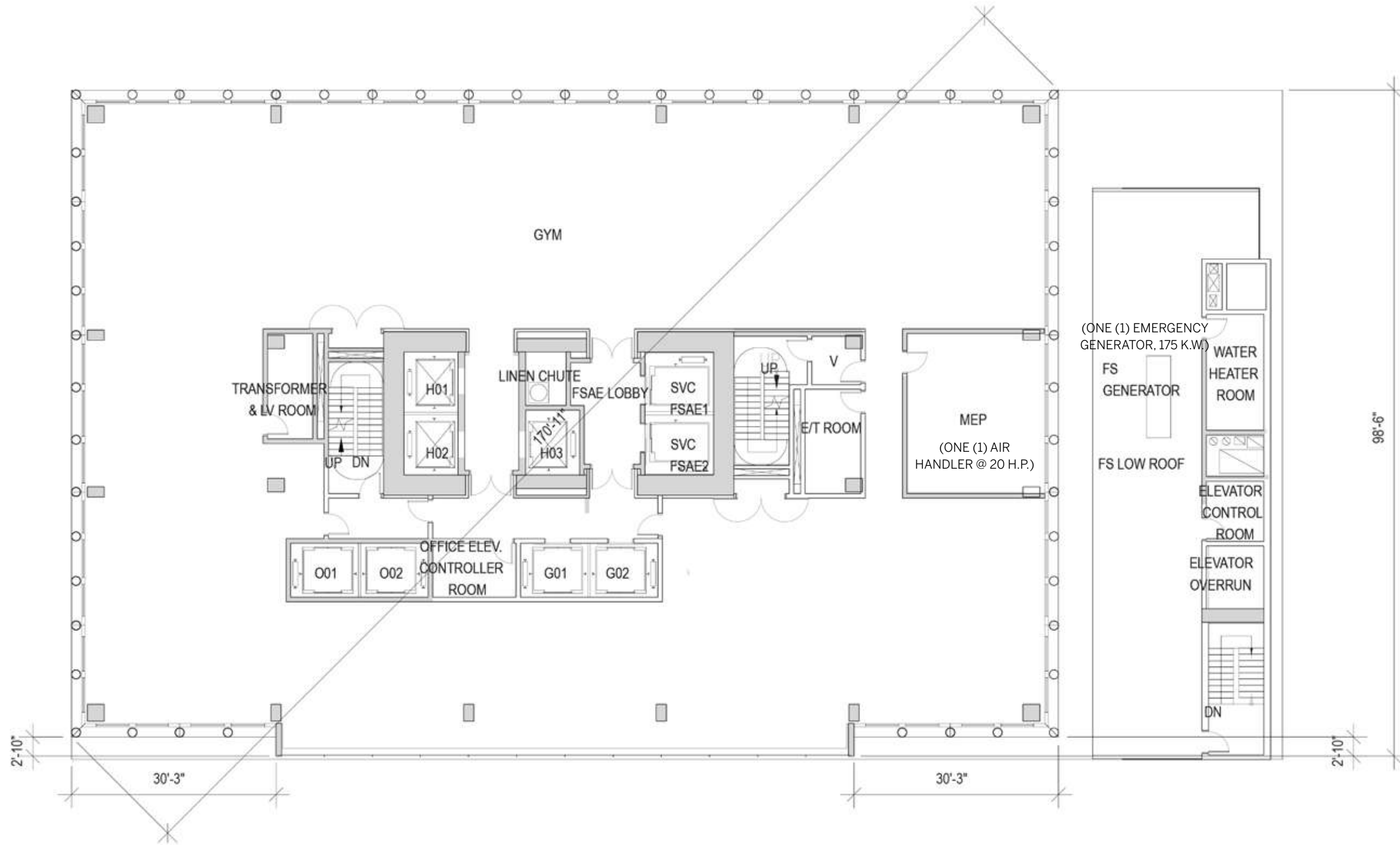
Building Marquee (length not to exceed 25'-0" or 50% of building length, projection not to exceed 2/3 distance from property line to curb)

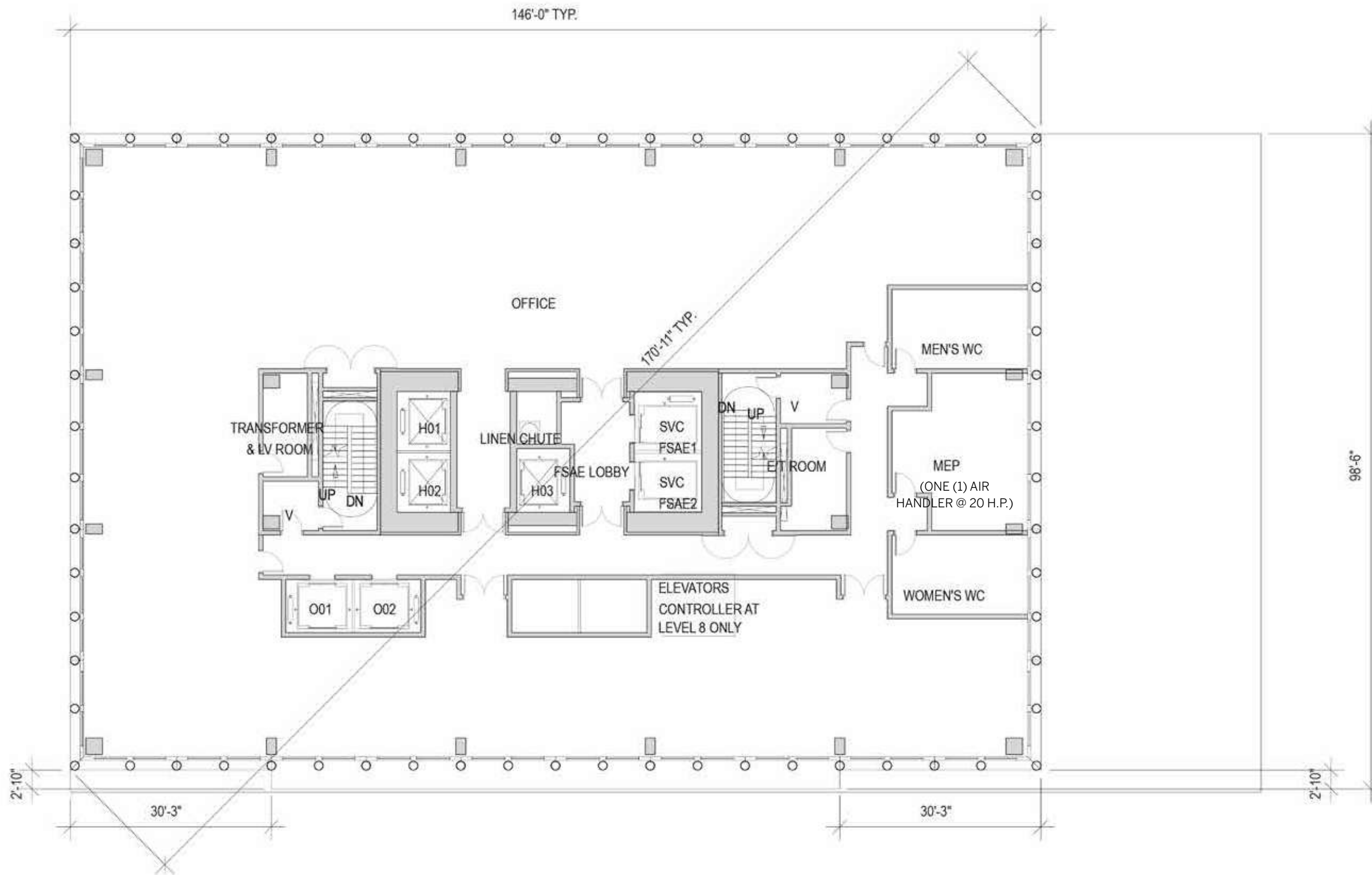


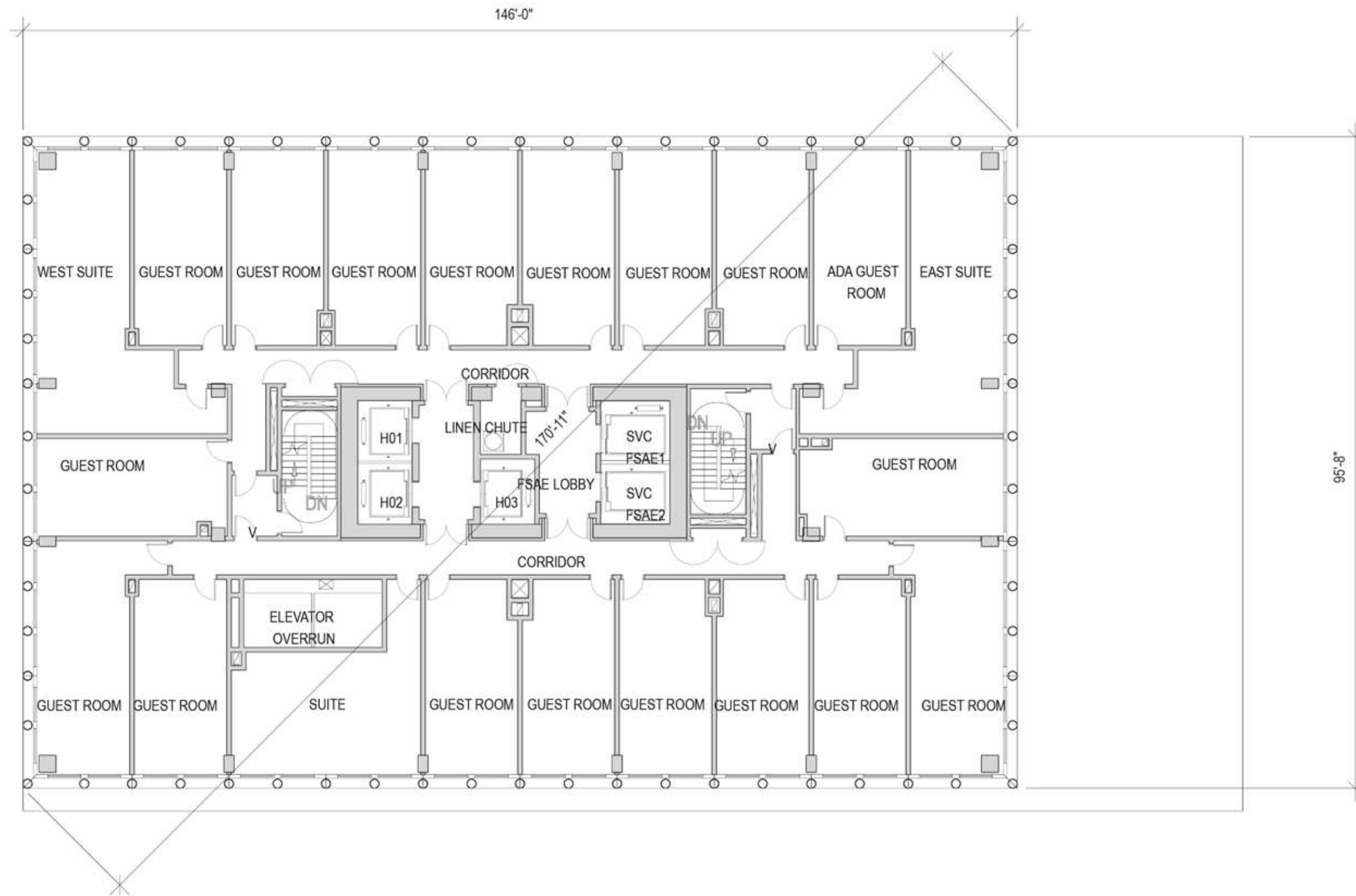


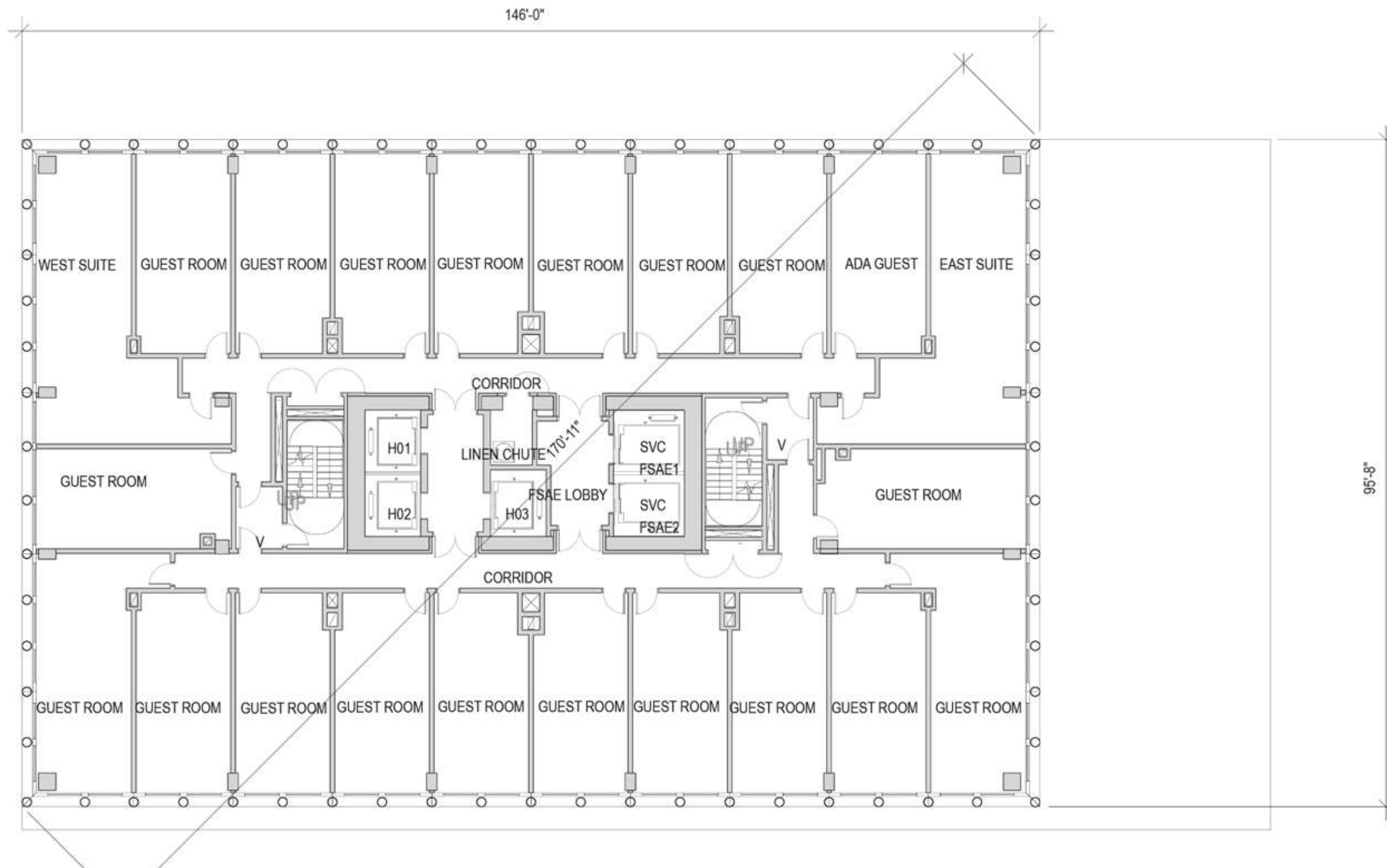


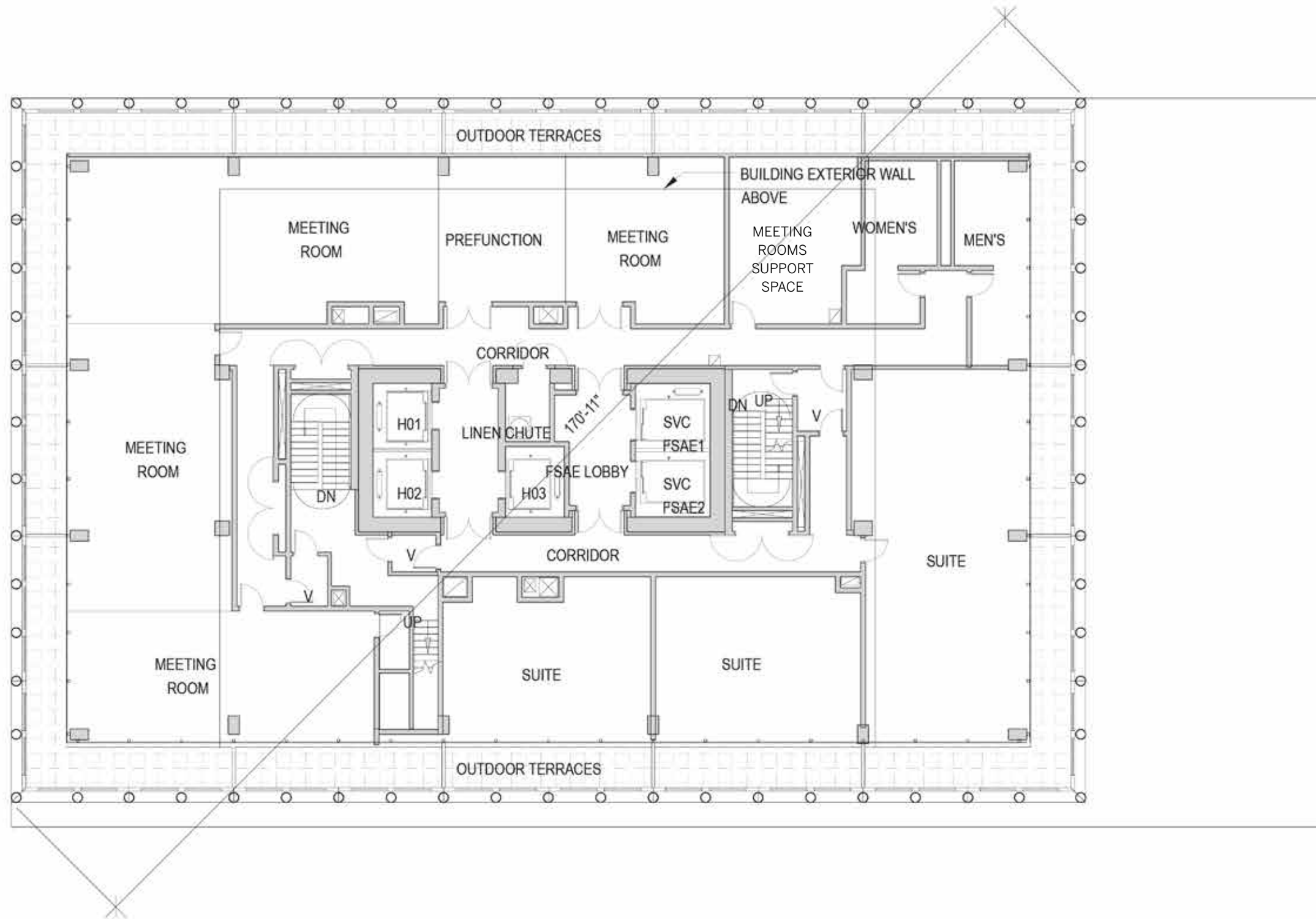


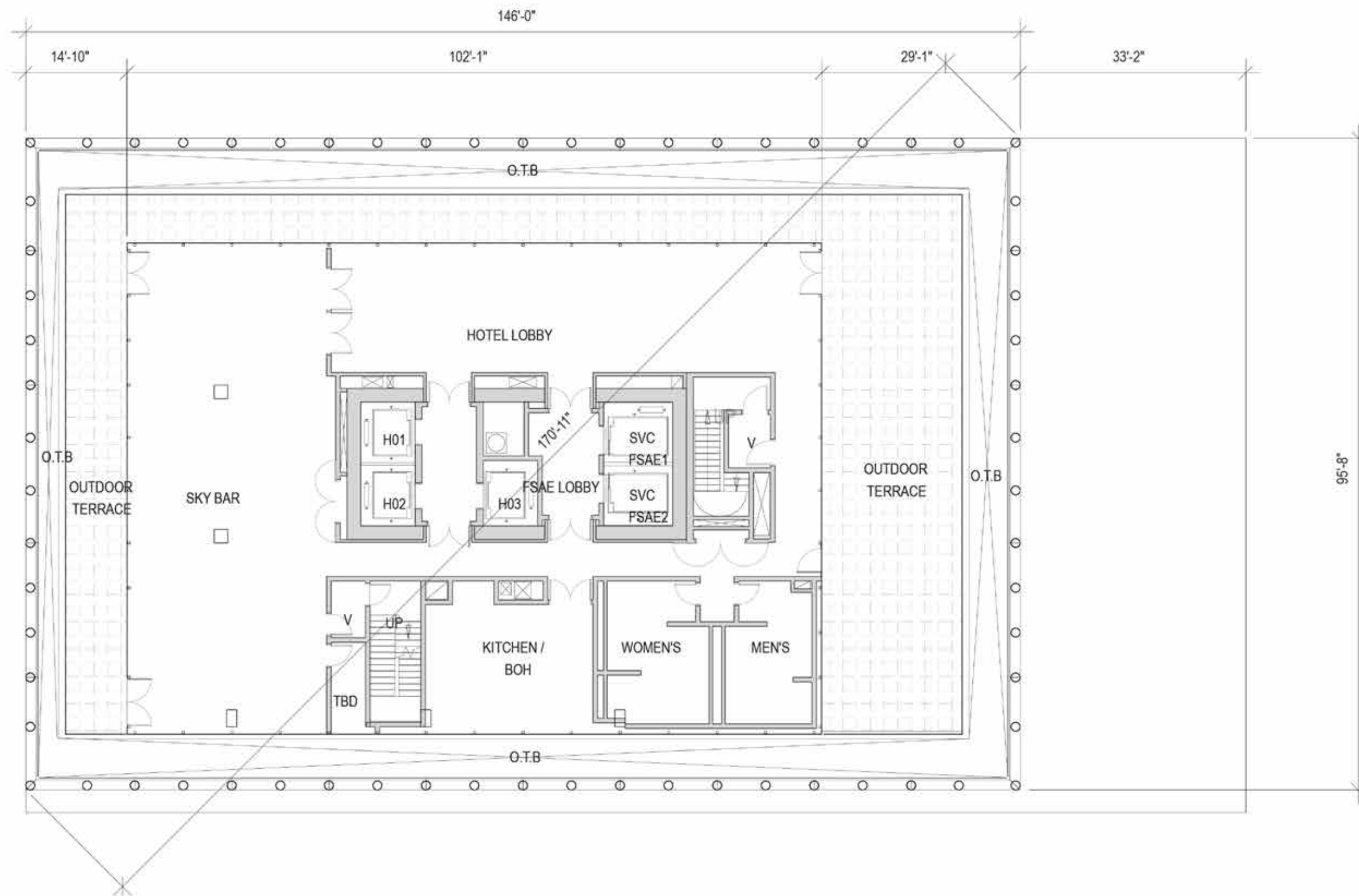


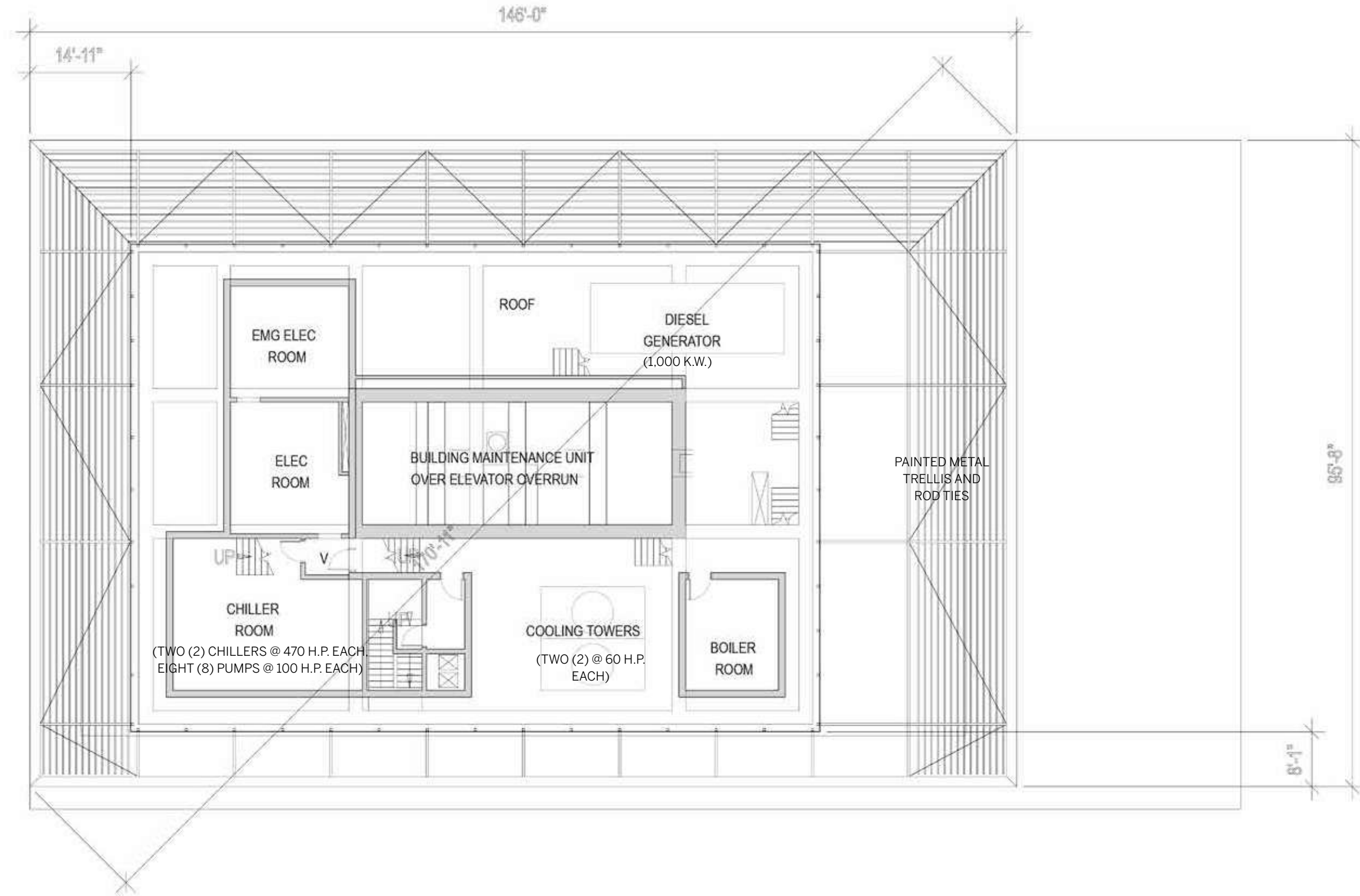












RESTAURANT ENTRANCE

METAL PORTALS WITH GLASS INSET
AND L1 METAL CANOPY

HOTEL LOBBY



ARCHITECTURAL BRICK SCREEN
OVER MEP LOUVERS

FIRE STATION

LOADING DOCK

RESTAURANT

ARCHITECTURAL BRICK SCREEN
OVER MEP LOUVERS

ARCHITECTURAL METAL SCREEN
OVER LOUVERS/GYM LOCKERS
(UPPER-LEVEL ACTIVE USE, EXCEPTION
IS REQUESTED)

