



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary EIR Certification/CEQA Findings Planning Code Text and Map Amendments Development Agreement Conditional Use Authorization/Planned Unit Development

HEARING DATE: SEPTEMBER 5, 2019

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

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### SUMMARY

On September 5, 2019, the Planning Commission (“Commission”) will consider a series of approval actions related to the proposed 3333 California Street Project (“Project”). The Commission has previously reviewed the Project as part of the Draft Environmental Impact Report (“DEIR”) hearing on December 13, 2018. The Historic Preservation Commission (“HPC”) reviewed the Project at hearings on May 11, 2018 and December 5, 2018. Should the Commission approve the Project on September 5, the Board of Supervisors would then conduct hearings which could result in the City’s final approval or disapproval of the Project.

### REQUIRED COMMISSION ACTION

The following is a summary of actions that the Commission will consider at the hearing, which are required to implement the Project:

1. Certify the Final Environmental Impact Report (“FEIR”) pursuant to the California Environmental Quality Act (“CEQA”);
2. Adopt findings under CEQA, including findings rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program

("MMRP");

3. Recommend that the Board of Supervisors approve an ordinance that would primarily: (1) amend the Planning Code Text to establish the 3333 California Special Use District; (2) amend the associated Zoning and Height Maps; (3) extinguish Resolution 4109; and
4. Recommend that the Board of Supervisors approve a Development Agreement ("DA"); and
5. Approve a request for Conditional Use Authorization, pursuant to Planning Code Sections 253, 303, and 304 and Board of Supervisors Resolution No. 183-19 to allow structures to exceed 40 feet in a RM Zoning District, a change of use for an existing child care facility (to be replaced at a different location on the project site), and a Planned Unit Development ("PUD") with modifications from the requirements of the Planning Code.

## **PROJECT DESCRIPTION**

The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building ("Center Office Building"), would be partially demolished and adaptively reused for residential uses (as two separate buildings, "Center Building A" and "Center Building B") with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings ("Masonic"; "Euclid"; "Mayfair"; and the seven "Laurel Duplex" buildings), and mixed-use buildings ("Plaza A"; "Plaza B"; and "Walnut") containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

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

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

major encroachment permit from the Department of Public Works and are subject to Board of Supervisors approval.

The proposed scope of work before the Commission was analyzed in the 3333 California Street Mixed-Use EIR as the "Project Variant" (or just "Variant"). The primary difference between the base project and the Variant is that the Variant includes 185 senior affordable dwelling units plus 1 on-site manager's unit instead of office use within the Walnut Building. Under the Variant, the Walnut Building would contain four additional floors (22 feet taller) to accommodate the residential uses. On August 19, 2019, the Project Sponsor submitted a letter to the Department requesting Conditional Use Authorization of the Variant.

## **ISSUES AND OTHER CONSIDERATIONS**

- **Public Comment & Outreach.** To date, the Department has received one letter in opposition to the proposed Project prior to the official 20-day neighborhood notification period. The Project Sponsor held over 150 community meetings since 2015.
- **Planning Code Text and Zoning Map Amendments (Board File No. 190844).** On July 30, 2019, Supervisor Catherine Stefani introduced an ordinance that would amend the Planning Code to establish the 3333 California Street Special Use District ("SUD") and make other related Code amendments. The purpose of the SUD is to facilitate the Project, and to give effect to the associated Development Agreement. The Ordinance would allow certain non-residential uses along California Street; specify off-street parking for childcare uses, establish affordable housing and open space requirements, establish procedures for permit approvals, and resolve a 1950's-era development restriction on the property (City Planning Commission Resolution 4109). The Ordinance would also amend the Zoning Map to change the Height and Bulk Designation of the site from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X.
- **Development Agreement ("DA") (Board File No. 190845).** The DA between the City and the Project Sponsor will set forth vesting rights for the Project and establish a set of public benefits. The Project's public benefits include:
  - **Affordable Housing.** The Project would restrict 25% of all residential units built within the site as affordable to low-income senior households. These units will be located in the 6-story Walnut Building near California Street and consist of 185 studio and 1-bedroom units for seniors. The Walnut Building will also include one on-site manager's unit.
  - **Open Space.** The Project would include a total of 125,226 square feet (or 2.88 acres) of privately-owned, publicly-accessible landscaped open space with multi-purpose plazas, lawns, pathways and streetscape improvements. The provision of open space exceeds what is required by the Code. The project includes ADA-accessible pedestrian pathways bisecting the Project Site from north to south and from east to west to provide safe connections to the surrounding street grid. Further, the Project Sponsor would be responsible for maintaining the privately-owned, publicly-accessible open spaces and the street improvements proposed around the perimeter of the site that will improve pedestrian safety and visibility.
  - **Child Care Facility.** The Project would include a 14,665 gross square foot child care facility within the ground floor of the Walnut Building designated to accommodate approximately 175 children, including a contiguous outdoor activity area. The child care facility would