COLUMN STONE CLADDING

PRE-CAST PANELS



OFFICE LOBBY

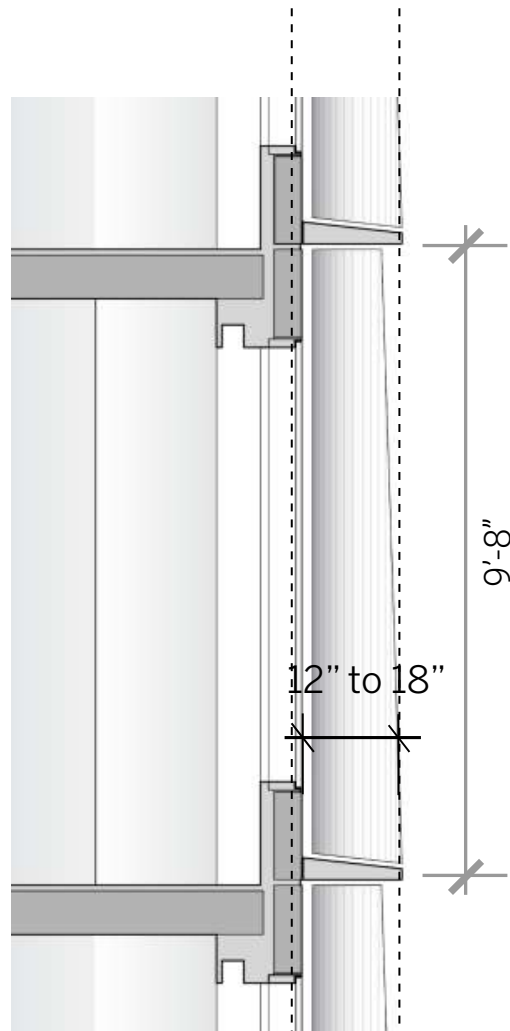
GYM LOBBY

ARCHITECTURAL BRICKSCREEN
OVER MEP LOUVERS

GARAGE RAMP

FIRE STATION





GLASS LINE

BUILDING EDGE

METAL FIN

RECESSED GLASS LINE

BUILDING EDGE

PRE-CAST FACADE

METAL PIPES

12" to 18"

1" to 2" between glass and pre-cast

14'-3"

14'-3"

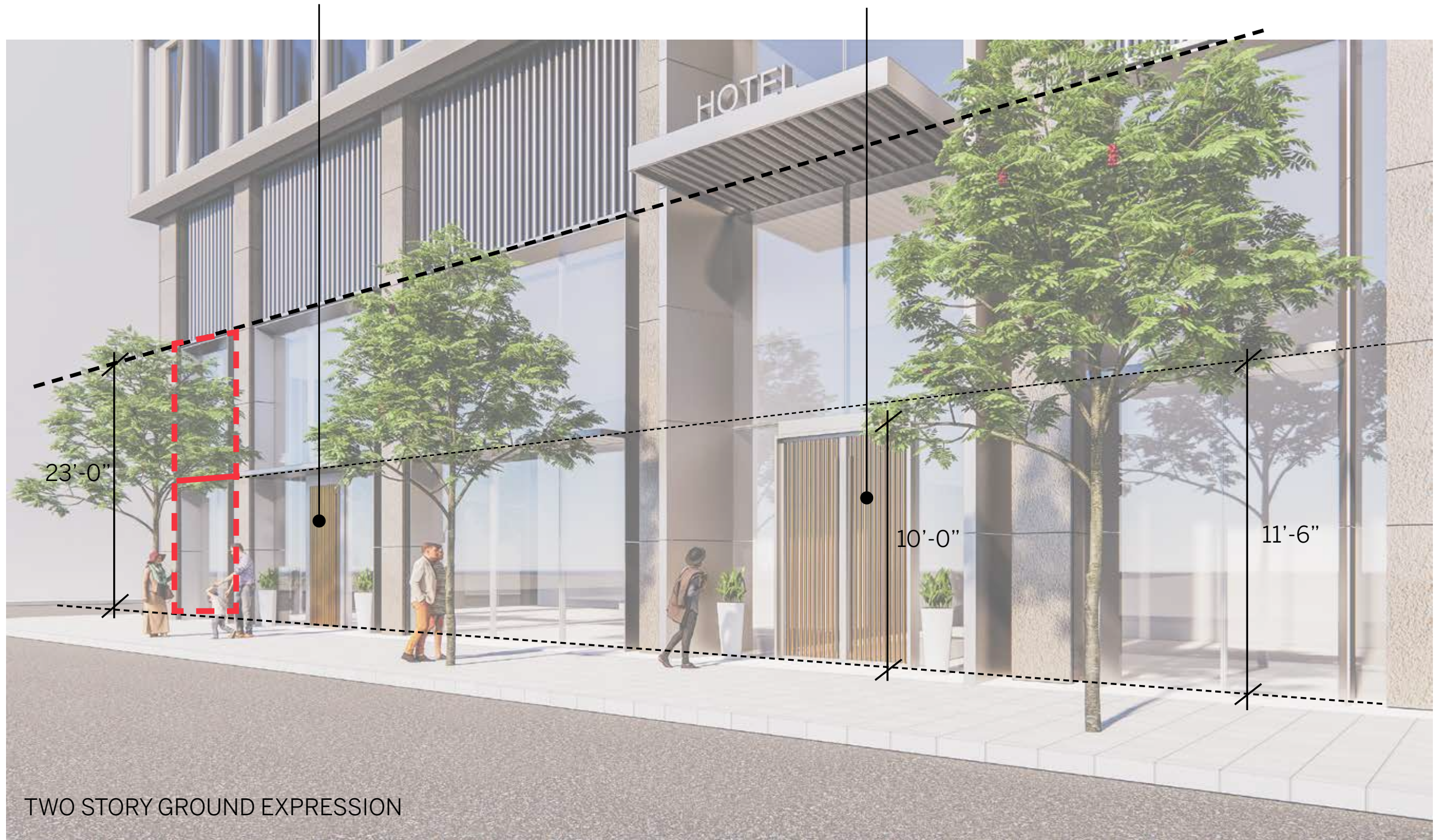
CONTEXT GROUND EXPRESSION



Context Ground Expression - The context consists primarily of mid-rise to high-rise buildings which have a two story, arcaded or framed base extension within which the first floor is articulated by entries, awnings, signage, and other details. Exceptions to this pattern are primarily more opaque, institutional facades.

RESTAURANT ENTRY

HOTEL ENTRY







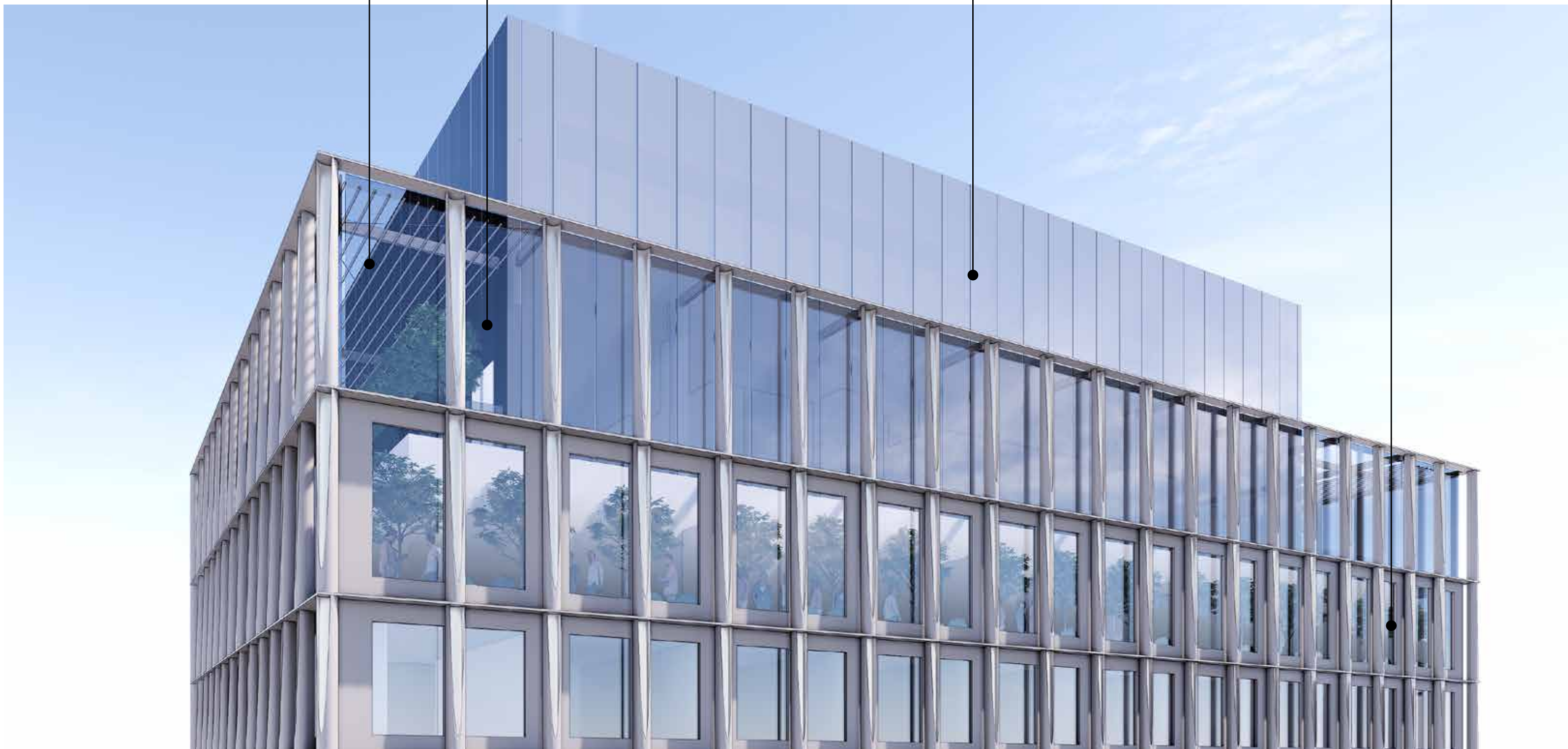


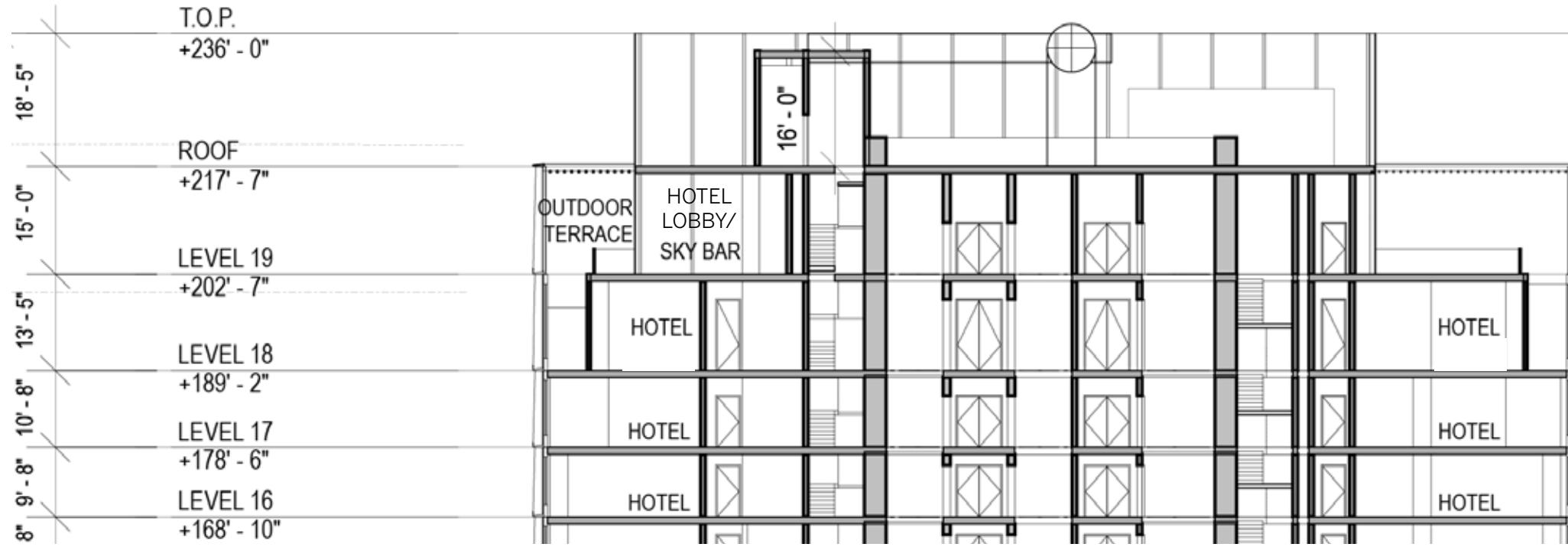
TERRACE TRELLIS

L19 HOTEL LOBBY AND BAR
OUTDOOR TERRACE WITH PLANTING

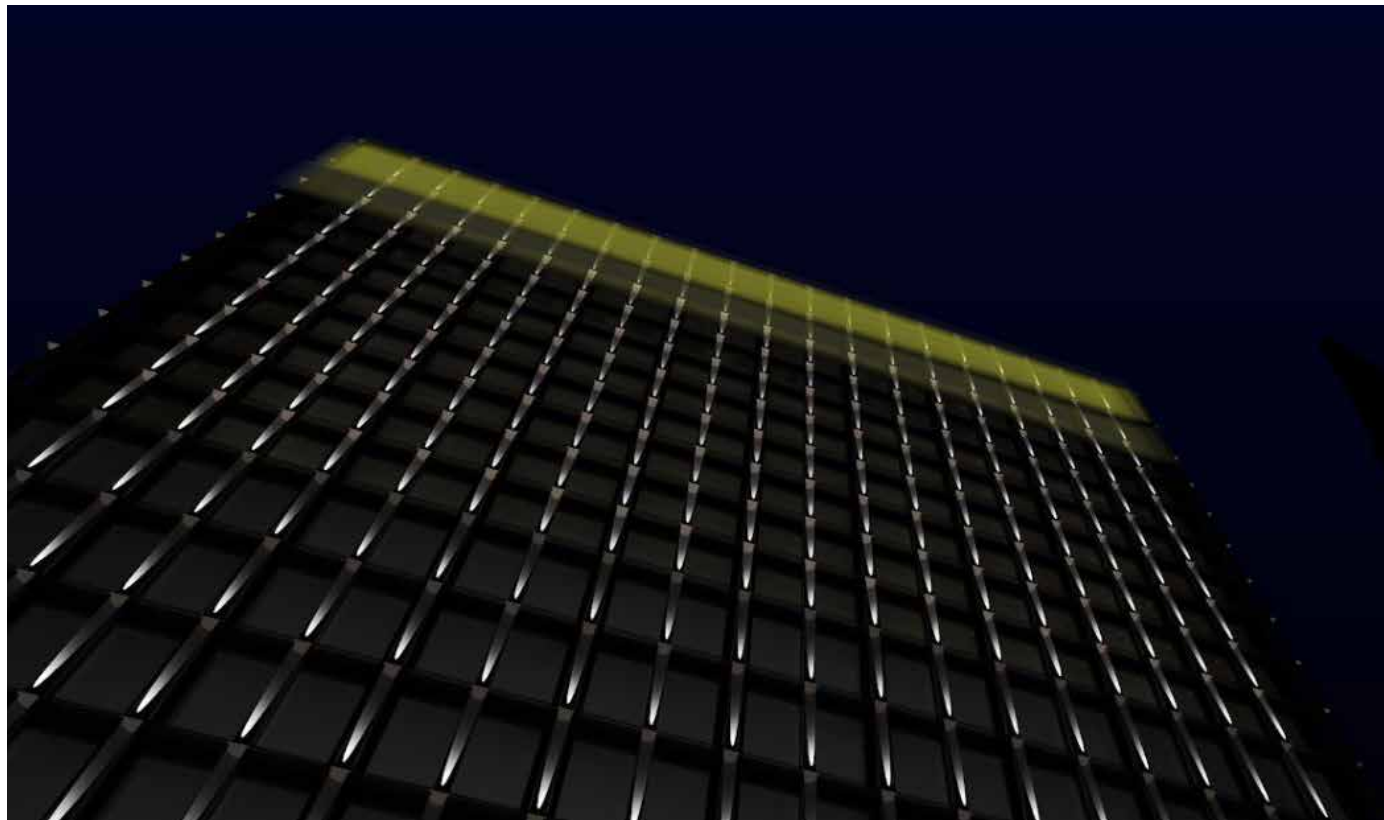
MECH ROOF OPAQUE WHITE GLASS

L18 HOTEL SUITE BALCONIES





Section through building crown



View looking up showing special Crown lighting



Crown Aerial View showing Roof Mech. Screen

530 Sansome Street

BIRD-SAFE BUILDING CHECKLIST

Using the key on the prior page, complete this checklist as a guide to help evaluate potential bird-hazards or eligibility for Bird-Safe Building Certification.

		QUESTION	YES	NO
MACRO-SETTING <small>(PAGE 12, 16)</small>	1	Is the structure located within a major migratory route? (All of San Francisco is on the Pacific Flyway)	X	
	2	Is the location proximate to a migratory stopover destination? (Within 1/4 mile from Golden Gate Park, Lake Merced or the Presidio)		X
	3	Is the structure location in a fog-prone area? (Within 1/2 mile from the ocean or bay)	X	
MICRO-SETTING (LOCATION-RELATED HAZARD) <small>(PAGES 13, 16, 28-29)</small>	4	Is the structure located such that large windows greater than 24 square feet will be opposite of, or will reflect interlocking tree canopies?		X
	5	Is the structure inside of, or within a distance of 300 feet from an open space 2 acres or larger dominated by vegetation? (Requires treatment of glazing, see page 28)		X
	6	Is the structure located on, or within 300 feet from water, water features, or wetlands? (Requires treatment of glazing, see page 28)		X
GLAZING QUANTITY <small>(PAGE 8)</small>	8	Is the overall quantity of glazing as a percentage of façade: (Risk increases with amount of glazing)	Less than 10%?	X
		More than 50%? (Residential Buildings in R-Districts must treat 95% of unbroken glazed segments 24 square feet or greater in size if within 300 feet of an Urban Bird Refuge.)		X
	9	Will the glazing be replaced?	More than 50% glazing to be replaced on an existing bird hazard (including both feature-related hazards as described in lines 19-22 and location-related hazard as described in lines 4-7)? (Requires treatment see pages 29 and 31.)	
GLAZING QUALITY <small>(PAGE 6, 7)</small>	10	Is the quality of the glass best described as:	Transparent (If so, remove indoor bird-attractions visible from outside the windows.)	X
	11		Reflective (If so, keep visible light reflectance low (between 10-20%) and consider what will reflect in the windows. Note: Some bird-safe glazing such as fritting and UV spectrum glass may have higher reflectivity that is visible to birds.)	X
	12		Mirrored or visible light reflectance exceeding 30%. (Prohibited by Planning Code.)	
GLAZING TREATMENTS <small>(PAGE 18-21)</small>	13	Is the building's glass treated with bird-safe treatments such that the "collision zone" contains no more than 10% untreated glazing for identified "location-related hazards" (lines 4-7) and such that 100% of the glazing on "feature-related hazards" (lines 19-22) is treated?		X
	14	Is the building's glass treated for required "bird hazards" (as described in line 13) <i>and</i> such that no more than 5% of the collision zone (lower 60') glazing is untreated but not for the entire building?		X
	15	Is the building glazing treated (as described above in lines 14 and 15) <i>and</i> such that no more than 5% of the glazing on the exposed façade is left untreated?		X
BUILDING FAÇADE GENERAL <small>(PAGE 8, 13)</small>	16	Is the building façade well-articulated (as opposed to flat in appearance)?	X	
	17	Is the building's fenestration broken with mullions or other treatments?	X	
	18	Does the building use unbroken glass at lower levels?	X	
BUILDING FEATURE-RELATED HAZARDS AND BIRD TRAPS <small>(PAGE 8, 30-31)</small>	19	Does the structure contain a "feature-related" hazard or potential "bird trap" such as:	Free standing clear-glass walls, greenhouse or other clear barriers on rooftops or balconies? (Prohibited unless the glazing is treated with bird-safe applications.)	X
	20		Free standing clear-glass landscape feature or bus shelters? (Prohibited unless the glazing is treated with bird-safe applications.)	
	21		Glazed passageways or lobbies with clear sight lines through the building broken only by glazing?	
	22		Transparent building corners?	
LIGHTING DESIGN <small>(PAGE 10, 25)</small>	23	Does the structure, signage or landscaping feature uplighting? (Prohibited within 300 feet of an Urban Bird Refuge)	X	
	24	Does the structure minimize light spillage and maximize light shielding?	X	
	25	Does the structure use interior "lights-out" motion sensors?		X
	26	Is night lighting minimized to levels needed for security?	X	
	27	Does the structure use decorative red-colored lighting?		X
LIGHTING OPERATIONS <small>(PAGE 12, 24-25)</small>	28	Will the building participate in San Francisco Lights Out during the migration seasons? (February 15-May 31 and August 15- November 30th) To achieve "sterling" certification the building must participate in year-round best management practices for lighting.		X
OTHER BUILDING ELEMENTS <small>(PAGE 23)</small>	29	Does the structure feature rooftop antennae or guy wires?		X
	30	Does the structure feature horizontal access wind generators or non-solid blades?		X
CONSENT <small>(PAGE 34)</small>	31	Does the building owner agree to distribute San Francisco's Bird-Safe Building Standards to future tenants?	X	



FAN-1 530 SANSOME STREET SCOPING SHADOW FAN

Full year net new shadow fan diagram factoring in the presence of existing shadows



SHADOW FAN DIAGRAM FULL YEAR AFFECTED AREAS DURING SECTION 295 TIMES

Net New Project Shadow - Streets

Net new project shadow would not affect any portions streets listed in Table 146 with specific set criteria for sunlight access. The effect of net new shadow on the affected portions streets that fall within the C-3 district are detailed below with approximate dates and times of shading provided:

Washington Street (Between Kearny St. and Drumm St.):

Net new shadow would be cast by the project along this section of Washington Street from late summer through late spring annually. Generally speaking, morning shadows during the fall and spring would affect a portion of the Washington Street west of Sansome Street, midday shadows from late summer through late spring would affect the portion between Sansome and Battery Streets, and afternoon shadows during the fall and spring would affect the portion east of Battery Street.

Montgomery Street (Approx. 50' south of Washington St.):

Net new early morning shadow would be cast by the project along this section of Montgomery Street during the fall and spring.

Sansome Street (Approx. 130' south of Washington St.):

Net new morning shadow would be cast by the project along this section of Sansome Street throughout all times of year.

Battery Street (Approx. 200' south of Washington St.):

Net new afternoon shadow would be cast by the project along this section of Battery Street from spring through fall annually.

Merchant Street (Between Sansome St. and Battery Street St.):

Net new mid to late afternoon shadow would be cast by the project along this section of Merchant Street over summer months.

Clay Street (Between Battery St. and Davis Street St.):

Net new late afternoon shadow would be cast by the project along this section of Clay Street over summer months.

Net New Project Shadow – Nearby Open Spaces

The proposed project would generate net new shadow affecting several nearby open spaces, including Transamerica Redwood Park, Maritime Plaza, and Sue Bierman Park. Maritime Plaza and Sue Bierman Park are under jurisdiction of the San Francisco Recreation and Parks Department and therefore are subject to analysis under Section 295 of the planning code. Transamerica Redwood Park is a privately-owned public open space (POPOS), and below is a brief description of the effects of shadow on this open space:

The Transamerica Redwood Park is a mid-block open space located between the Transamerica Building (600 Montgomery) to the west, Washington Street to the North, the 500-block Sansome Street to the east and Clay Street to the south. Public entrances are located on the north and south street frontages along with an east-west pedestrian walkway between buildings connecting to Sansome street. The park is comprised of several dozen mature redwood and other trees along with other landscape plantings, a fountain, numerous fixed benches and points of access to the surrounding buildings.

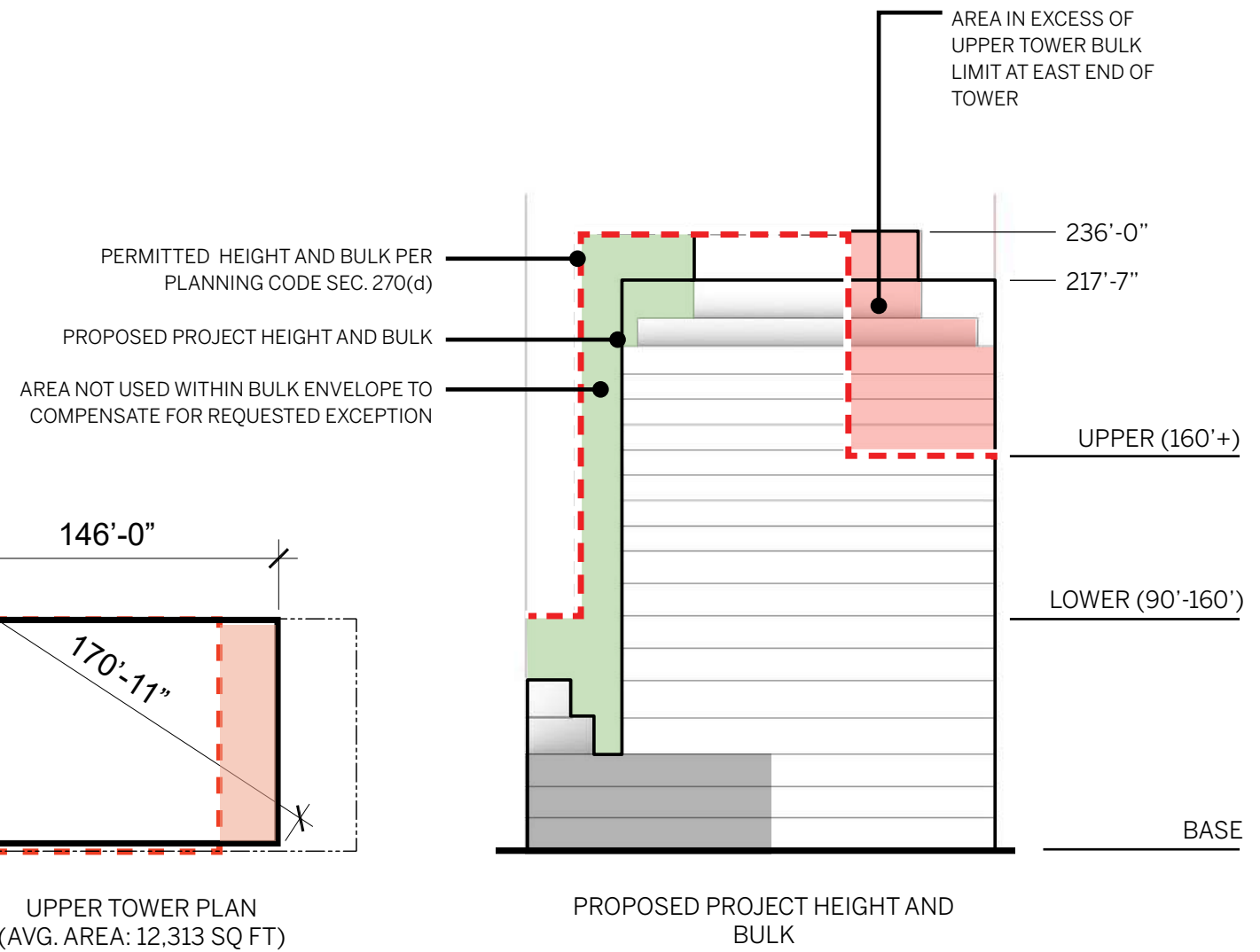
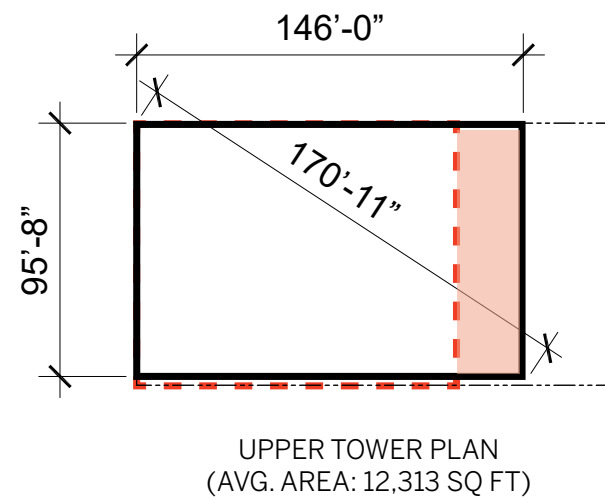
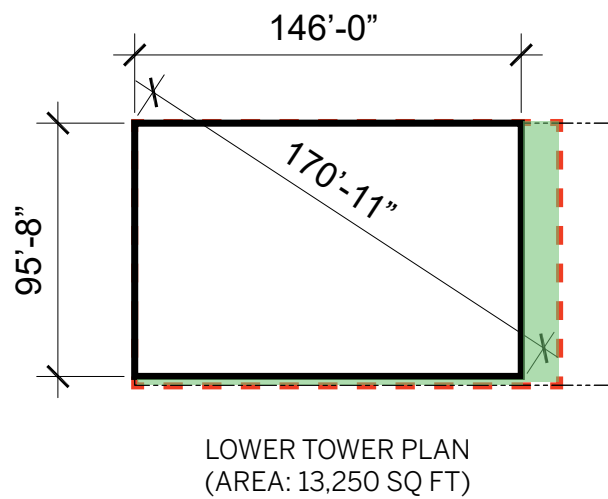
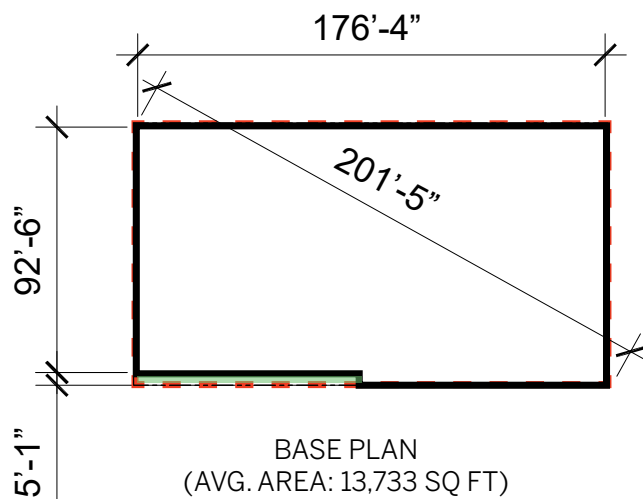
Ignoring the presence of the existing trees, the project would generate small amounts net new shadow on Redwood Park from approximately early April through early September, with the largest amount of shadow occurring on the summer solstice (June 21st). The new shadow would only be cast in the morning lasting from between a few minutes in the spring and fall up to about 4 hours on the summer solstice. The amount of area affected by such shadow would cover 5% or less of the park area (under 3000 sf) at any given time. The portions of the park that would be affected include the northern quarter of the park along Washington Street and a narrow section in the middle of the space.

Features of the open space that would be considered to be more sensitive to the addition of new shadow would be some areas of fixed seating, some of which are in areas affected by net new project shadow, however while shadow analysis methodology does not take into account the presence of trees, the dense redwood canopy is both a defining feature of this open space and would also serve to capture a substantial amount of the shadow cast by the project, making the change in shading conditions less noticeable by users of this open space and therefore reducing the importance of sunlight in this park.

Level	FL to FL	Elevation	Tower Zone	Proposed Footprint	Proposed Average	Allowable Footprint (1) (2)	Footprint Area Difference	Total Footprint Area Difference	Exception Requested
T.O.P		236' 0"							
Roof		217' 7"							
19	15' 0"	202' 7"	UPPER	9,445	12,313	10,468	1,023	-9,228	(1) (2)
18	13' 5"	189' 2"	UPPER	12,370		10,468	-1,903		
17	10' 8"	178' 6"	UPPER	13,250		10,468	-2,783		
16	9' 8"	168' 10"	UPPER	13,250		10,468	-2,783		
15	9' 8"	159' 2"	UPPER	13,250	13,250	10,468	-2,783	18,130	None
14	9' 8"	149' 6"	LOWER	13,250		15,840	2,590		
13	9' 8"	139' 10"	LOWER	13,250		15,840	2,590		
12	9' 8"	130' 2"	LOWER	13,250		15,840	2,590		
11	9' 8"	120' 6"	LOWER	13,250		15,840	2,590		
10	9' 8"	110' 10"	LOWER	13,250	15,840	2,590	-	None	
9	9' 8"	101' 2"	LOWER	13,250	15,840	2,590			
8	12' 5"	88' 9"	LOWER	13,250	15,840	2,590			
7	12' 5"	76' 4"	BASE	13,250	17,733				
6	12' 5"	63' 11"	BASE	13,250	17,733				
5	14' 0"	49' 11"	BASE	13,610	13,733	17,733		-	None
4	14' 0"	35' 11"	BASE	15,860		17,733			
3	12' 5"	23' 6"	BASE	16,130		17,733			
2	12' 0"	11' 6"	BASE	7,850		17,733			
1	11' 6"	0' 0"	BASE	16,180		17,733			
TOTAL				250,445		287,349	8,903		

ALLOWABLE UPPER TOWER FOOTPRINT CALCULATION	
Proposed Lower Tower Footprint	13,250
Required 21.5% reduction of lower tower Footprint	2,783
Allowable Upper Tower Footprint (with 21.5% reduction)	10,468

PROPOSED PROJECT ———
 PERMITTED - - - - -

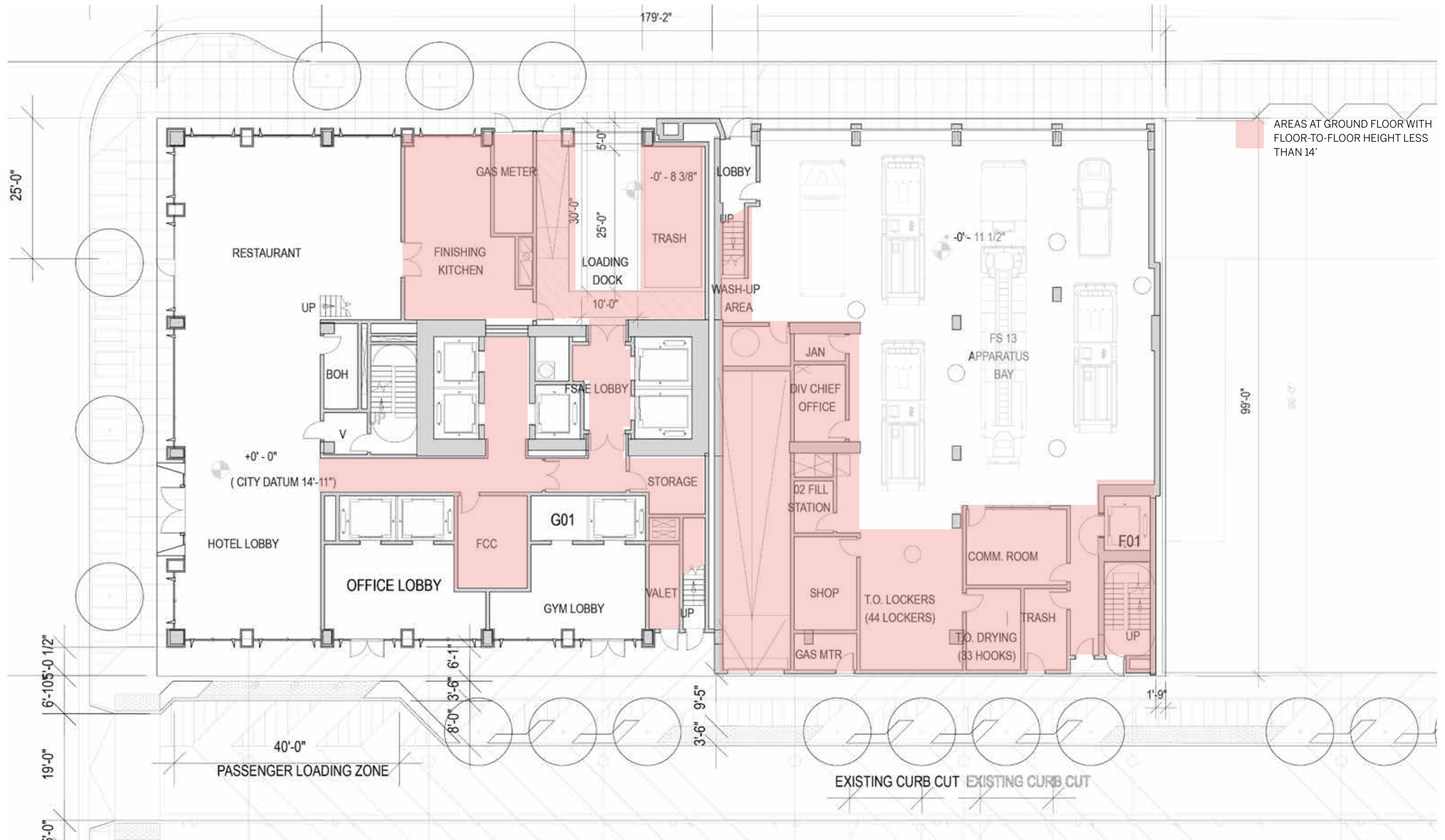


All bulk exceptions are limited to the upper tower, which begins at 160 feet and includes floors 15 through 19. Floors 8-14 are smaller than the allowable area by a total of 18,130 sf (2,590 sf/floor), while floors 15-19 are larger than the allowable area by a total of 9,228 sf (1,845 sf/floor), or approximately half of the amount not used lower tower. The project mass is shifted as far west as possible to minimize shadows on Maritime Plaza.

Upper tower limit delineated by red dashed line is a combination of site constraints and two planning code sections:

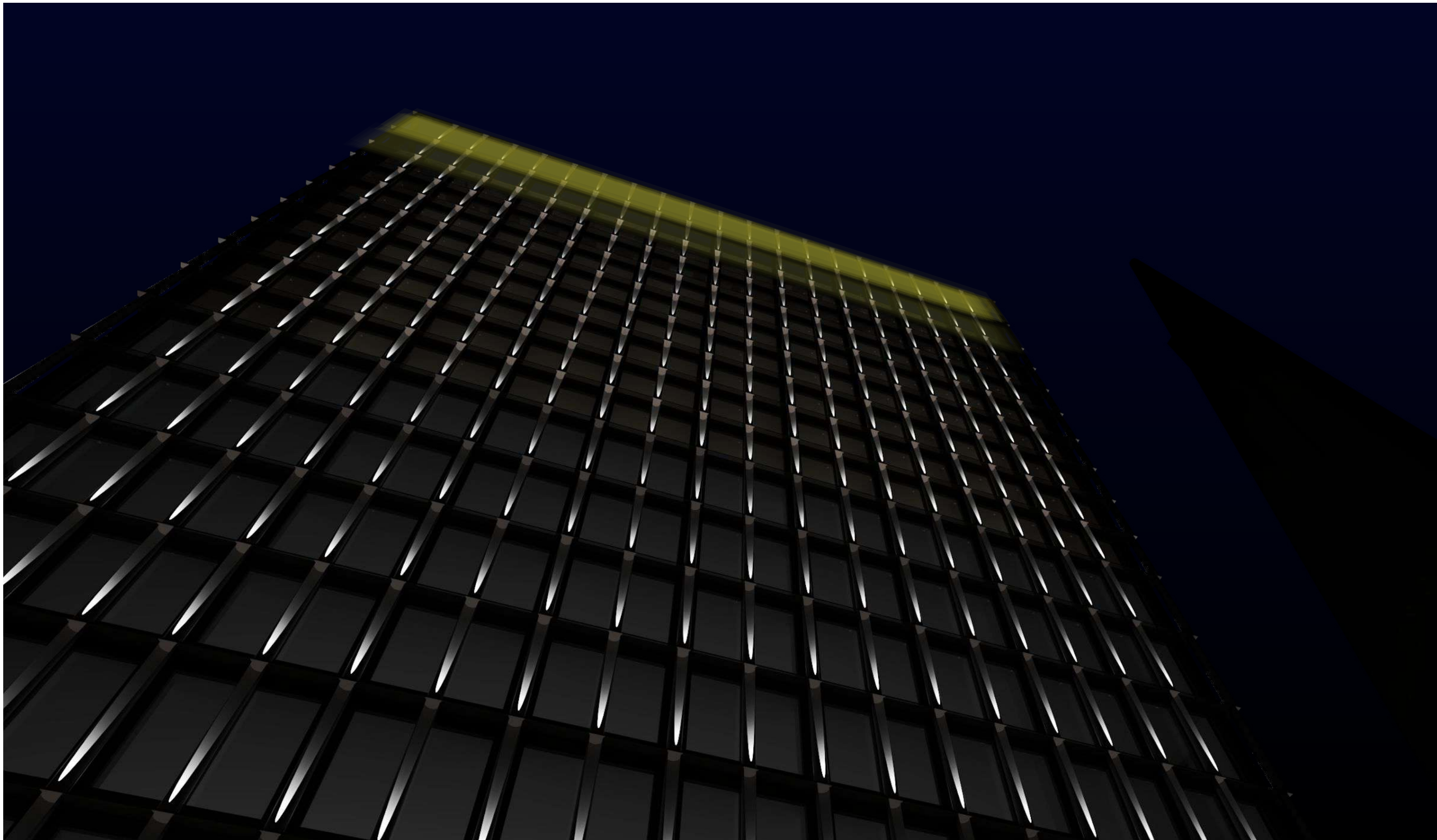
1. - 270(d)(2)(A) limits length to 130 feet, diagonal to 160 feet, and average floor size to 12,000. proposed upper tower is 146 feet in length, 171 feet in diagonal, with an average area of 12,313 square feet.

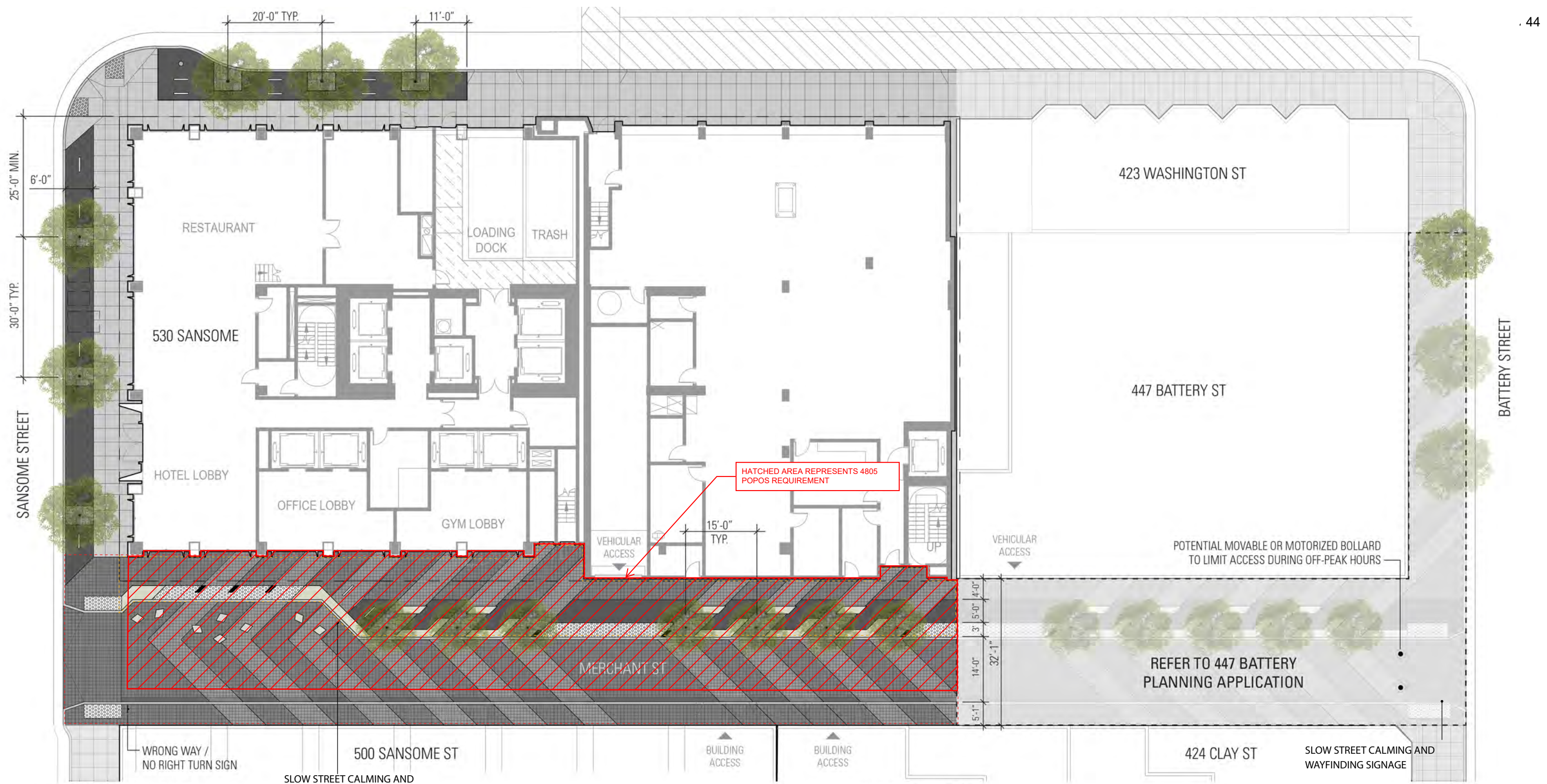
2. - 270(d)(3)(A) requires a reduction of 21.5% from the lower tower footprint, or 10,468 square feet. Proposed average upper tower footprint is 12,313 square feet, or a reduction of 7.1% from the proposed lower tower footprint, but a reduction of 22.3% from the allowable lower tower footprint of 15,840sf.



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







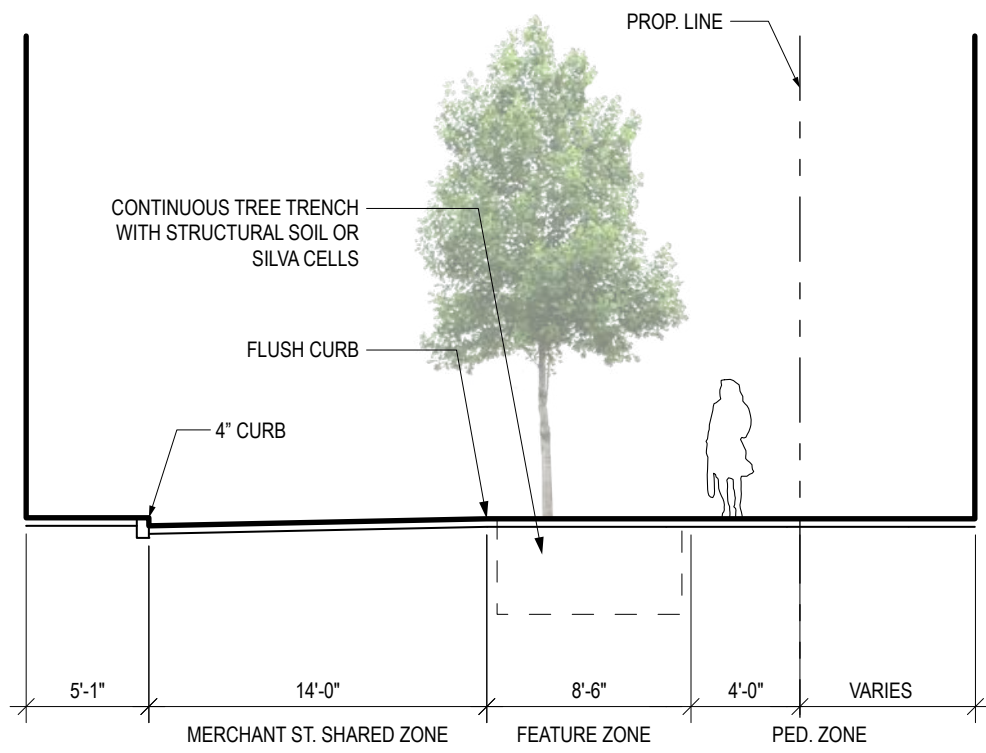
MATERIAL LEGEND

- STONE PAVING
- CONCRETE SIDEWALK
- FEATURE BENCH
- MOVEABLE FURNISHING
- BIKE RACKS (QTY: 13)
- BOLLARDS

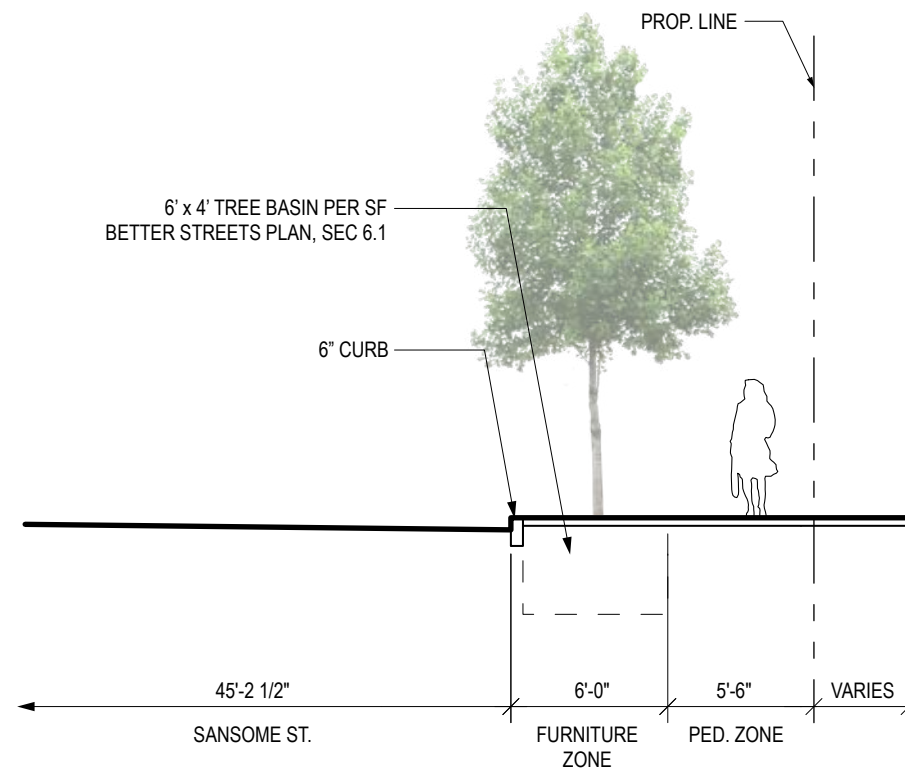
PLANTING LEGEND

- 3' DETECTABLE WARNING STRIPS (TEKWAY OR EQUAL)
- 6" CURB (FLUSH CURB ON NORTH SIDE)
- CONCRETE GUTTER
- PRIMARY PEDESTRIAN-ONLY FLEXIBLE OPEN SPACE (2,409 SF)
- EXTENT OF PEDESTRIAN FAVORED PUBLIC REALM IMPROVEMENTS CONTRIBUTING TO POPOS REQUIREMENT (6,476 SF)
- TREES ON MERCHANT STREET (Small to medium fastigate)
Alt 1. *Ginkgo biloba* var. 'Princeton Sentry'
Alt 2. *Magnolia grandiflora* 'Little Gem'
Alt 3. *Carpinus betulus* var. 'Franz Fontaine'
QTY: 7
- TREES ON SANSOME ST. & WASHINGTON ST. (Medium to large)
Alt 1. *Platanus x acerifolia*
Alt 2. *Lophostemon confertus*
QTY: 6

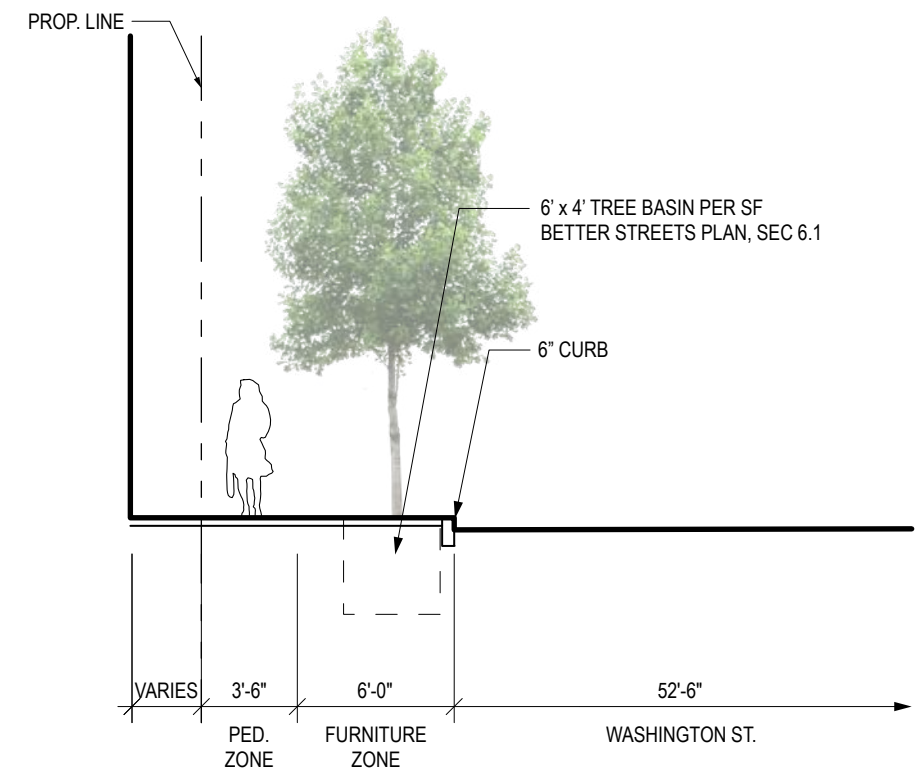




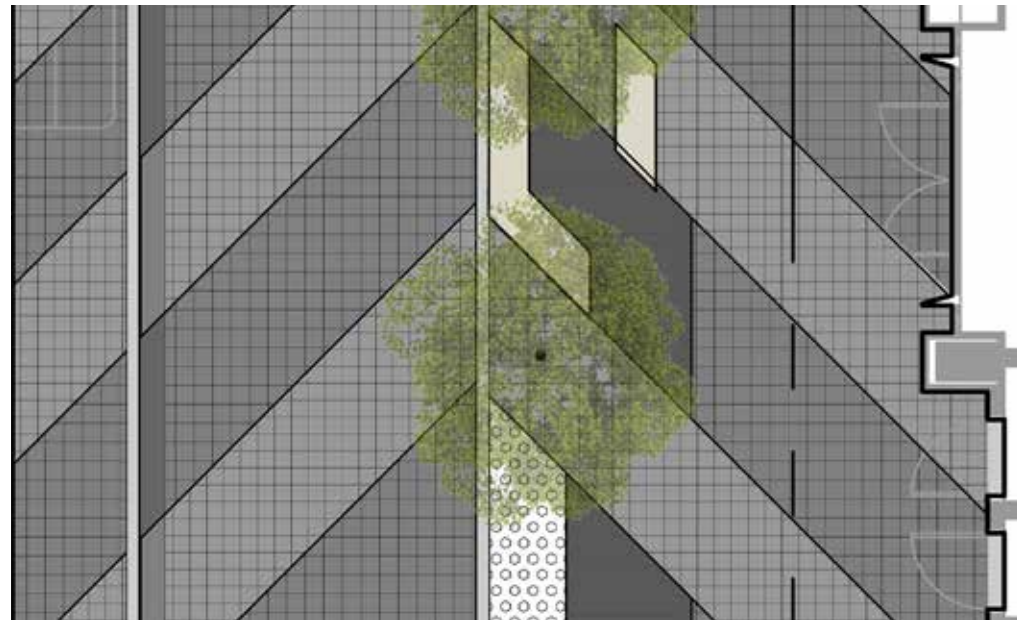
SECTION - MERCHANT STREET



SECTION - SANSOME STREET



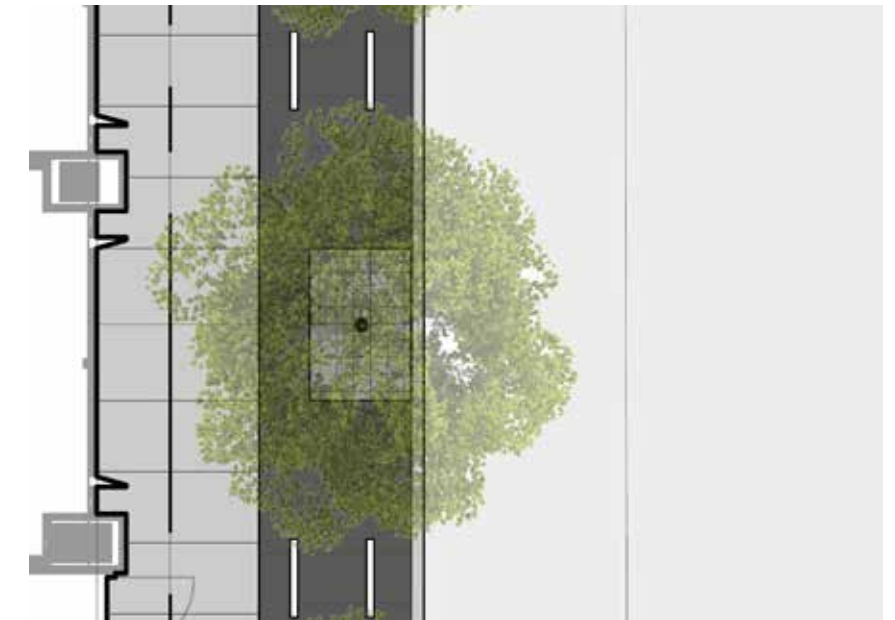
SECTION - WASHINGTON STREET



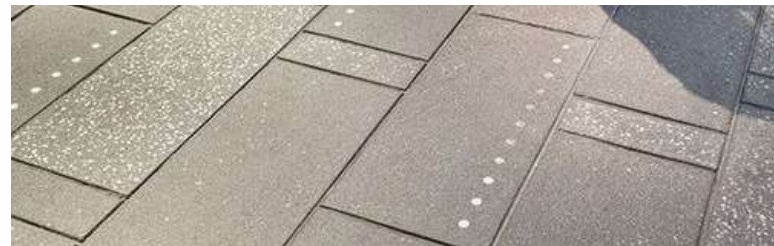
PLAN - MERCHANT STREET



PLAN - SANSOME STREET



PLAN - WASHINGTON STREET



Pedestrian-Only Zone

ADA-compliant unit pavers at pedestrian path



Feature Zone

Designated zone for furniture, public art, tree planting, drainage, fire station loading etc.