serve a range of ages from infants through pre-school and would reserve 10% of its licensed seats for children of low-income families.

- **Workforce Development Program.** The Project would implement a workforce commitment program to encourage local business participation, including an LBE participation goal established by the City's Contract Monitoring Division as well as participation in the City's First Source Hiring Requirements.
- **Transportation Demand Management (TDM) Plan.** The Project includes a TDM Plan that implements 75% of applicable target points, exceeding the 50% requirement otherwise required pursuant to Planning Code Section 169.3(e)(2).
- **Auxiliary Water Supply System (AWSS) Community Benefit Fee.** The Project Sponsor would pay a \$1,055,000 AWSS Community Benefit Fee to support the expansion of the Fire Department's AWSS system.
- **Conditional Use Authorization.** Pursuant to Planning Code Sections 253, and 303, the Project is required to obtain Conditional Use Authorization to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility (to be replaced at a different location on the project site) pursuant to Board Ordinance No. 190230; and to allow a PUD with the requested modifications from the requirements of the Planning Code.
- **Planned Unit Development:** The project requests modifications from Planning Code requirements for:
  - **Rear Yard (Section 134).** The Project does not provide a code-complying rear yard. However, the Project provides for a greater amount of open space accessible to residents of the development, in lieu of the required rear yard.
  - **Permitted Obstructions (Section 136).** The Project includes bay windows that exceed the dimensional limits allowed per Code. However, in an attempt to improve the overall visual interest of the buildings, the Project provides a varied bay window design within each of the buildings.
  - **Dwelling Unit Exposure (Section 140).** The Project includes Dwelling Units that do not face onto an open area as defined by the Code. However, the Project has been designed such that the majority of the units (97%) meet the requirements for dwelling unit exposure.
  - **Standards for Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155).** The Project would include the required off-street parking and freight loading spaces, but not necessarily on the same lot as the use served after the proposed subdivisions of the Site. However, the Project provides sufficient off-street parking and freight loading for the uses served within enclosed garages with the minimum number of access points as necessary as to reduce the total number of curb cuts on the Site.
  - **Dwelling Unit Density (Sections 207, 209.3).** The Project includes 744 Dwelling Units, exceeding the base number of units permitted within the RM-1 Zoning District (559) but not exceeding the number of units permitted in the next more intense Zoning District (745). The Project would provide much-needed housing, with a range of unit types, including the provision of senior affordable housing units, as well as family-sized units of 3 or more bedrooms.

- **Measurement of Height (Planning Code Section 260).** The Project proposes both new structures and alterations to an existing nonconforming building that would otherwise exceed the heights established by the underlying Height and Bulk District. However, the Project's goals of maximizing residential density at the Site warrant relief from the measurement of height, especially when considering that the Site's unique topography—which includes an approximately 67-foot difference in elevation across the Site—does not easily lend itself to a uniform method by which to measure height.