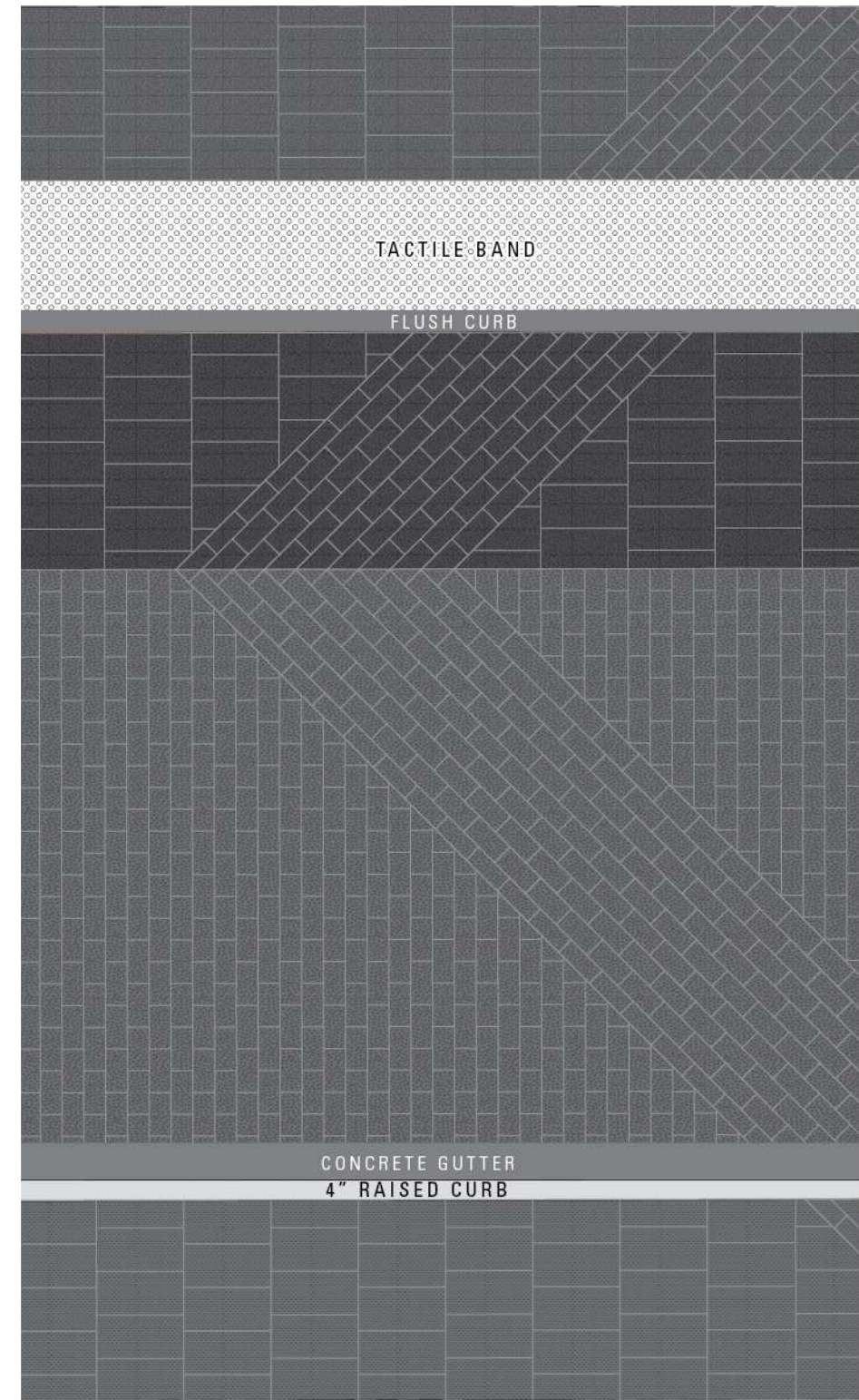
Shared Zone

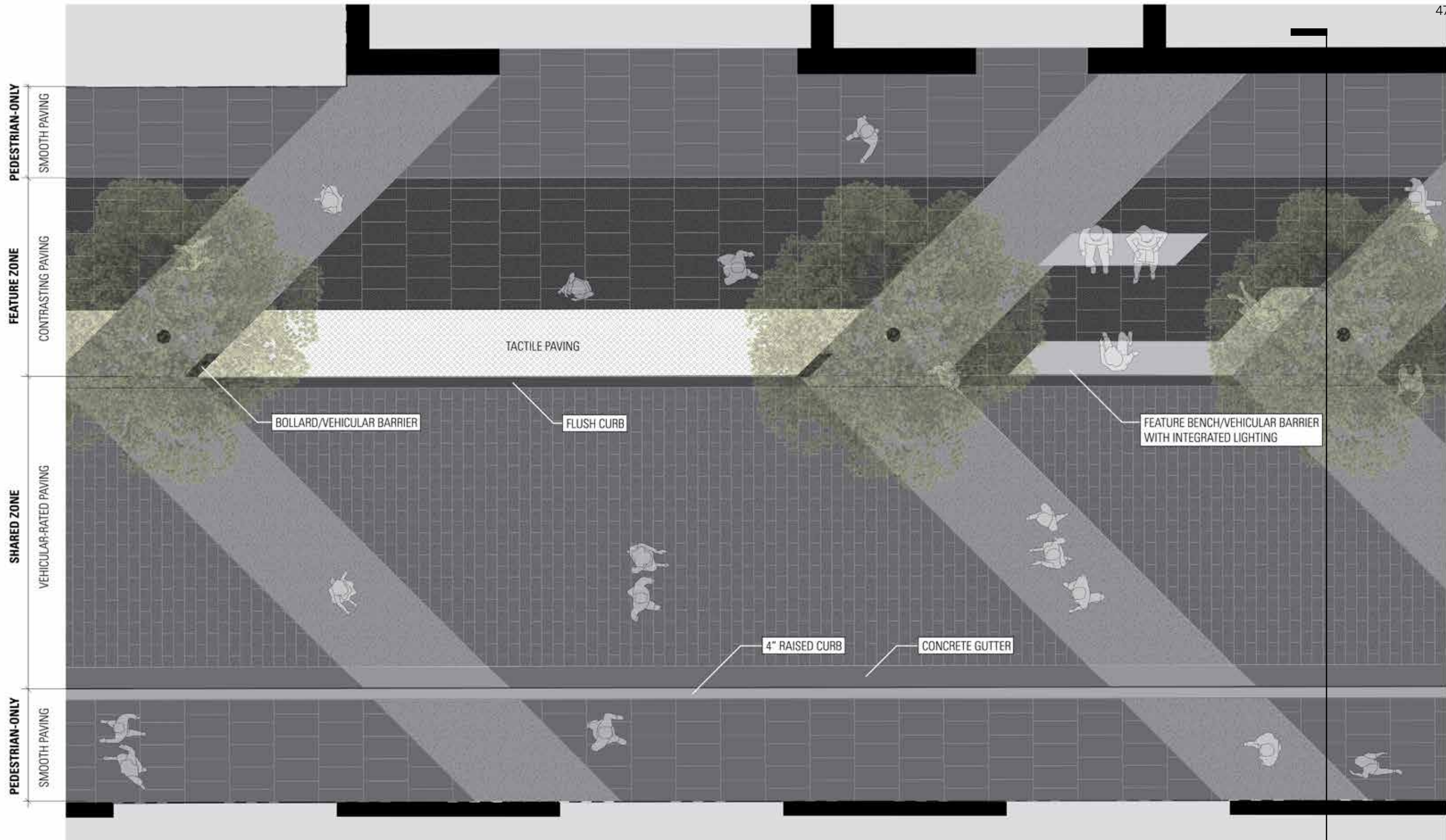
Vehicular-rated paving with chevron pattern design enhances visual interest on Merchant Street towards Transamerica Pyramid



Tactile Strip

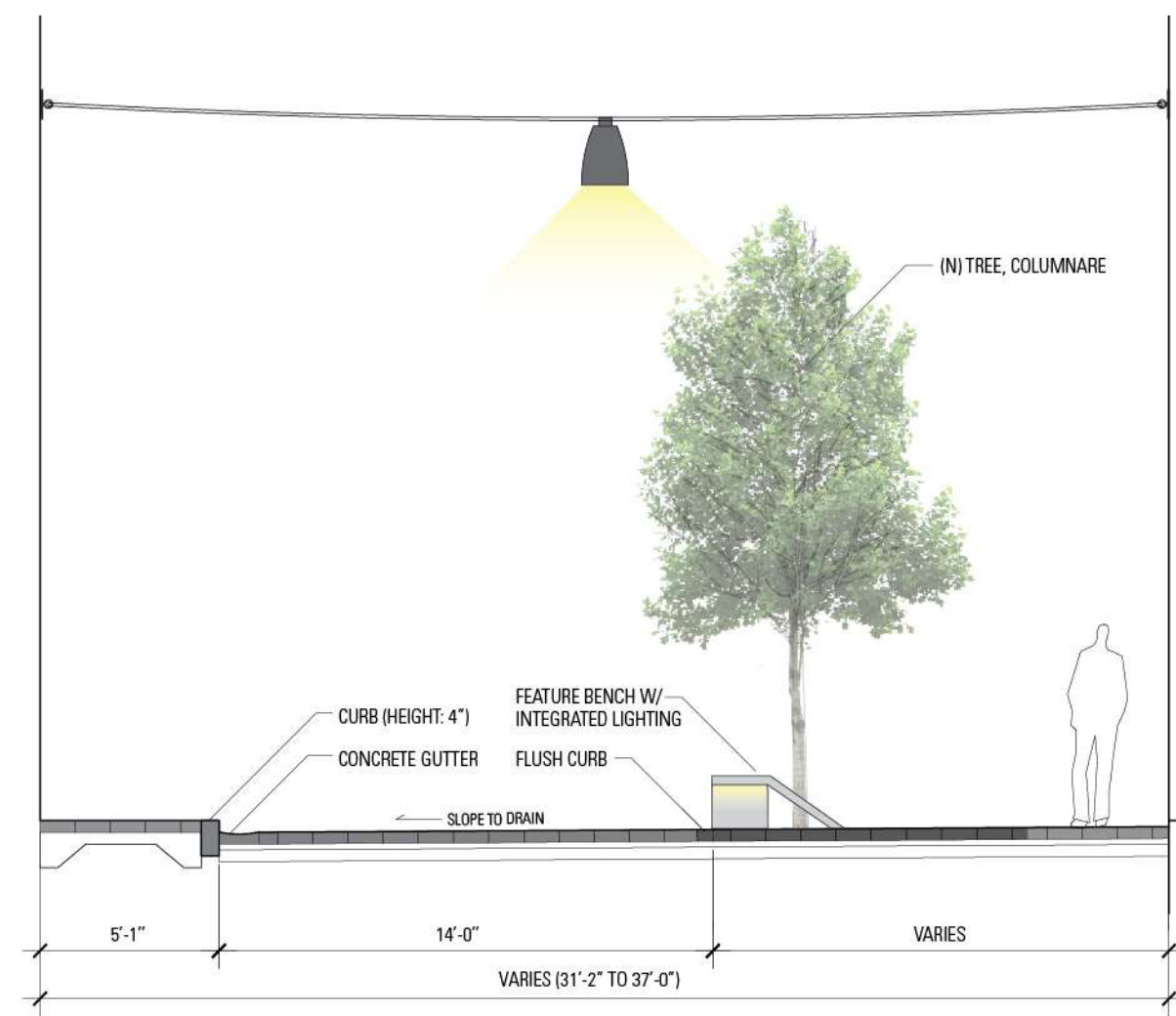
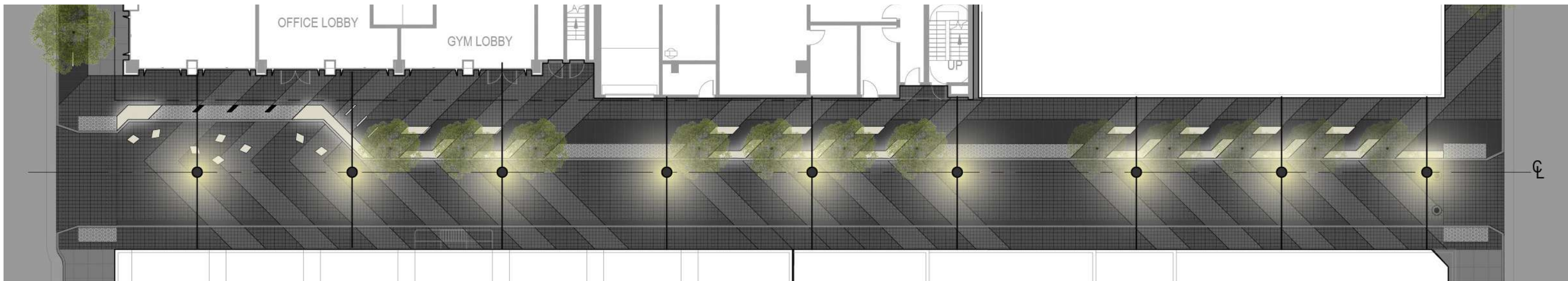
Provides **70% visual contrast** to adjacent paving between pedestrian-only and shared zone





MERCHANT ST SECTION







1



2



3

BENEFITS OF EVERGREEN TREES

- They are in leaf, green all year and some have seasonal interest with dominant flowers like the Magnolias

Evergreen Columnar or more Vertical-Vase shaped Forms

Afrocarpus gracilior (Podocarpus)

1 *Lophostemon confertus* (Brisbane Box)

2 *Lyonothamnus floribundus* (Catalina Ironwood)

3 *Magnolia grandiflora* var. “Little Gem” / “Edith Bogue” / “St. Mary” (Evergreen Magnolia)

Magnolia virginiana var. “Jim Wilson” / “Moonglow”. (Evergreen Magnolia)

Melaleuca linarifolia (Flax Leaf Paperbark)



4



5



6

BENEFITS OF DECIDUOUS TREES

- Seasonal Interest; new spring growth, seasonal color, bare structural interest in winter
- Tree Refreshes-Renews its Foliage (a good thing in an urban environment where foliage is coated w/ grime, pest residue, etc)
- Sun-Shade, enables more light in dark months when trees are deciduous
- Foliage is typically finer textured, captures and reflects light, and wind movement, more “lively”

Deciduous Columnar or more Vertical-Vase Shaped Forms

Acer platanoides var. “Columnare” / “Crimson Sentry” (Columnar Maple)

4 *Acer rubrum* var. “Walters Columnar” (Columnar Maple)

Acer x freemanii var. “Armstrong” (Columnar Maple)

5 *Carpinus betulus* var. “Franz Fontaine” (Columnar Hornbeam)

6 *Ginkgo biloba* var. “Princeton Sentry” (Ginkgo)

7 *Liriodendron tulipifera* var. “Fastigiata” / “Arnold” (Tulip Tree)

8 *Quercus robur* var. “Fastigiata” (Columnar Oak)

Syphnolobium japonicum var. “Princeton Upright” / “Millstone” (Scholar Tree)

9 *Tilia cordata* var. “Corinthian” (Little-leaf Linden)



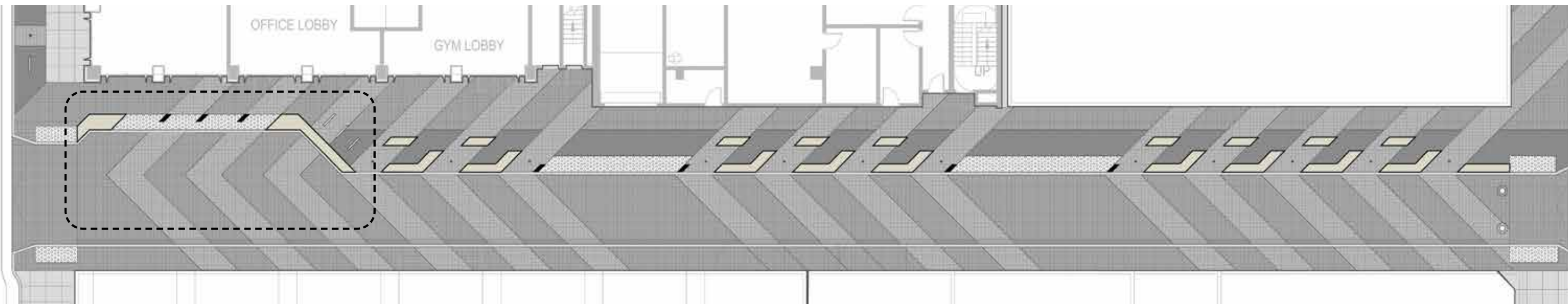
7



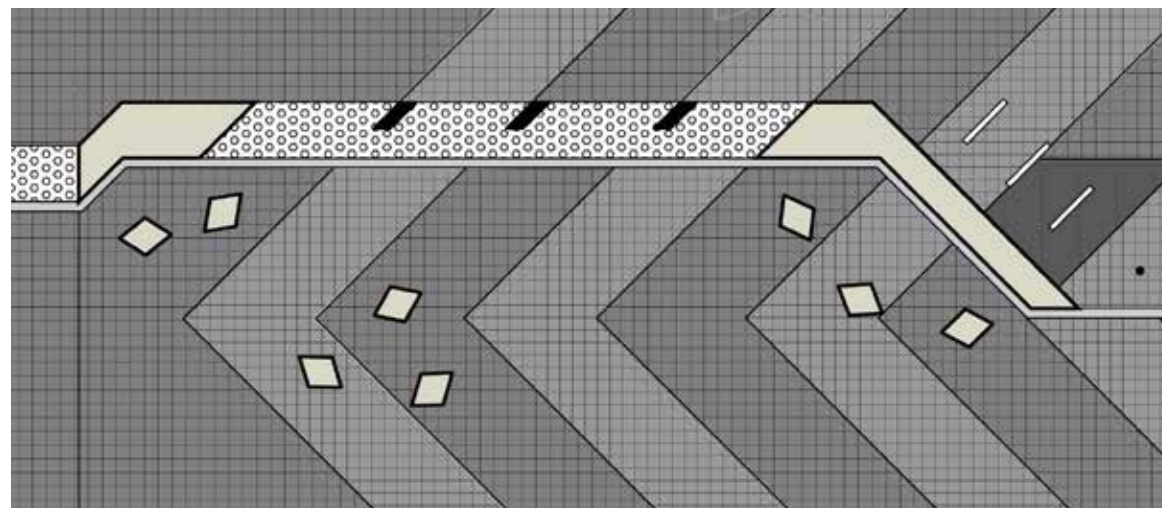
8



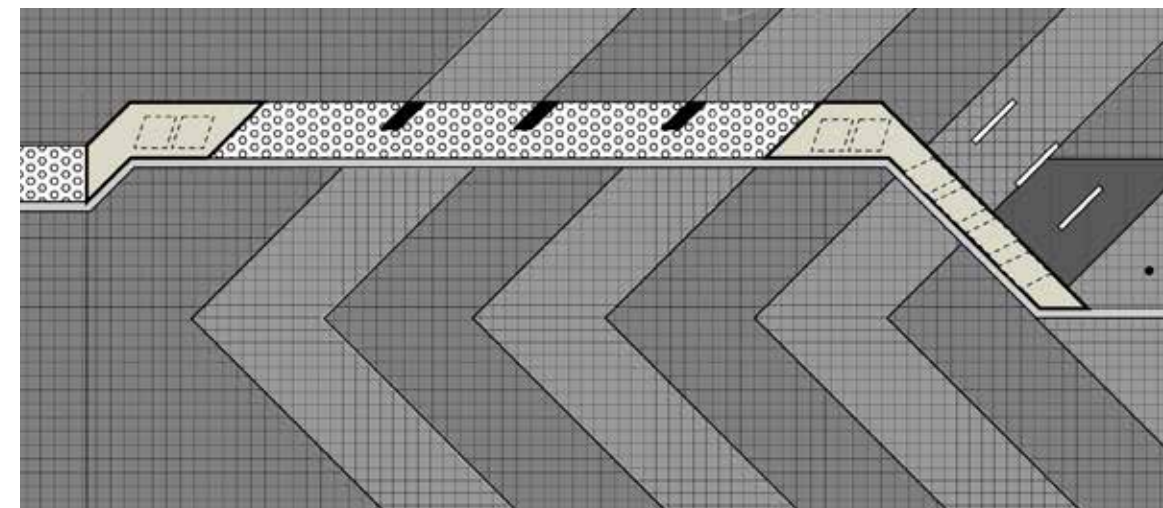
9



FEATURE BENCH / VEHICULAR BARRIER W/ INTEGRATED LIGHTING



Expanded furnishing zone when Merchant Street is closed to vehicular traffic



During vehicular drop-off hours (moveable furnishing stores under bench)

MOVABLE FURNISHING





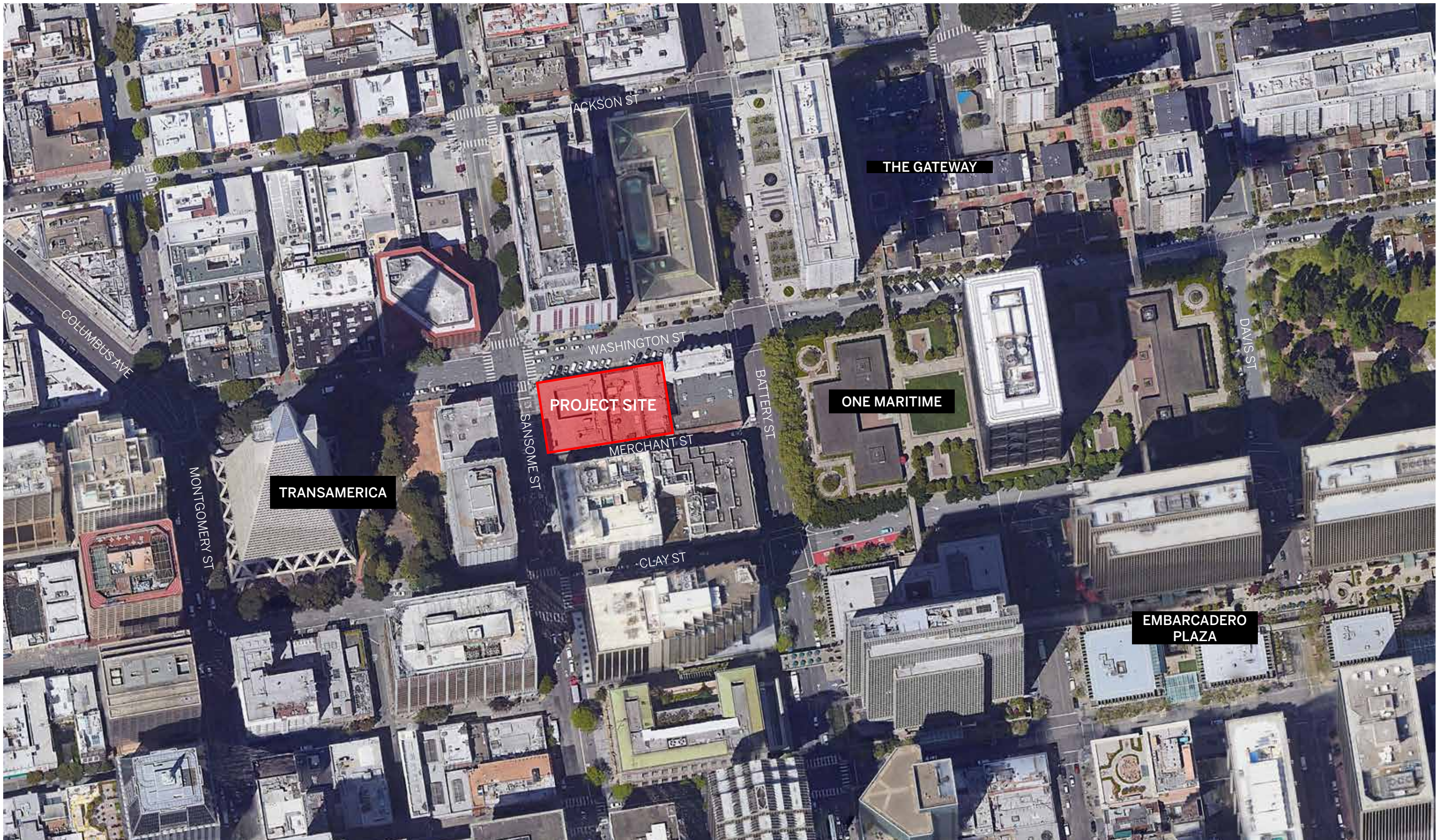


530 SANSOME STREET

San Francisco, CA

REVISED RESIDENTIAL PROJECT VARIANT
UPDATED APRIL 23rd, 2021

SOM





1



2



4



3

Existing Context Photographs

	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.

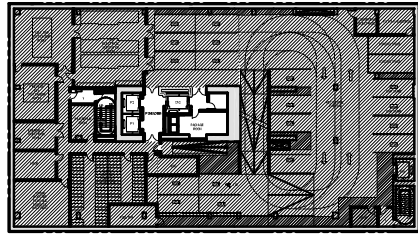
***** Total GSF does not include Common Usable Space

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

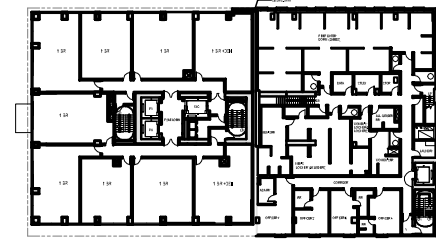
Use Category	Requirement Class 1	Requirement Class 2	# of units / spaces	OFA	# of Bike Spaces Required	
					Class 1	Class 2
Residential	One Class 1 space for every Dwelling Unit. For buildings containing more than 100 Dwelling Units, 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100. Dwelling Units that are also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.	One per 20 units. Dwelling Units that are also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.	256	N/A	139	13
Fire Station (Public Facility)	Minimum two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces or one Class 2 space for every 2,500 occupied square feet of publicly-accessible or exhibition area.	N/A	19,700	4	2
SFFD Non-Accessory Parking Garage	None are required. However, if Class 1 spaces that can be rented on an hourly basis are provided, they may count toward the garage's requirement for Class 2 spaces.	One Class 2 space for every 20 car spaces, except in no case less than six Class 2 spaces.	18 Spaces	N/A	0	6
Total Required Spaces:					143	21

EXEMPTED AREA FROM GFA

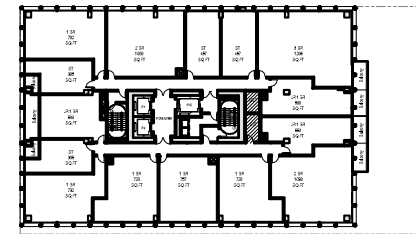
B1



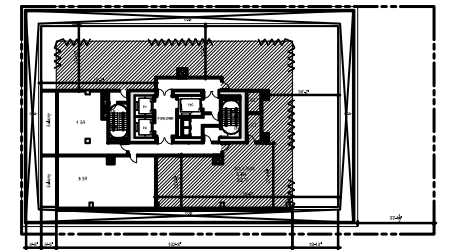
L2-3



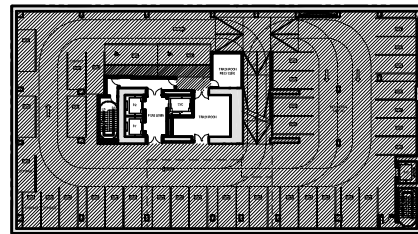
L7-13



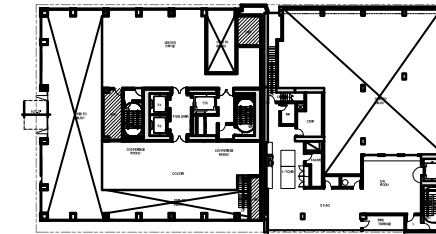
L21



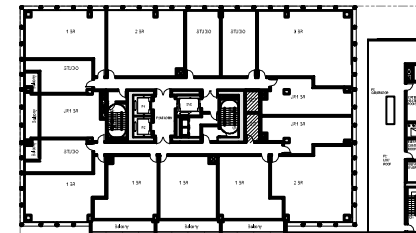
B2



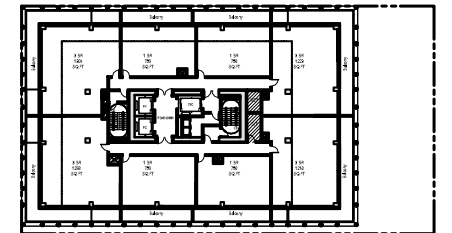
MEZZ



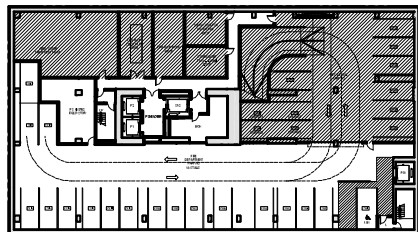
L5-6



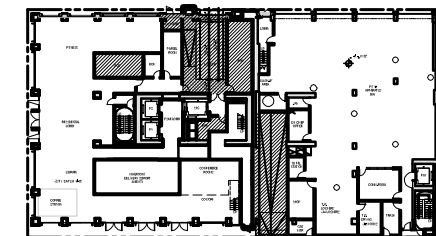
L20



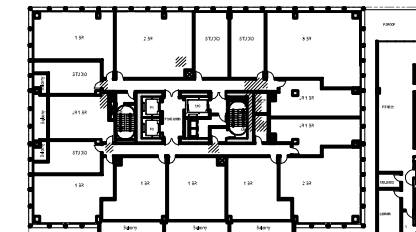
B3



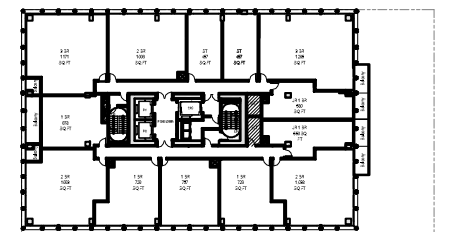
L1



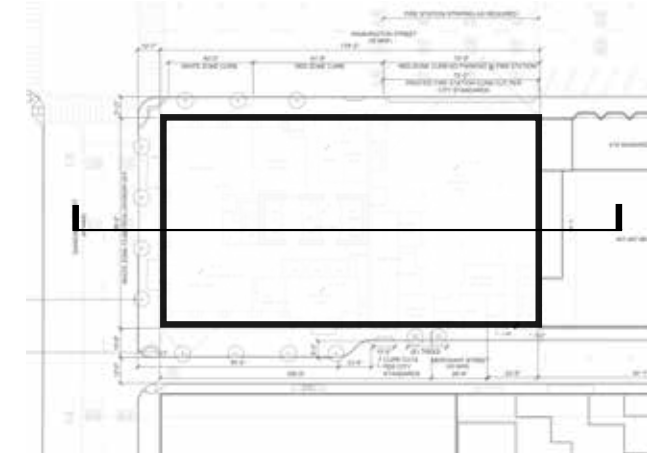
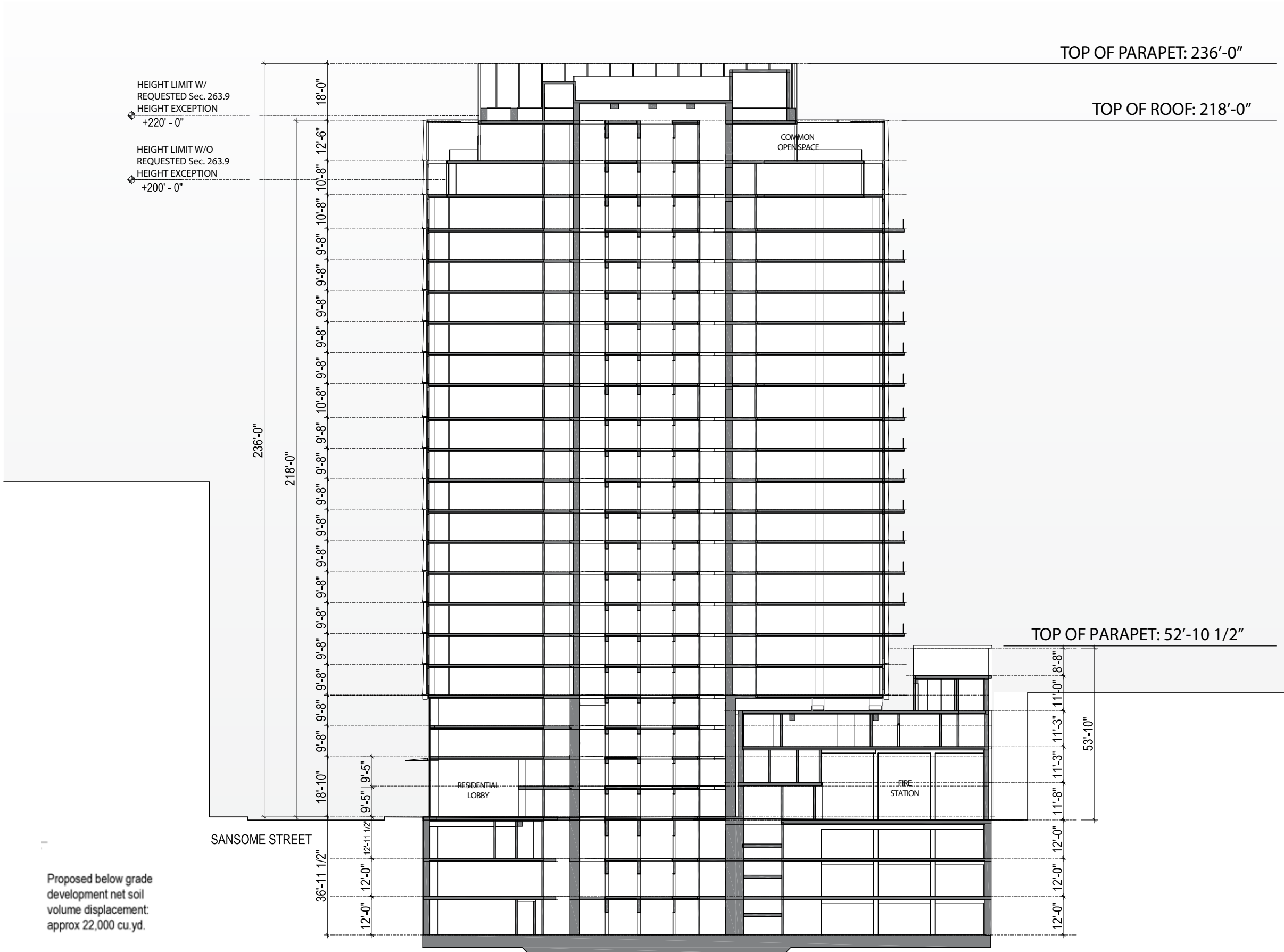
L4



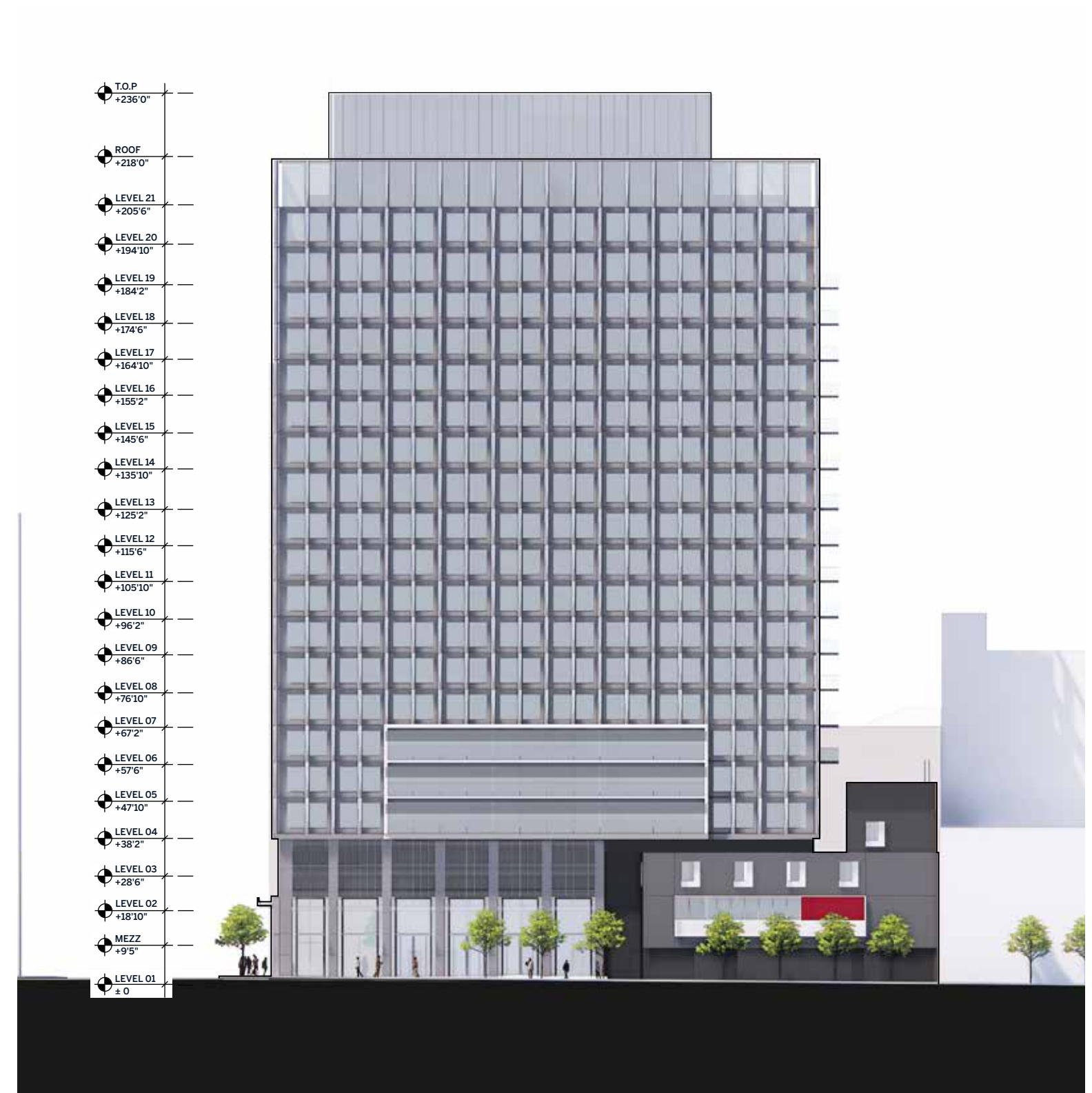
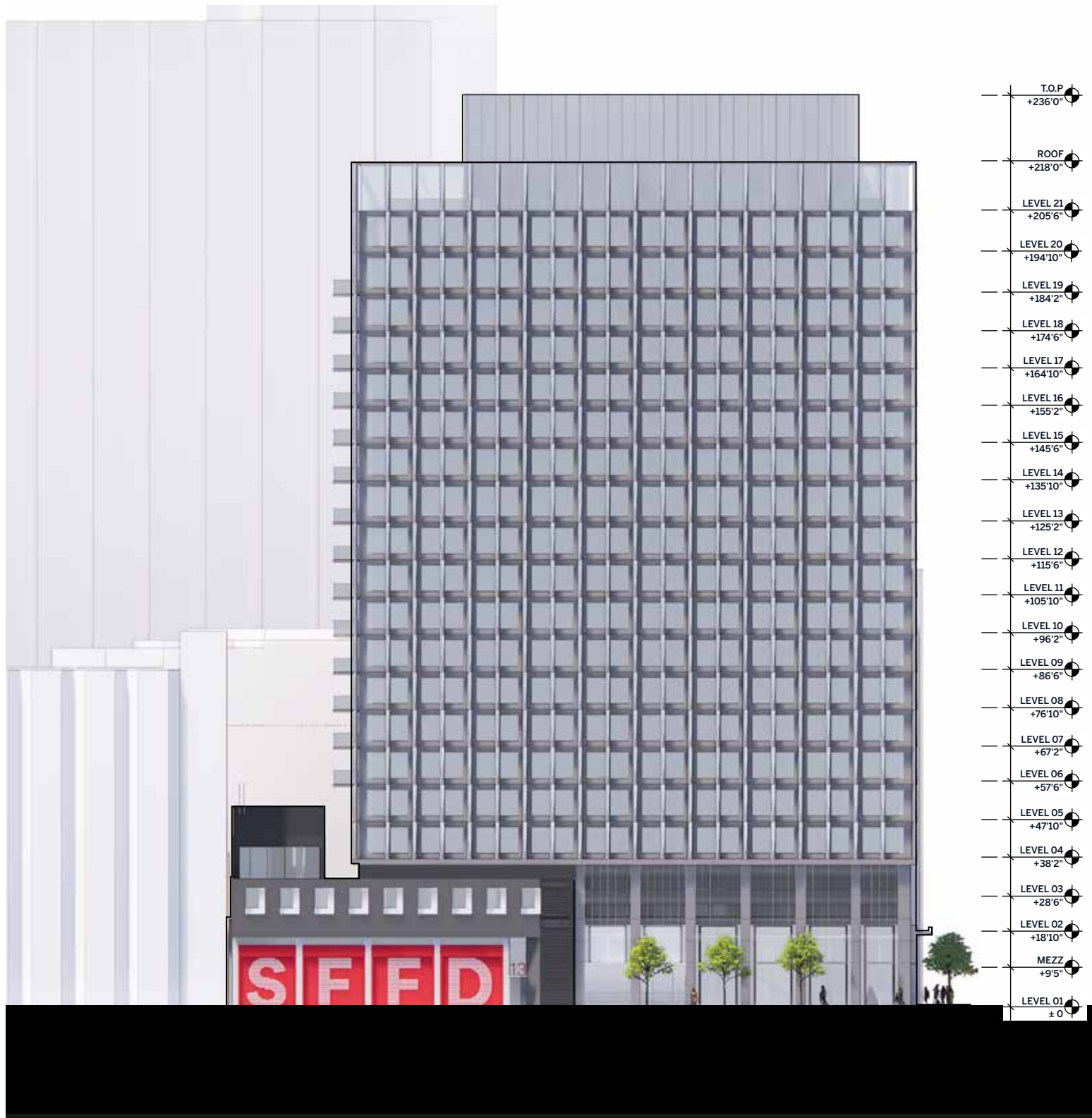
L14-19



- * **MEP:** Exempted under SF planning Code section 102 Floor Area, Gross definition: b.1, b.3, b.4
- * **Below Grade Parking:** Exempted under SF planning Code section 102 Floor Area, Gross definition: a.8.
- * **Basement/Parking:** Exempted Basement/Parking Area up to 7% of above grade Fire Station GFA
- * **Bicycle Storage:** Excluded under SF planning Code section 102 Floor Area, Gross definition: a.8., b.8.
- * **Common Open Space:** Excluded under SF planning Code section 102 Floor Area, Gross definition: b.15

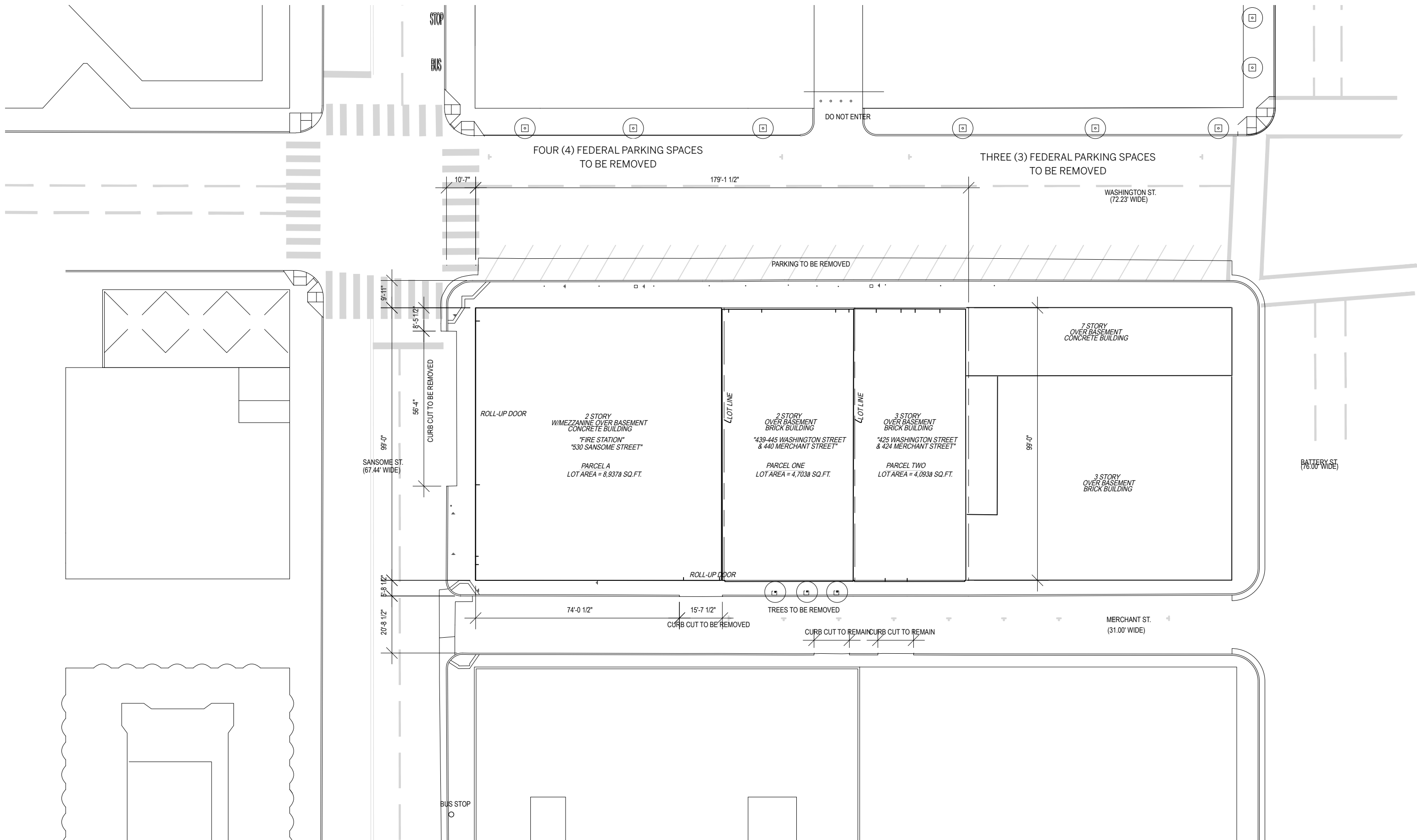


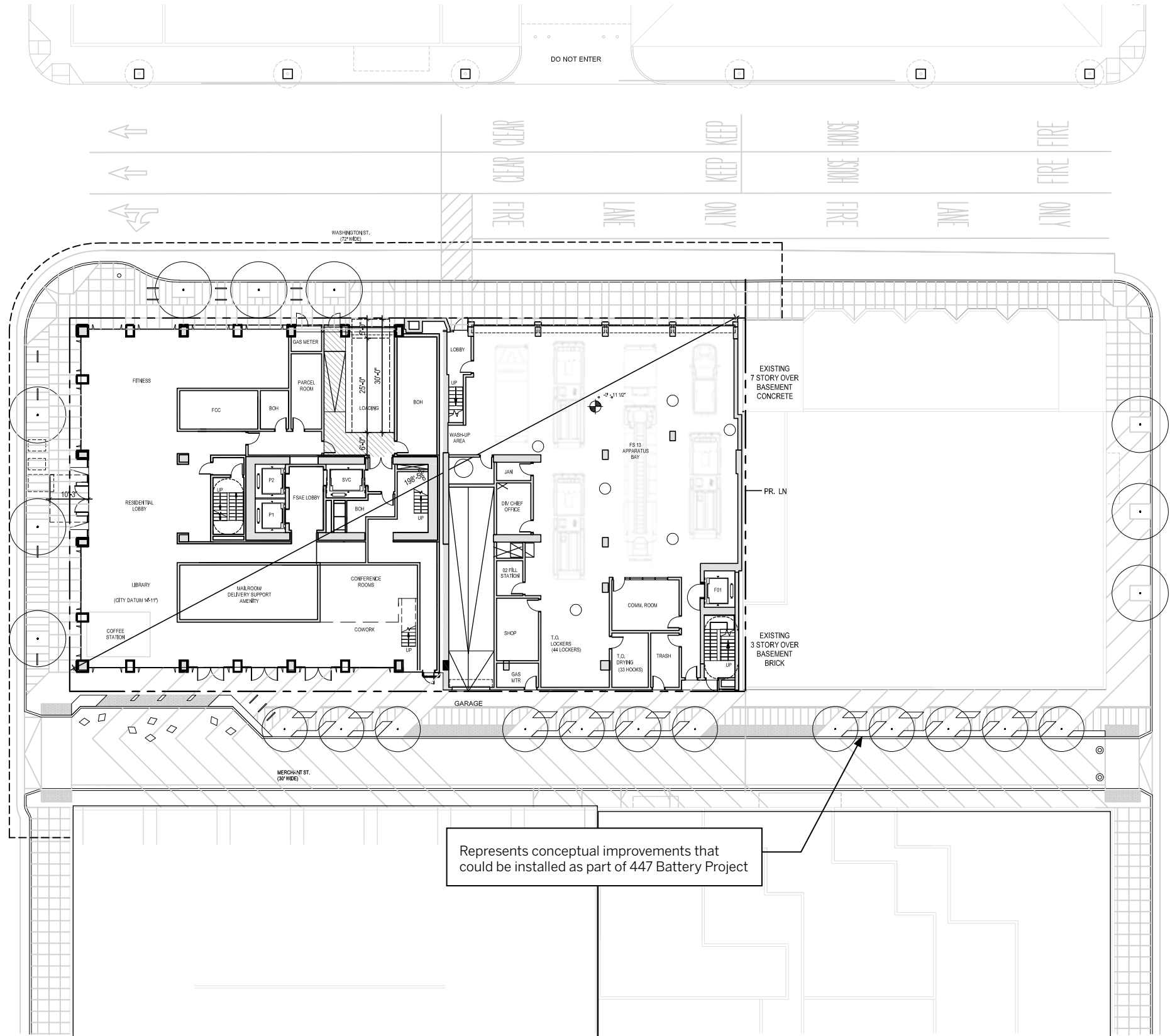
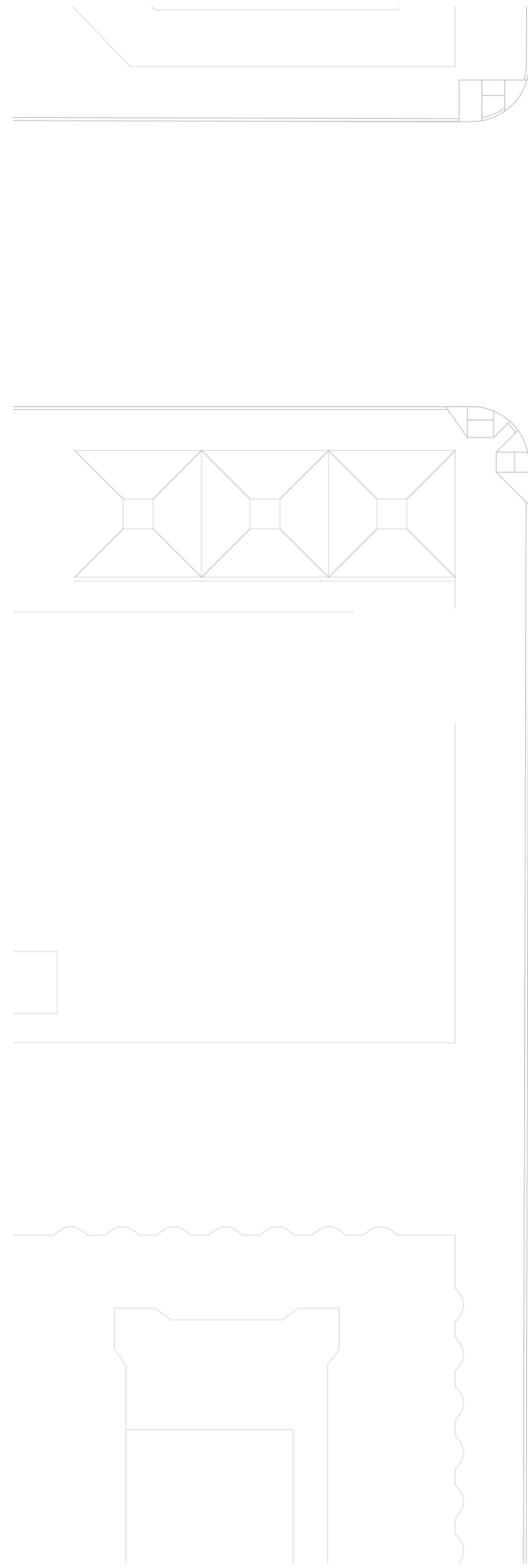
SEE ENLARGED ELEVATION PERSPECTIVES
FOR PROPOSED MATERIALS