## **ENVIRONMENTAL REVIEW**

On November 8, 2018, the Department published the 3333 California Street Mixed Use Project Draft Environmental Impact Report ("DEIR") for public review (Case No. 2015-0014028ENV). The DEIR was available for public comment until January 8, 2019. On December 13, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the DEIR. The Historic Preservation Commission held a duly advertised hearing on said DEIR on December 5, 2018 at which the Historic Preservation Commission formulated its comments on the DEIR. On August 22, 2019, the Department published a Comments and Responses to Comments ("RTC") document, responding to comments made regarding the DEIR prepared for the Project. On September 5, 2019 the Commission will consider certification of the Final Environmental Impact Report ("FEIR") for the Project, and will determine if it is adequate, accurate and complete. In addition, on September 5, 2019, the Commission must adopt the CEQA Findings for the FEIR, prior to the approval of the Project (See Case No. 2015-014028ENV/PCA/MAP/DVA/CUA).

## **BASIS FOR RECOMMENDATION**

- The Project would maximize residential density on the Site, providing a significant number of new market-rate and senior affordable housing units, including family size units of 3 bedrooms or more, thus contributing to the City's housing goals—a top priority for the City and County of San Francisco.
- The Project would revitalize an underutilized parcel that is predominately occupied by surface parking lots, driveways, and a large, existing noncomplying structure containing a non-conforming office use.
- The Project would include ground-floor retail uses along California Street that would enliven the streetscape, and serve both on-site future residents as well as residents within the neighborhood.
- The Project would include include a considerable amount of privately-owned, publicly-accessible landscaped open space with multi-purpose plazas, lawns, pathways and streetscape improvements.
- The Project would include numerous streetscape and pedestrian improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site, and would integrate the site into the surrounding street grid by including new publicly accessible pedestrian pathways (Mayfair Walk and Walnut Walk).
- The Project would pay additional public benefit fees as set forth in the Development Agreement.

**ATTACHMENTS:**

Draft Motion – Conditional Use Authorization, Exhibit A: Conditions of Approval  
Draft Motion – CEQA Findings  
Draft Resolution – Planning Code Text and Map Amendments, Draft SUD Ordinance  
Draft Resolution – Adoption of Development Agreement, Draft DA Ordinance  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination (includes MMRP)  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos  
Exhibit F - Public Correspondence  
Exhibit G - Project Sponsor Brief  
Exhibit H – Inclusionary Affordable Housing Affidavit  
Exhibit I – Anti-Discriminatory Housing Affidavit  
Exhibit J – First Source Hiring Affidavit  
Exhibit K – Development Agreement, Development Agreement Application, and Director’s Report on Development Agreement Negotiations.



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 5, 2019

*Record No.:* 2015-014028CUA  
*Project Address:* 3333 California Street  
*Zoning:* RM-1 (Residential – Mixed, Low Density)  
3333 California Street Special Use District  
40-X, 67-X, 80-X, and 92-X Height and Bulk Districts  
*Block/Lot:* 1032 / 003  
*Project Sponsor:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Property Owner:* Laurel Heights Partners, LLC  
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*Recommendation:* **Approval with Conditions**

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

### PREAMBLE

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

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

The Department determined that an environmental impact report (hereinafter “EIR”) was required and provided public notice of that determination by publication in a newspaper of general circulation on September 20, 2017. The Department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project’s environmental review.

On April 25, 2018, the Department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this notice was mailed to the Department’s list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on April 25, 2018.

On November 7, 2018, the Department published the draft EIR (hereinafter “DEIR”) and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the Commission public hearing on the DEIR; this notice was mailed to the Department’s list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on November 7, 2018. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Site on November 7, 2018.