SEE ENLARGED ELEVATION PERSPECTIVES FOR PROPOSED MATERIALS

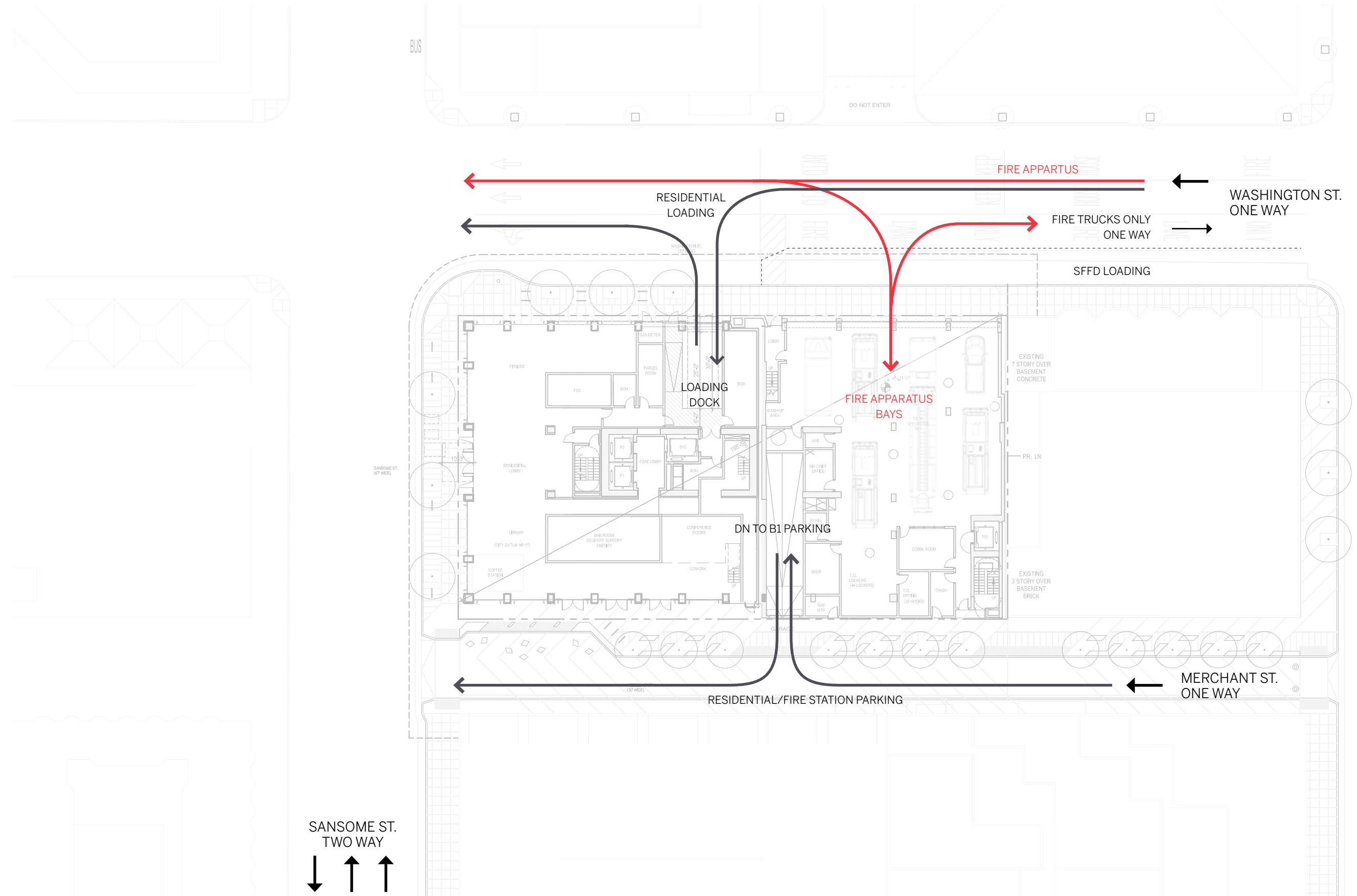


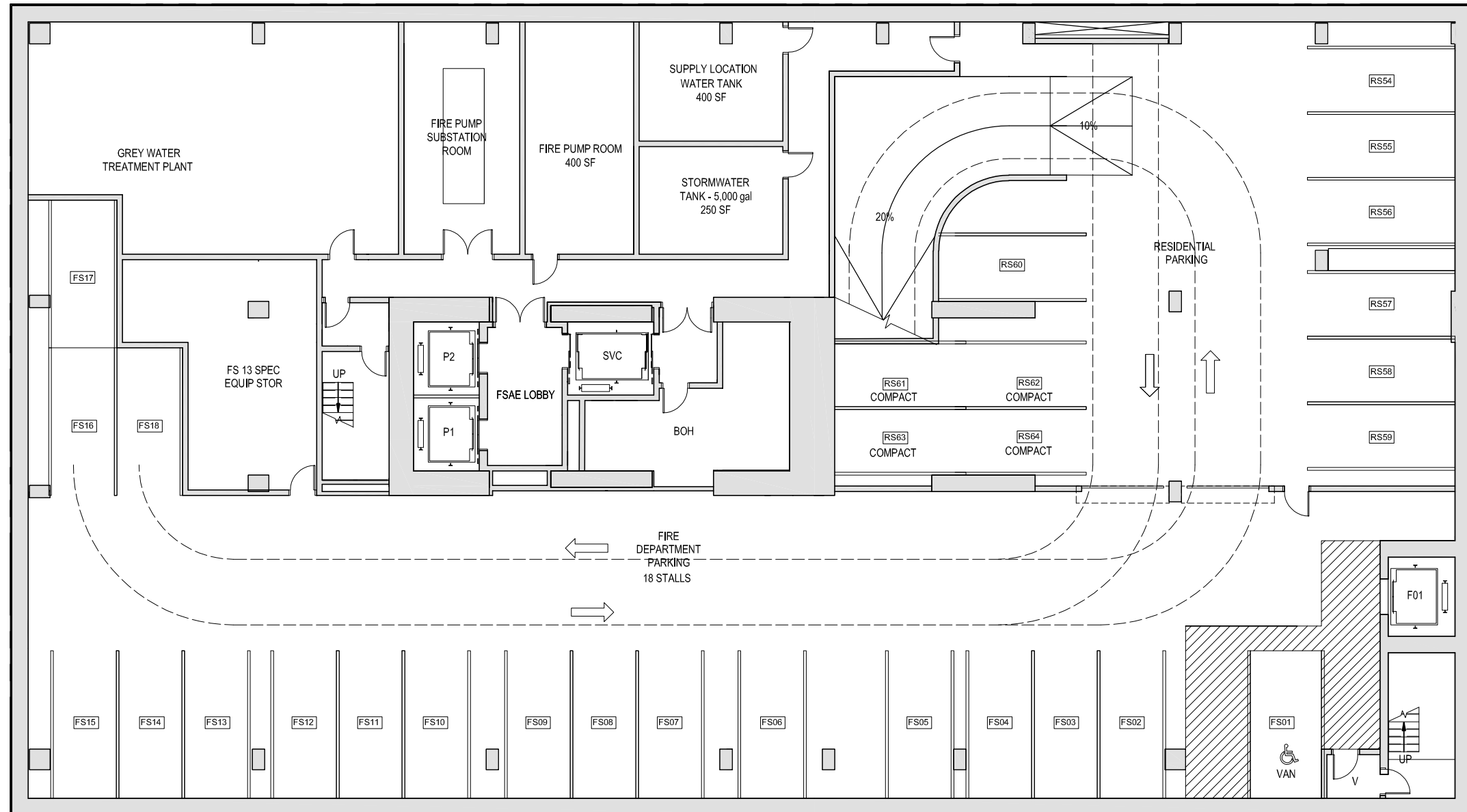


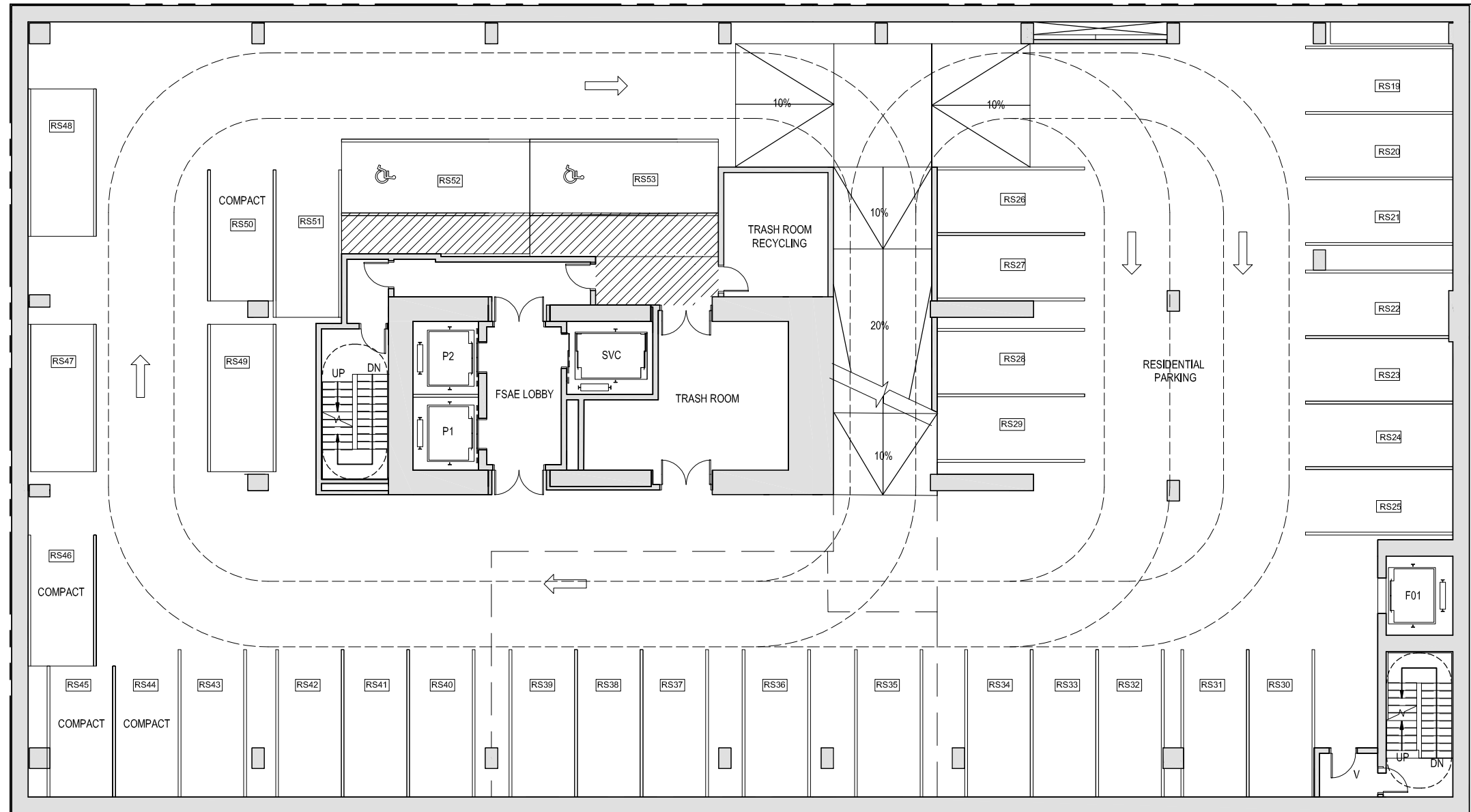


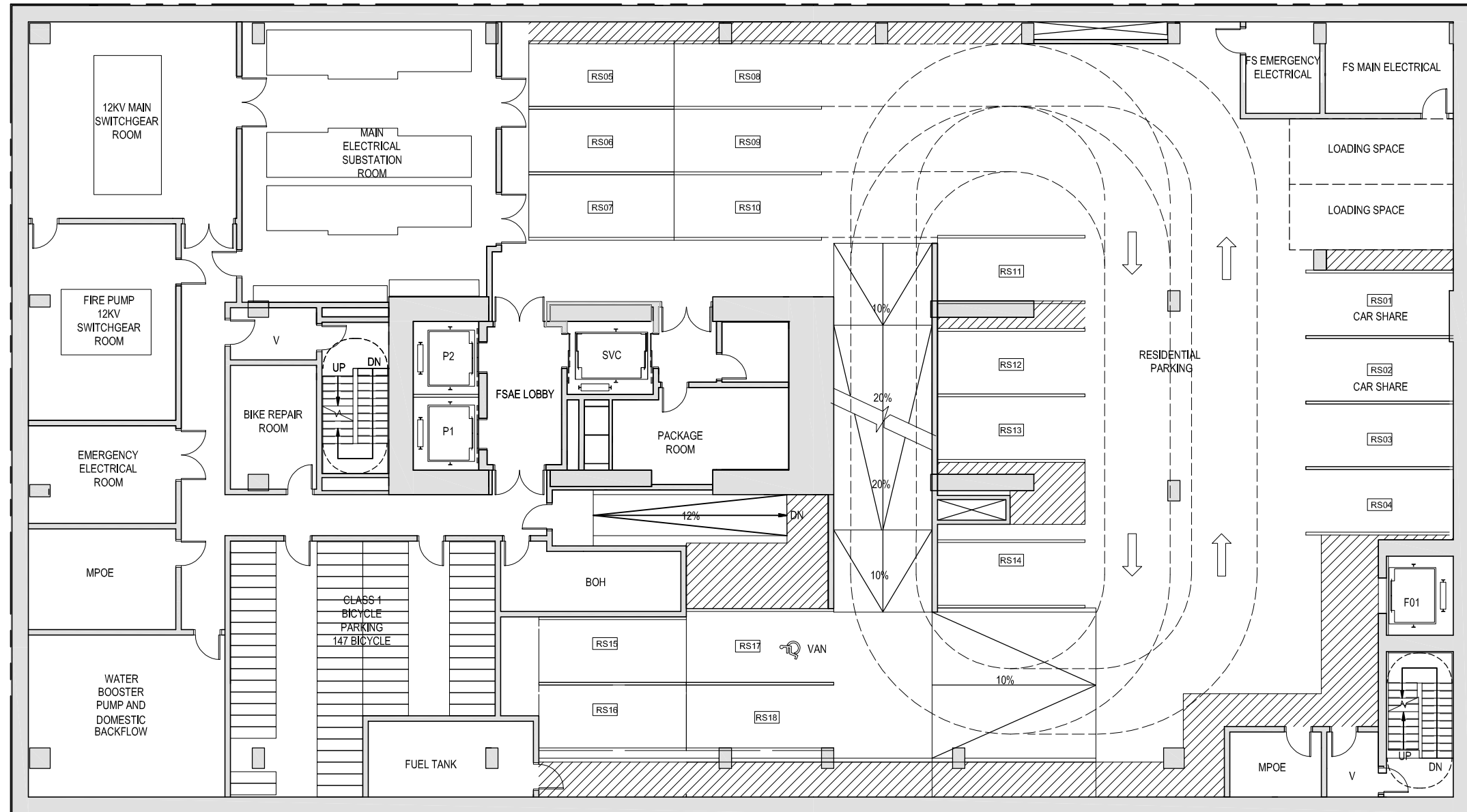
Represents conceptual improvements that could be installed as part of 447 Battery Project

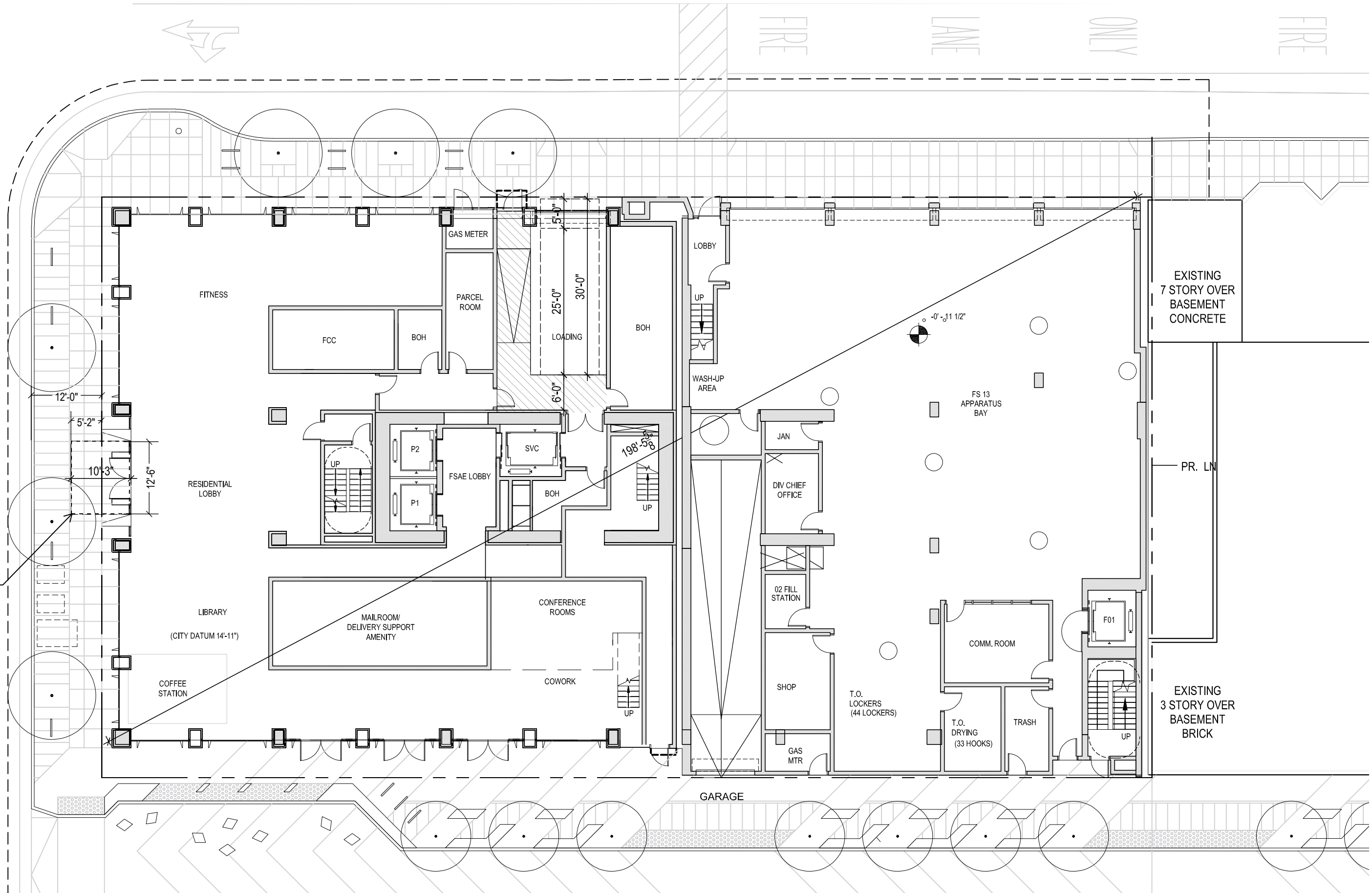




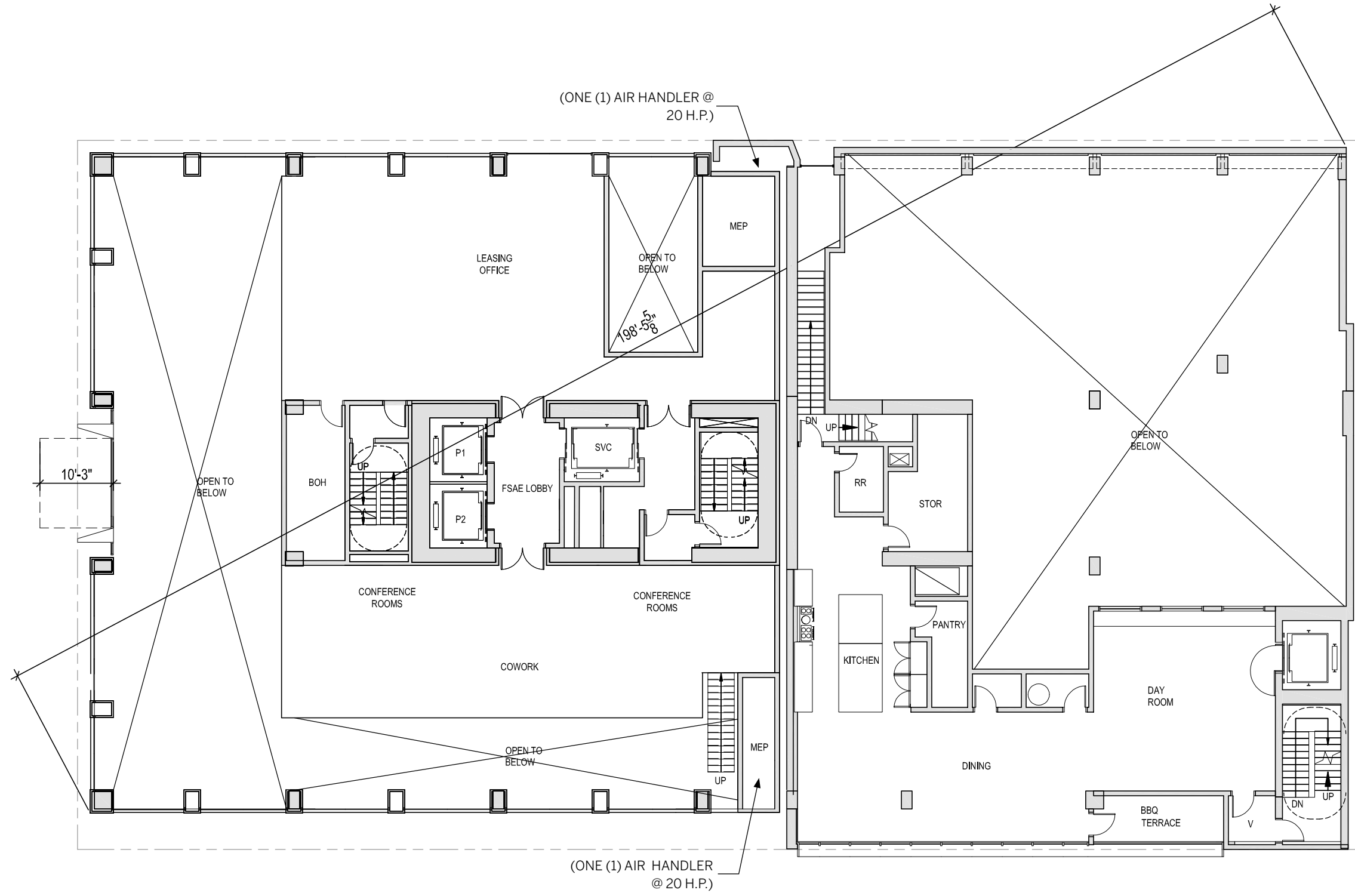


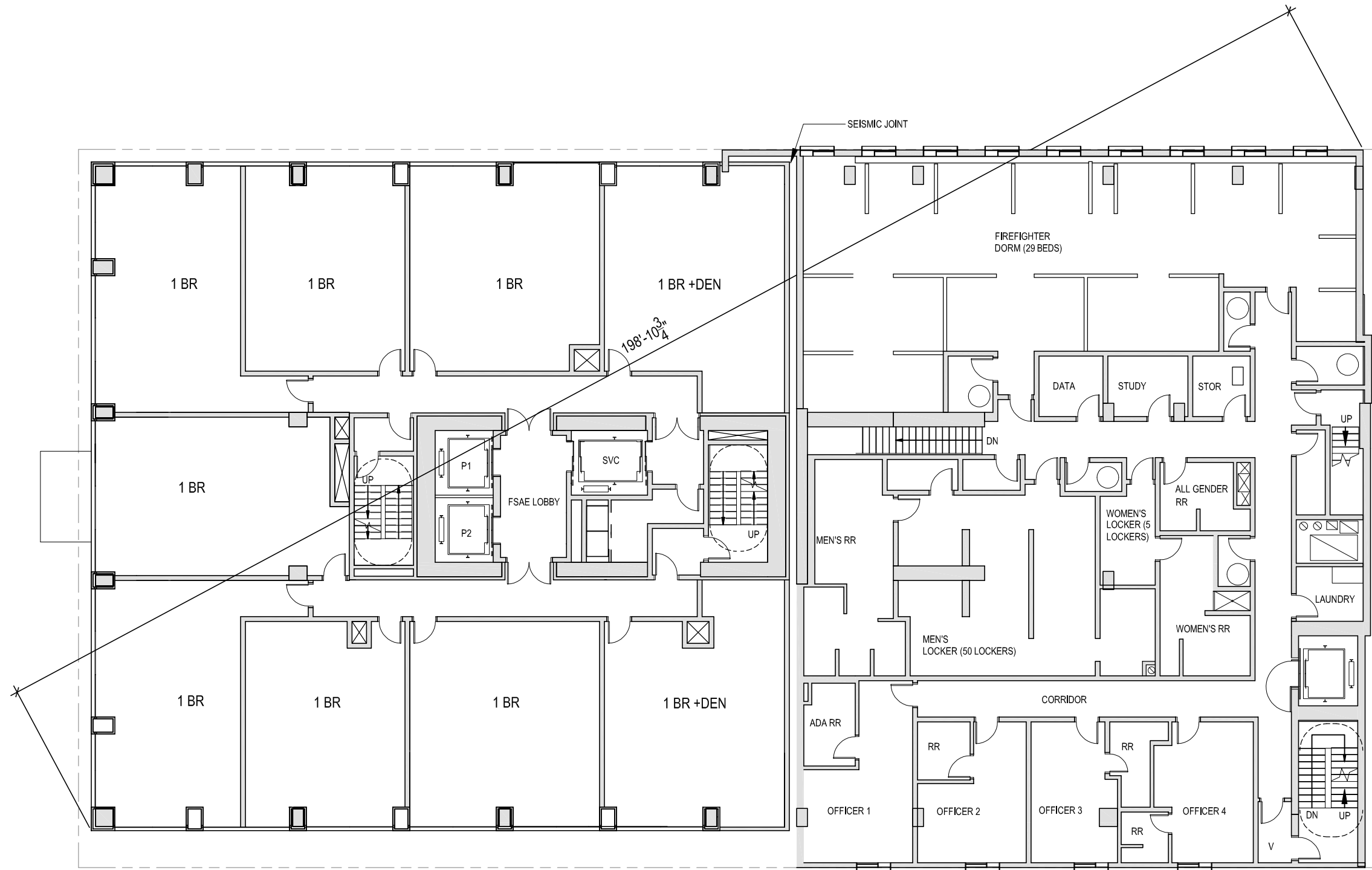


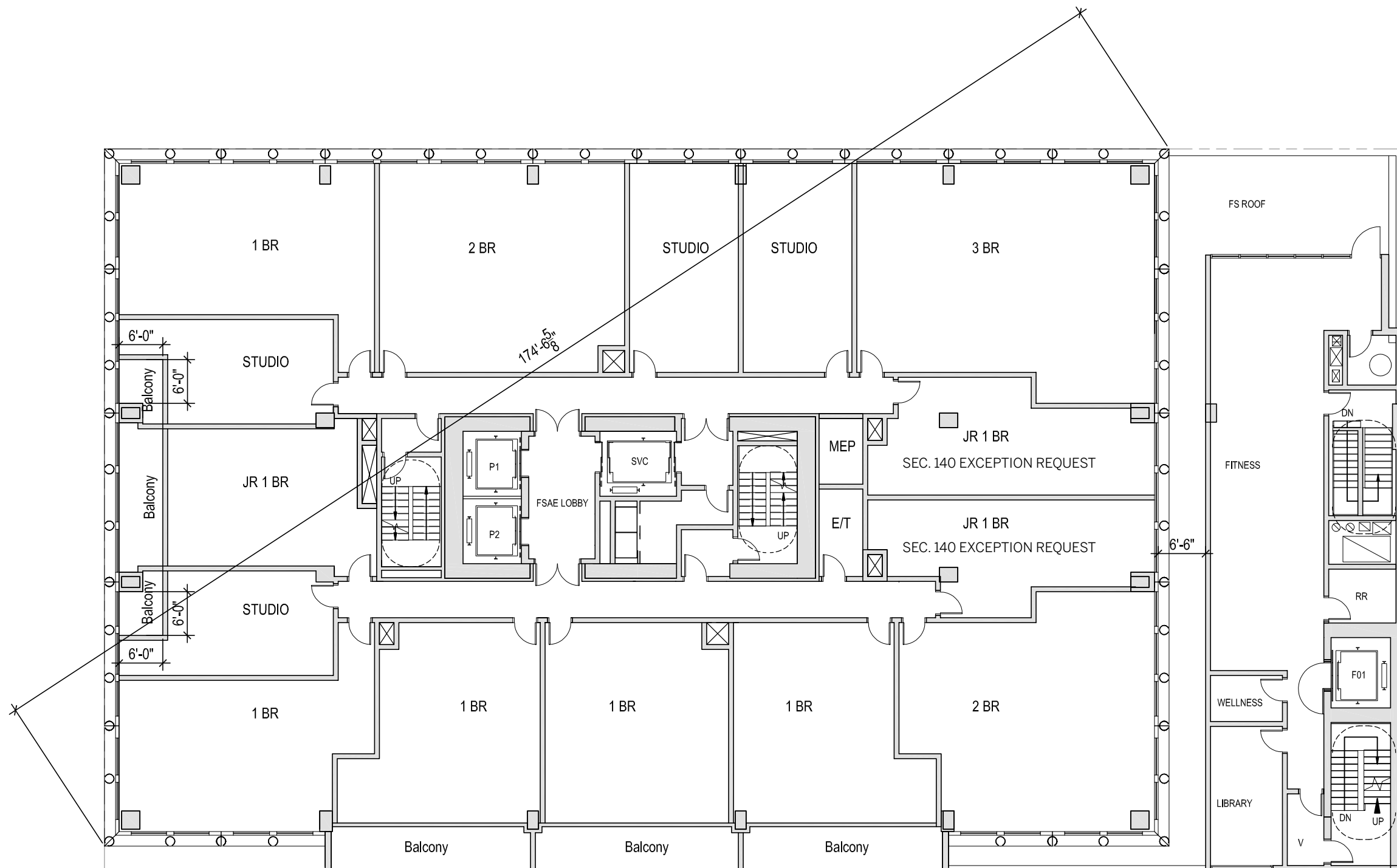


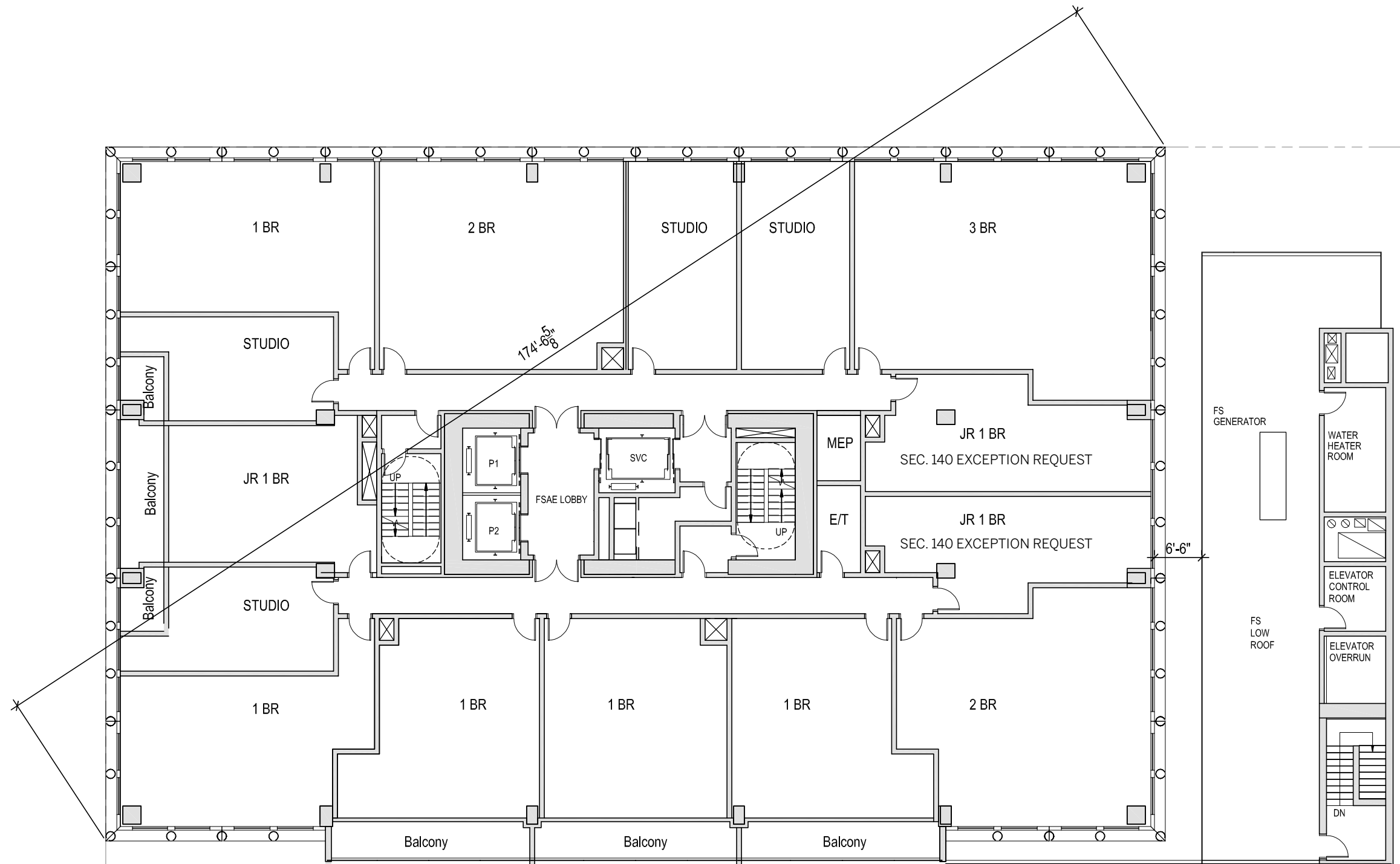


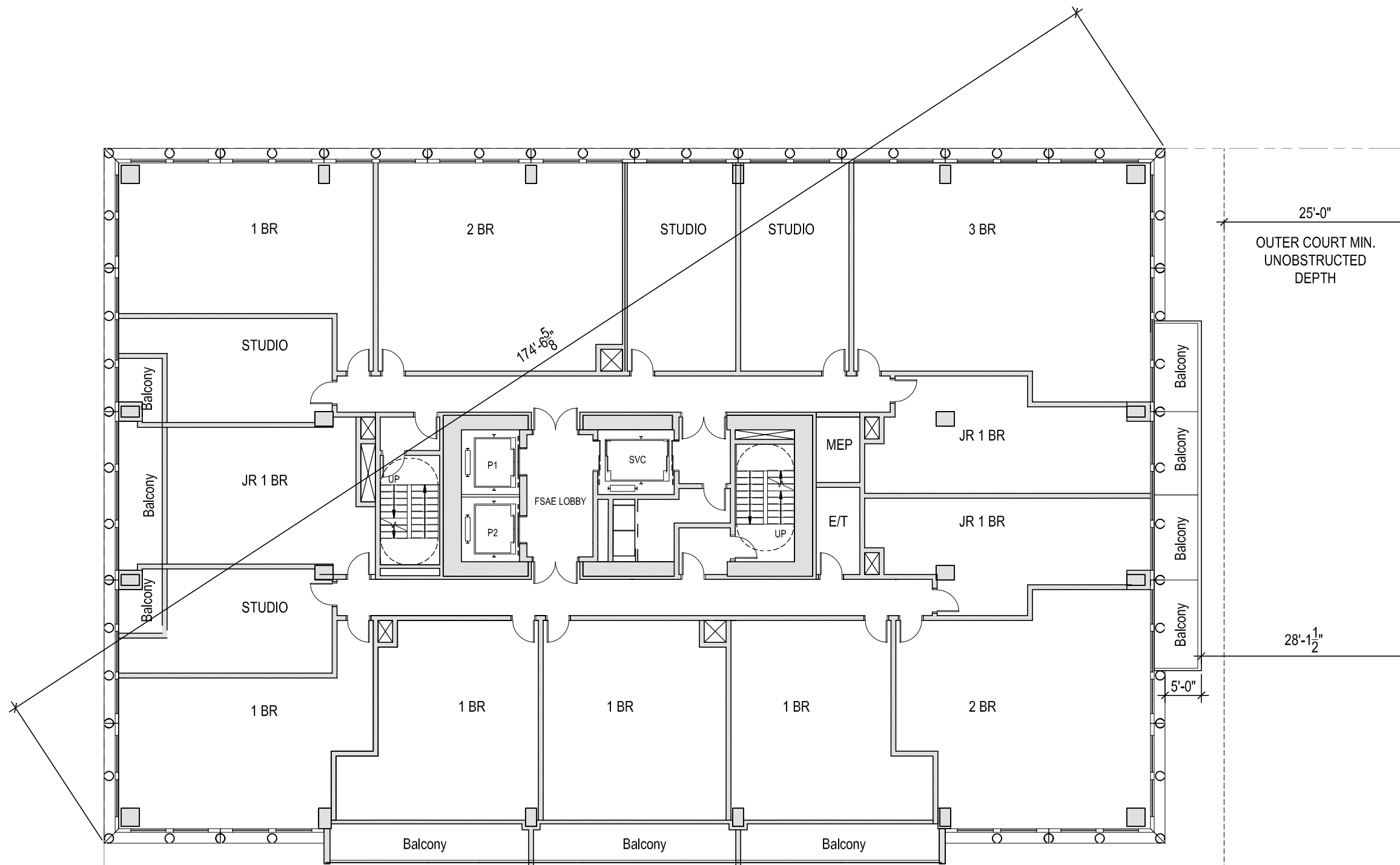
Building Marquee (length not to exceed 25'-0" or 50% of building length, projection not to exceed 2/3 distance from property line to curb)

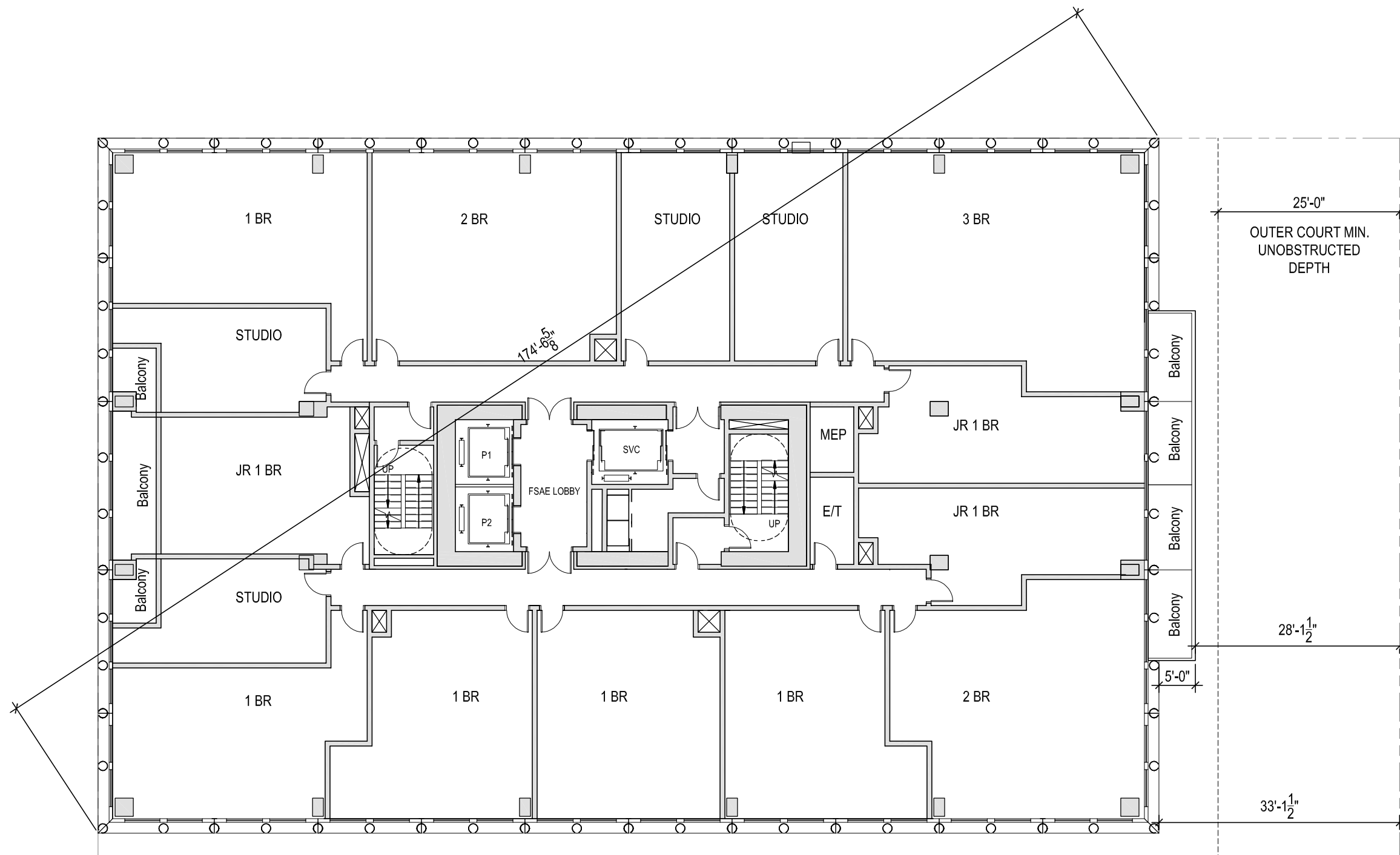


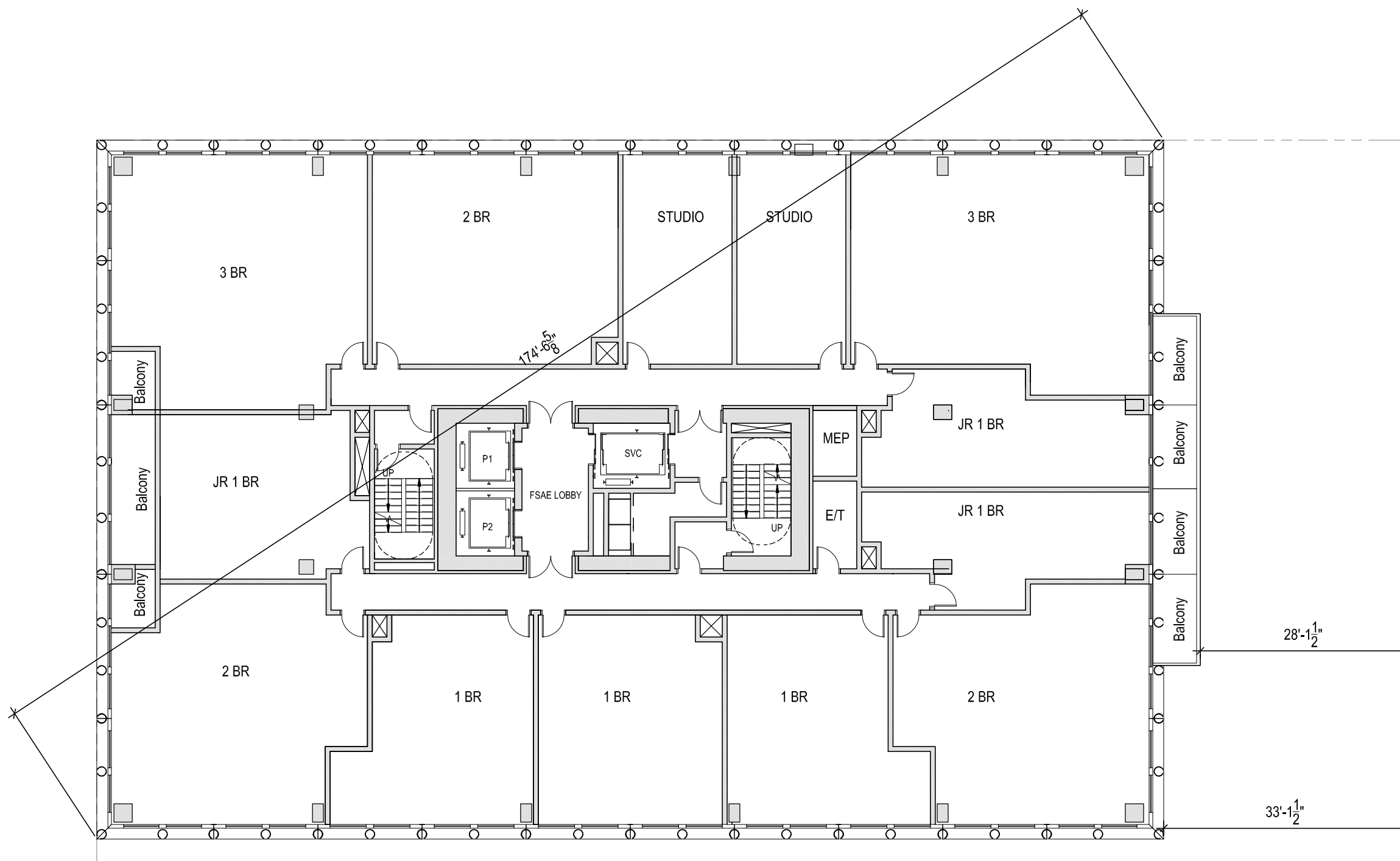


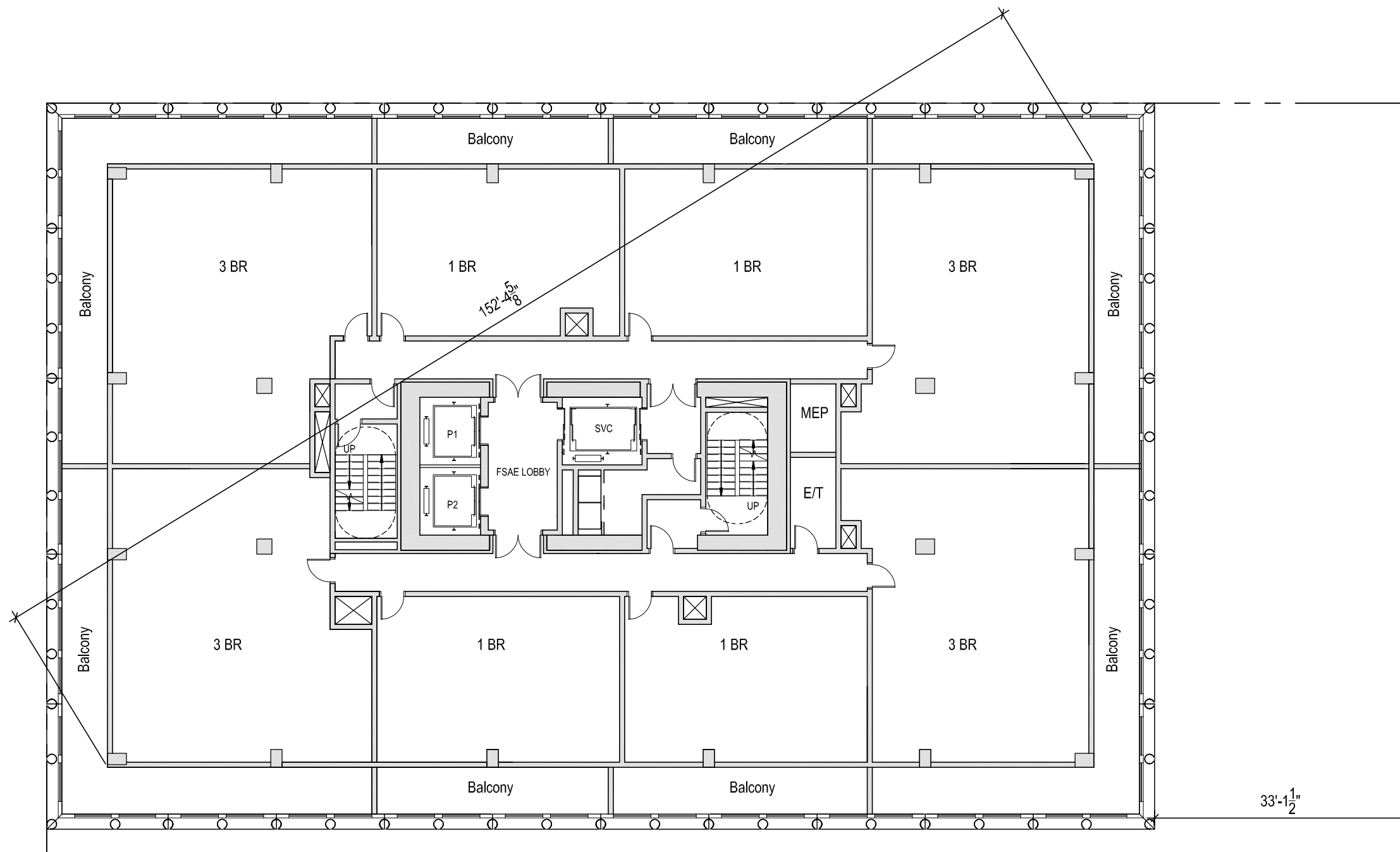




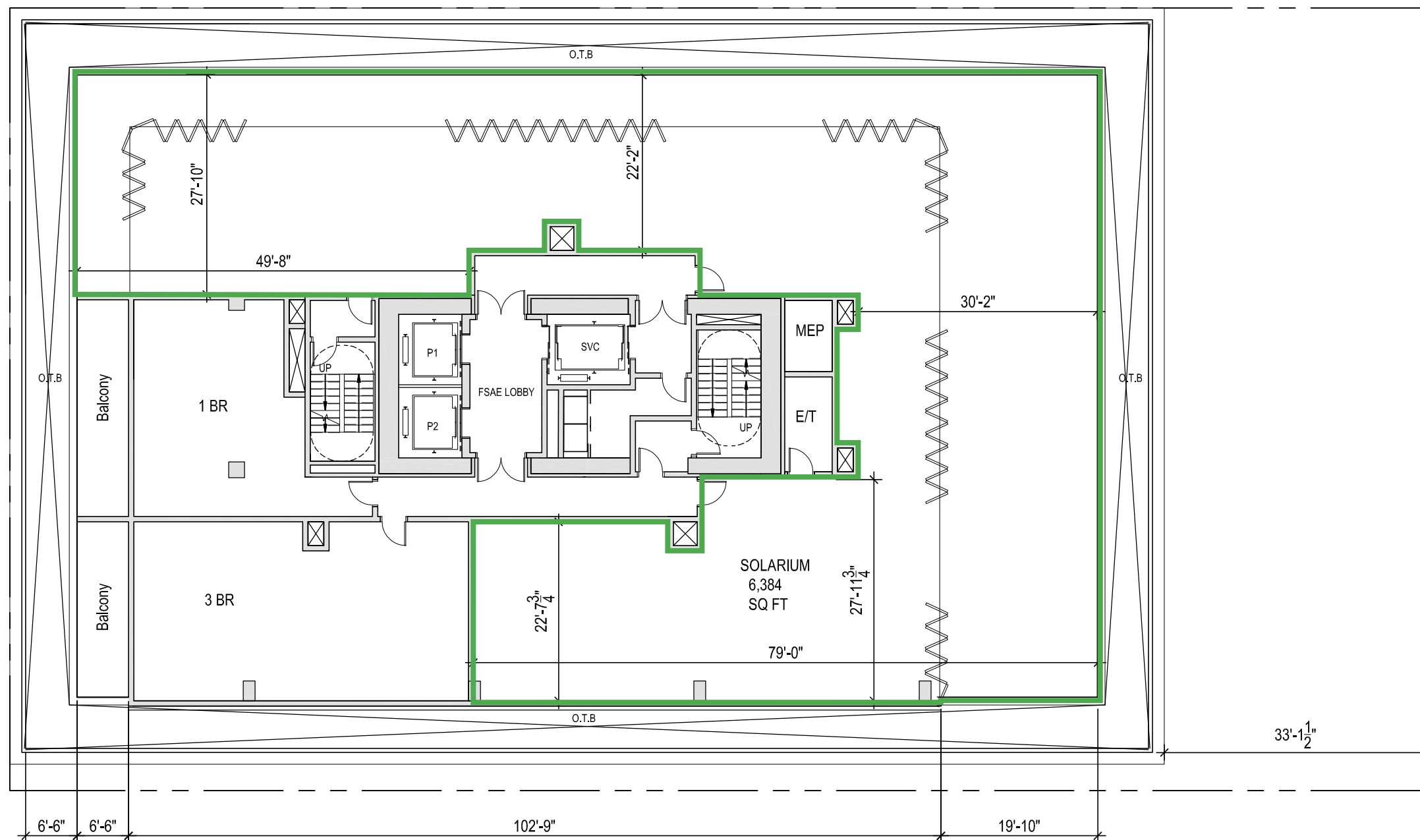


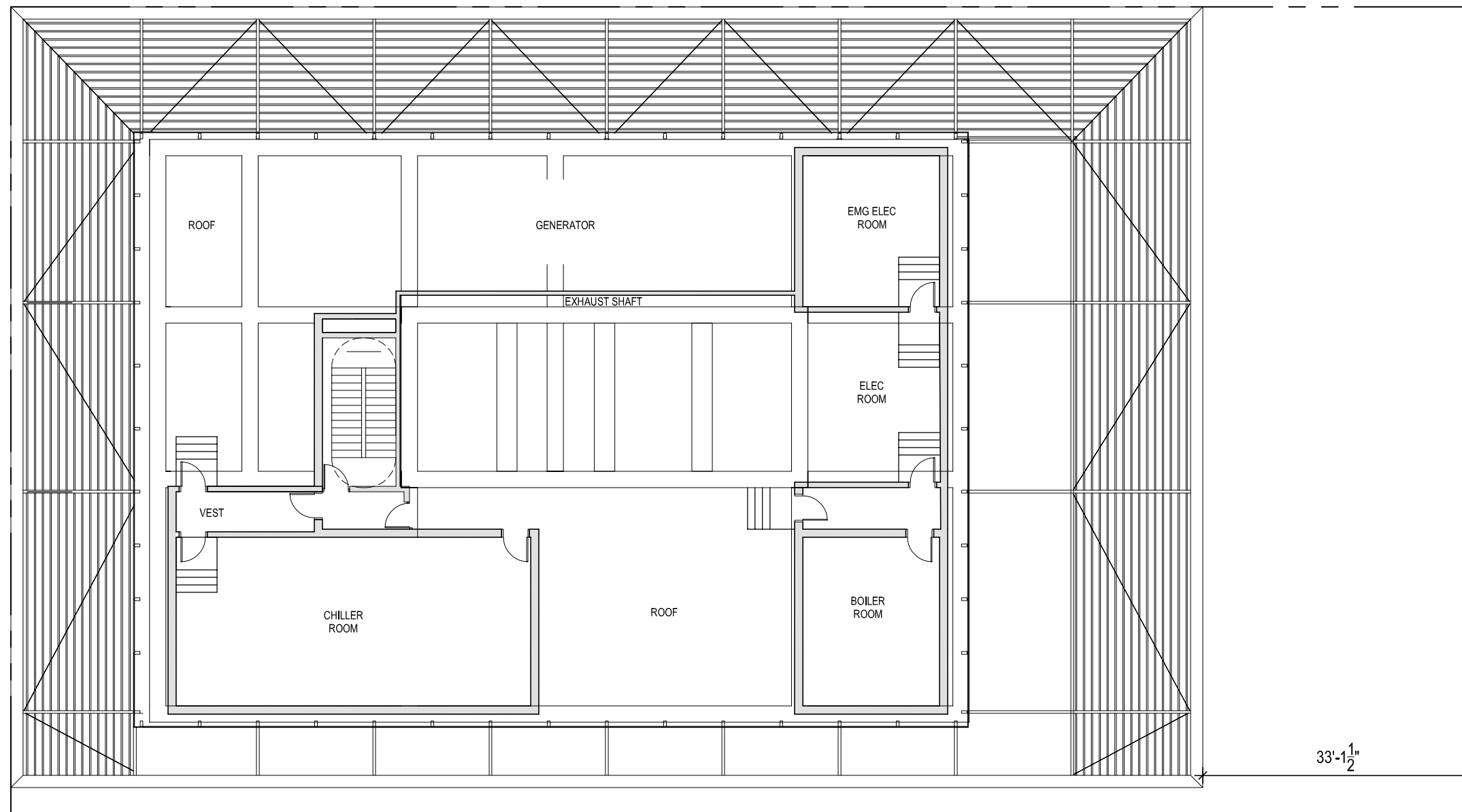






— EXTENT OF LEVEL 21
COMMON OPEN SPACE
(6,384 SQ FT)





FITNESS RESIDENTIAL AMENITY

RESIDENTIAL LOBBY

BALCONY

METAL PORTALS WITH GLASS INSET
AND L1 METAL CANOPY



ARCHITECTURAL BRICK SCREEN
OVER MEP LOUVERS

FIRE STATION

LOADING DOCK

FITNESS RESIDENTIAL AMENITY

ARCHITECTURAL BRICK SCREEN
OVER MEP LOUVERS

RESIDENTIAL LEASING OFFICE

COLUMN STONE CLADDING

PRE-CAST PANELS



RESIDENTIAL AMENITY LIBRARY

L1 & MEZZ CO WORK
RESIDENTIAL AMENITY

ARCHITECTURAL BRICKSCREEN
OVER MEP LOUVERS

GARAGE RAMP

FIRE STATION

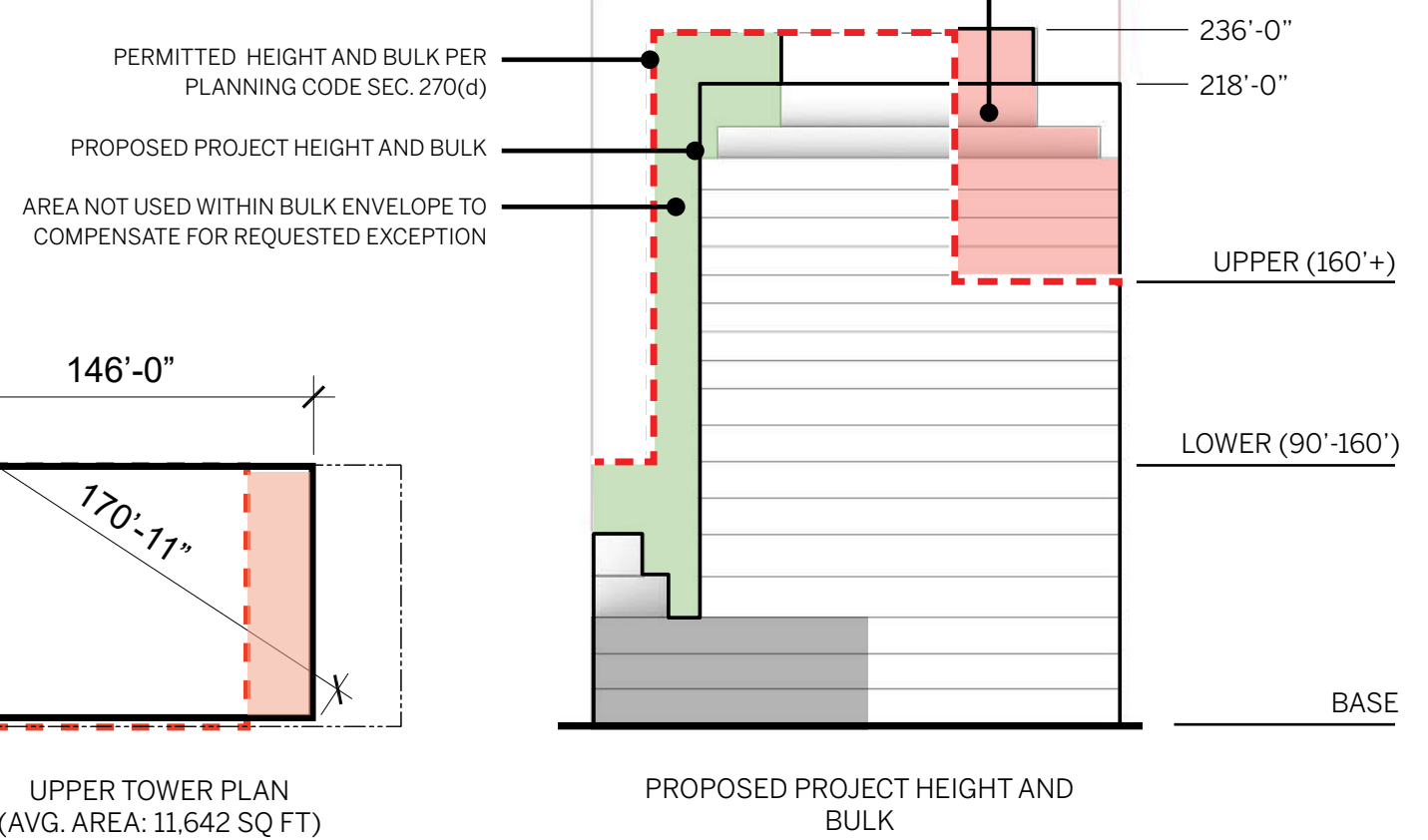
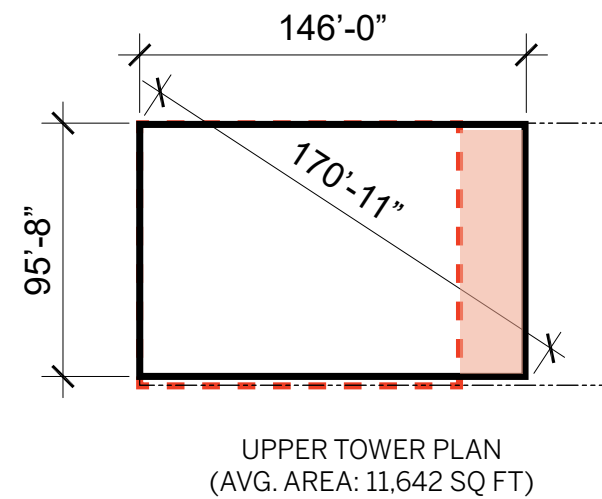
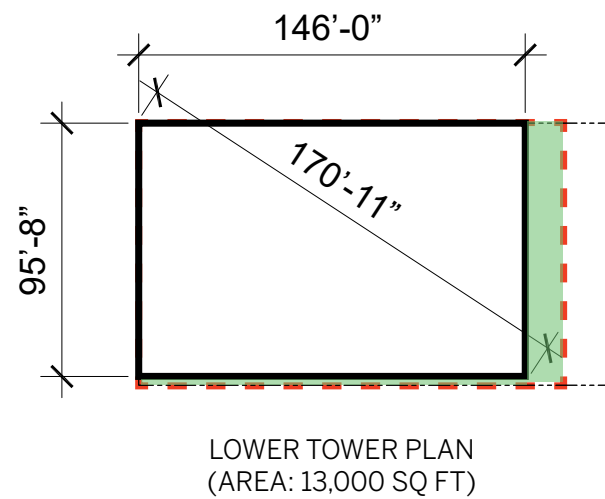
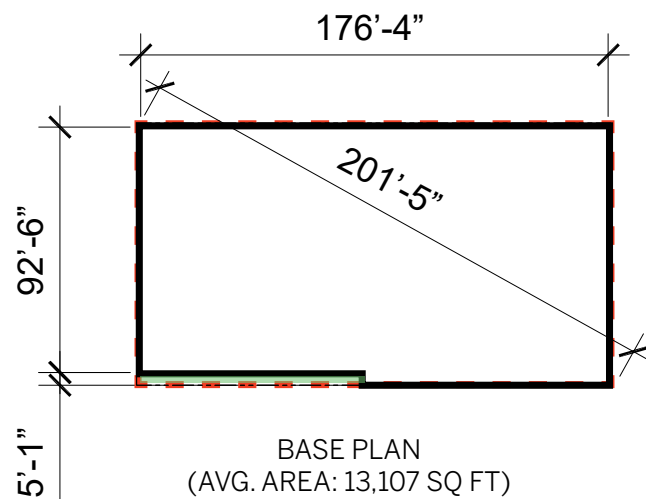




Level	FL to FL	Elevation	Tower Zone	Proposed Footprint	Proposed Average	Allowable Footprint (1) (2)	Footprint Area Difference	Total Footprint Area Difference	Exception Requested
T.O.P		236' 0"							
Roof		218' 0"							
21	12' 6"	205' 6"	UPPER	7,550	11,642	10,270	2,720	-8,230	(1) (2)
20	10' 8"	194' 10"	UPPER	10,300		10,270	-30		
19	10' 8"	184' 2"	UPPER	13,000		10,270	-2,730		
18	9' 8"	174' 6"	UPPER	13,000		10,270	-2,730		
17	9' 8"	164' 10"	UPPER	13,000		10,270	-2,730		
16	9' 8"	155' 2"	UPPER	13,000	10,270	-2,730			
15	9' 8"	145' 6"	LOWER	13,000	13,000	15,840	2,840	19,880	None
14	9' 8"	135' 10"	LOWER	13,000		15,840	2,840		
13	10' 8"	125' 2"	LOWER	13,000		15,840	2,840		
12	9' 8"	115' 6"	LOWER	13,000		15,840	2,840		
11	9' 8"	105' 10"	LOWER	13,000		15,840	2,840		
10	9' 8"	96' 2"	LOWER	13,000	15,840	2,840			
9	9' 8"	86' 6"	LOWER	13,000	15,840	2,840			
8	9' 8"	76' 10"	BASE	13,000	13,107	17,733	-	-	None
7	9' 8"	67' 2"	BASE	13,000		17,733	-		
6	9' 8"	57' 6"	BASE	13,000		17,733			
5	9' 8"	47' 10"	BASE	13,000		17,733			
4	9' 8"	38' 2"	BASE	15,250		17,733			
3	9' 8"	28' 6"	BASE	16,600		17,733			
2	9' 8"	18' 10"	BASE	12,150		17,733			
MEZZ			BASE	5,100		17,733			
1	18' 10"	0.00	BASE	16,865	17,733				
TOTAL				247,965		301,287	11,690		

ALLOWABLE UPPER TOWER FOOTPRINT CALCULATION	
Proposed Lower Tower Footprint	13,000
Required 21.5% reduction of lower tower Footprint	2,730
Allowable Upper Tower Footprint (with 21.5% reductio	10,270

PROPOSED PROJECT ———
 PERMITTED - - - - -



All bulk exceptions are limited to the upper tower, which begins at 160 feet and includes floors 16 through 21. Floors 9-15 are smaller than the allowable area by a total of 19,880 sf (2,840 sf/floor), while floors 16-21 are larger than the allowable area by a total of 8,230 sf (1,371 sf/floor), or approximately one half of the amount not used in the lower tower. The project mass is shifted as far west as possible to minimize shadows on Maritime Plaza.

Upper tower limit delineated by red dashed line is a combination of site constraints and two planning code sections:

1.- 270(d)(2)(A) limits length to 130 feet, diagonal to 160 feet, and average floor size to 12,000. proposed upper tower is 146 feet in length, 171 feet in diagonal, with an average area of 11,642 square feet.

2.- 270(d)(3)(B) requires a reduction of 21.5% from the lower tower footprint, or 10,270 square feet. Proposed average upper tower footprint is 11,642 square feet, or a reduction of 10.4% from the proposed lower tower footprint, but a reduction of 26.5% from the allowable lower tower footprint of 15,840sf.

The Residential variant project requires a Section 309 exception from the Section 134 rear yard requirement starting at Level 2 of the proposed building (the first level containing dwelling units).

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

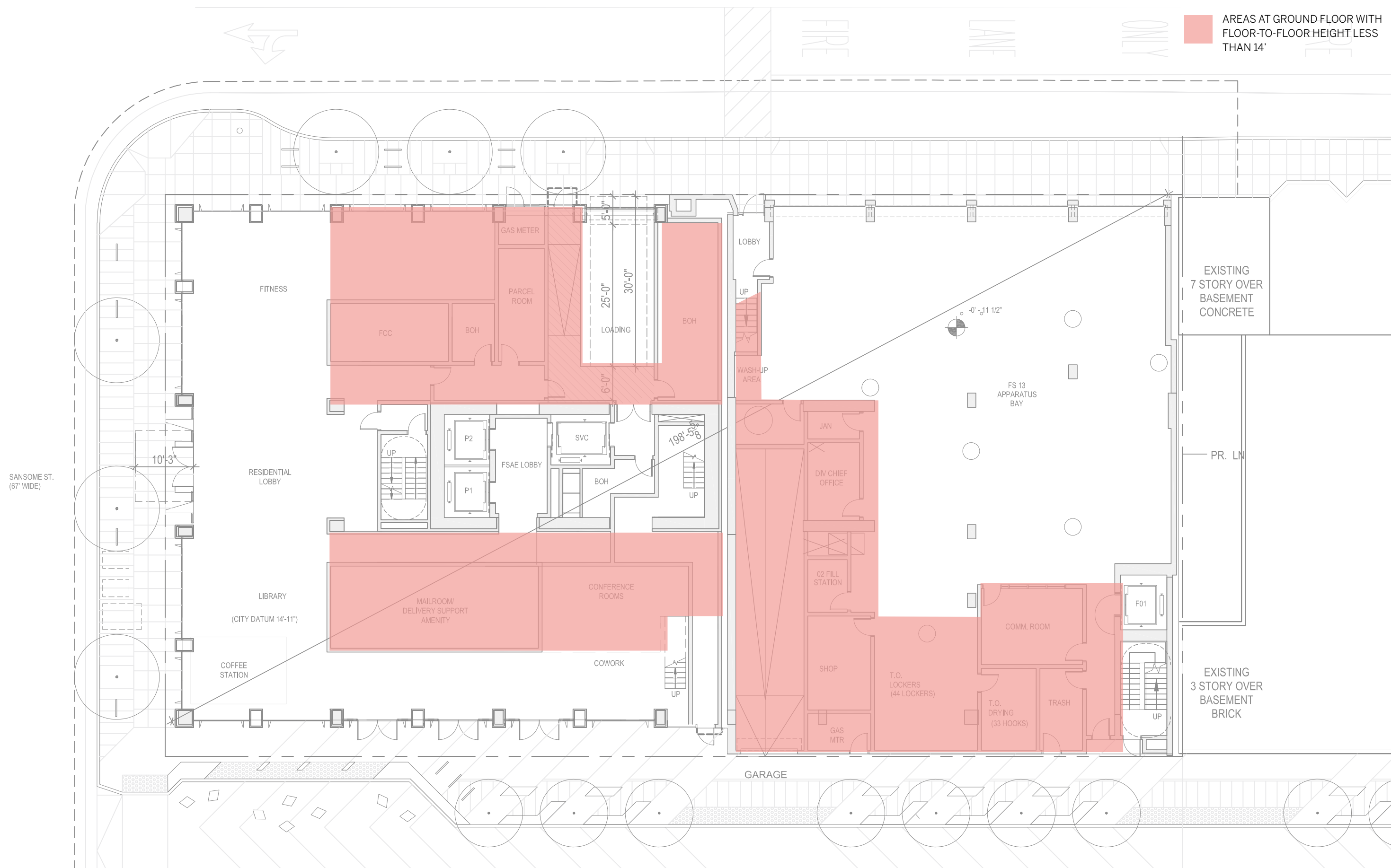


EXHIBIT 3

**Letter from Wilad Properties LLC to Nicholas Foster, San Francisco Planning Department
(dated July 26, 2021)**

From: Stuart Corvin <scorvin@bigelowgroup.net>
Sent: Monday, July 26, 2021 10:59 AM
To: nicholas.foster@sfgov.org
Cc: Miller, Gregg <gmler@coblentzlaw.com>; Tsou, Sunny <stsou@coblentzlaw.com>
Subject: [EXTERNAL] 530 Sansome St. Case 2019-017481PRJ

July 26, 2021

Nicholas Foster, Senior Planner

San Francisco Planning Department

49 South Van Ness Avenue, Suite 1400

San Francisco, CA 94103

RE: 530 Sansome Street – SF Planning Dept. Case #2019-017481PRJ

Dear Mr. Foster:

Wilad Properties is the owner of 401 Washington Street (“401 Washington”), located at the corner of Washington Street and Battery Street and on the same block as the proposed mixed use project at 530 Sansome Street (the “Project”). 401 Washington was constructed in 1983 and consists of approximately 20,000 square feet of Class A office and street-level retail space. Wilad Properties is a third generation San Francisco family-owned real estate company. 401 Washington is an important and very significant investment for the family. This letter serves to raise several concerns with the Project.

At the outset, we cannot emphasize enough how frustrated we are with the various City departments involved with the Project, but in particular with the Project’s sponsor, Related Companies (the “Project Sponsor”), at the lack of outreach to us and the failure to give us proper notice of the Project and its various proposed approvals.

With respect to outreach, the first time that we heard from Related regarding the Project was on May 12, 2021, when a representative of Related sent an email to 401 Washington’s property manager, Century Urban. However, Related was not trying to find a time to introduce the Project to us and invite our questions and comments – belated as such an effort may have been. Instead, the email requested information about 401 Washington. We were surprised to hear that a project as large as the Project was proposed for our block. When we looked into things, we were even more surprised to discover that the Project had been in process since 2019, had already had a hearing on the Project’s CEQA analysis, and was scheduled to be heard for approval six weeks later on June 24. Yet no one had reached out to us about the Project.

With respect to formal notices from the City regarding the Project, neither we nor Century Urban received any notices with respect to the Project’s review under CEQA, including no notice of the Project’s Preliminary Mitigated Negative Declaration (the “PMND”) hearing. The only notice that was received was the notice of the June 24, 2021 Planning Commission hearing, which was sent to Century Urban.

To be clear, we, as the property owner, did not receive any notices regarding the Project from the Project Sponsor, the San Francisco Planning Department, or any other City Departments. This includes the Notice of Availability for the Project's PMND, which was issued on April 28, 2021. Pursuant to San Francisco Administrative Code 31.11, we should have received the Notice of Availability by mail and been provided 20 days to review the PMND and file an appeal if desired.

As you know, most people have been working remotely. Regular mail is not checked with the usual frequency. Also, people are much less likely to see any posted notices near the Project. With the Covid-19 shutdown, the Project Sponsor should have doubled its efforts to make sure that at least its immediate neighbors were well aware of the Project. Related's lack of outreach is unheard of in San Francisco and inexcusable.

As to the Project itself, as a general matter, we do not see any reason to re-locate San Francisco Fire Station #13 from its current location on Sansome Street to Washington Street – doing so benefits no one except Related. By moving the fire station, Related gets to have uninterrupted frontage on Sansome Street while those of us on Washington will lose multiple parking spaces and be subjected to a significant increase in noise and disruption as fire department vehicles enter and exit, including traveling east *against* traffic on one-way, west-bound Washington Street. In addition, we have been told that the Fire Department expects to park its vehicles on Washington Street regularly.

More specifically, the Project could significantly affect ongoing commercial and office uses at 401 Washington. The Project would remove existing street parking spaces on the southern and northern sides of Washington Street between Battery and Sansome Streets. This includes the eight street parking spaces in front of 401 Washington which are regularly used by its occupants and visitors. Loss of this parking, when parking is already limited in this area of downtown, would make 401 Washington less accessible.

In addition, re-orienting Fire Station #13 from its current location on Sansome Street to Washington Street and allowing fire service vehicles to egress onto Washington Street against the flow of one-way traffic raises significant traffic and safety concerns. The Project's plans do not adequately address how fire service vehicles will safely egress into westerly one-way traffic on Washington Street, especially during periods of congested traffic - the existing two travel lanes on Washington Street are already narrow as is. Pedestrians could also be disoriented and exposed to hazardous traffic patterns by fire service vehicles using the contraflow lane, which presumably would be located up to the curb on the south side of Washington Street.

These safety concerns are not sufficiently addressed in the PMND. Impact TR-2 states that fire trucks exiting the Project site onto Washington Street would use sirens and lights. However, there is no discussion of the potentially hazardous conditions to pedestrians, bicyclists, and vehicles that could be created by allowing fire trucks to travel in a contraflow lane on the south side of Washington Street.

The PMND's analysis with regard to loading deficits that could result in secondary effects of creating hazardous conditions for people walking, bicycling, or driving, or substantially delaying public transit is also deficient. The Project would remove up to seven of the existing 14 freight loading spaces on the block surrounding the Project site and with cumulative projects, all freight

loading spaces would be removed. The PMND relies on outdated data to conclude that removing all freight loading spaces from this area of downtown would not create a hazardous condition for pedestrians or vehicles or cause public transit delays. The field observations used to determine usage of these freight loading spaces were taken in December 2017 and are now over three years old. The cumulative analysis also does not account for intensification of existing uses around the Project site, which could lead to increase demand for freight loading spaces. 401 Washington would be particularly adversely affected if all freight loading spaces were eliminated, as it does not have an off-street loading space.

The PMND also fails to analyze whether the Project, by proposing to demolish the existing Fire Station #13 building and the two vacant commercial buildings, would result in a substantial adverse change to the potentially historic resource at 447 Battery Street. Section 15064.5(b)(1) of the CEQA Guidelines provides that a substantial adverse change to a historic resource includes physical demolition of its immediate surroundings such that the resource would be materially impaired. Context and setting is crucial to understanding the significance of a historic resource. The PMND's lack of discussion on this issue precludes a full disclosure of the Project's potential impacts on cultural resources.

With regard to the entitlements for Project, the City's proposed findings, prepared for the Planning Commission's hearing on the Project on June 24th before being continued (the "Draft Findings"), appear to be inadequate, particularly for the exceptions to the Downtown Project Authorization and approval of the Conditional Use Authorization. For instance, the Project seeks an exception from Planning Code Section 134, which requires projects to provide a rear yard equal to 25% of the lot depth at the first level containing a dwelling unit and at every subsequent level to provide adequate light and air to each dwelling unit. The Project would not meet this rear yard requirement and instead proposes an outer court along the eastern boundary of the Project site and a solarium accessible to residents. The Draft Findings determine that this outer court, along with the solarium, would provide sufficient light and air as 123 of the 256 dwelling units would have private balconies. This analysis fails to address whether the remaining 133 dwelling units without private balconies would have sufficient light and air. Section 134(g) of the Planning Code, which authorizes exceptions to this rear yard requirement, expressly provides that projects must provide "adequate light and air to windows within the residential units." As such, the Draft Findings impermissibly omits analysis of whether more than half of the Project's dwelling units would receive adequate light and air.

Likewise, the City's proposed justification for granting an exception to the dwelling unit exposure requirement under Section 140 of the Planning Code is also inadequate. Section 140 requires at least one room of each dwelling unit to face onto a public street, rear yard, or other open area. Section 309(a)(14) of the Planning Code permits exceptions to this requirement to the extent allowed by Section 140, which only permits 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. None of these circumstances exist for the Project and the Draft Findings, other than stating that the dwelling units would nonetheless have adequate light and air, do not further explain why an exception is permitted.

The analysis and findings for Conditional Use Authorization for the non-accessory parking garage for Fire Station #13 are also insufficient. For non-accessory parking in C-3 districts, the

Planning Code requires the City to make the findings set forth in Section 303(t)(1) and determine that the non-accessory parking complies with the requirements set forth in Section 303(t)(3). The Draft Findings only analyze consistency of the off-street parking garage with Section 303(t)(1) and not Section 303(t)(3). Therefore, approval of the non-accessory parking garage based on the Draft Findings would violate the Planning Code.

The proposed findings for the Office Allocation Square Footage are also lacking. In particular, the findings do not consider how the COVID-19 pandemic has impacted the demand for office space, particularly as more companies embrace remote work and flexible work arrangements.

Finally, it also seems that the variances sought for the Project are not warranted. For instance, the Project seeks a variance from ground floor ceiling heights (Section 145.1(c)(4)) in the non-fire station portion of the building but there does not appear to be any exceptional or extraordinary circumstances applicable to the property or the proposed use that would justify granting a variance to allowed reduced ground floor ceiling heights.

The issues raised in this letter are not comprehensive, we reserve the right to raise additional concerns and to pursue whatever actions necessary to protect our interests. Going forward, please keep us apprised of any updates regarding the Project, including hearing dates.

Sincerely,

Stuart Corvin

Wilad Properties

scorvin@bigelowgroup.net