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

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

The Commission held a duly advertised public hearing on said DEIR on December 13, 2018 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on January 8, 2019.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a responses to comments document, published on August 22, 2019, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

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

On July 30, 2019, Supervisor Catherine Stefani introduced at the Board of Supervisors: (1) the Planning Code and Zoning Map amendments in Board File No. 190844, which amends the Planning Code to create



the 3333 California Street Special Use District and amend the Height and Bulk Districts applicable to the Site; and (2) the Development Agreement in Board File No. 190845.

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

On September 5, 2019, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

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

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

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

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-014028CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Project Description.** The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building (“Center Office Building”), would be partially demolished and adaptively reused for residential uses (as two separate buildings, “Center Building A” and “Center Building B”) with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings (“Masonic”; “Euclid”; “Mayfair”; and the seven “Laurel Duplex” buildings), and mixed-use buildings (“Plaza A”; “Plaza B”; and “Walnut”) containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

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

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

The proposed scope of work before the Commission was analyzed in the EIR as the “Project Variant” (or just “Variant”). The primary difference between the base project and the Variant is that the Variant includes 185 senior affordable dwelling units plus 1 on-site manager's unit instead of office use within the Walnut Building. Under the Variant, the Walnut Building would also contain four additional floors (22 feet taller) to accommodate the residential uses. On August 19,

2019, the Project Sponsor submitted a letter to the Department requesting Conditional Use Authorization of the Variant.

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

5. **Public Outreach and Comments.** To date, the Department has received one letter in opposition to the proposed Project prior to the official 20-day neighborhood notification period. The Project Sponsor held over 150 community meetings since 2015.
6. **CEQA Findings.** On September 5, 2019, by Motion No. XXXXX, the Commission certified as adequate, accurate and complete the FEIR for the 3333 California Mixed-Use Project. A copy of Commission Motion No. XXXXX is in the file for Case No. 2015-014028ENV. Also on September 5, 2019, by Motion No. XXXXX, in Attachment A to said Motion, the Commission adopted findings, including a statement of overriding considerations and an MMRP, pursuant to CEQA. In accordance with the actions contemplated herein, the Commission has reviewed the FEIR and adopts and incorporates by reference as though fully set forth herein the findings, including the statement of overriding considerations, pursuant to CEQA, adopted by the Commission on September 5, 2019 in Motion No. XXXXXXXX. Attachment A.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use (Sections 202.2(f)(1), 209.2, 249.86, and 713).** Planning Code Sections 209.2 (RM-1), 249.86 (3333 California Street SUD), and 713 (NC-S) list allowable land uses, including residential and non-residential uses as either principally permitted, conditionally permitted, or not permitted.

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

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

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

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

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

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

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

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

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

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

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

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

*open space within the eight of the proposed buildings. The Project provides 54,470 sf of additional common useable open space: Cypress Square + Eastern Mayfair Walk (24,780 sf); Lower Walnut Walk (14,950 sf); California Plaza (4,290 sf); and The Overlook (10,450 sf). This additional common useable open space fully satisfies the total amount of common usable open space required by Code. Additionally, the Project provides 70,756 sf of privately-owned, publicly-accessible open space that provides a benefit to both future residents of the Project as well as the General Public. On the whole, the Project provides a combination of private and common useable open space that meets the requirements of the Code, Therefore, the Project complies with Sections 135 and 249.86.*

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

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

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

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

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

*Certain Project streetscape improvements include enhanced paving and landscaping where the Project's pedestrian pathways meet the public sidewalk. These improvements require a major encroachment permit from the Department of Public Works that is subject to Board of Supervisors approval. The*

*encroachment permit imposes long-term maintenance responsibility and liability for these improvements on the Project Sponsor.*

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

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

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

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

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

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

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

- L. **Moderation of Street Fronts (Section 144.1).** The Planning Code requires that new dwellings within the RM-1 and RM-2 Districts be compatible with the established mixture of houses and apartment buildings in terms of apparent building width, requiring that on wider lots the front

of the building be divided visually into narrower segments, according to the predominant existing scale in such areas.

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

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

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

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

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

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



*The Project would provide a total of six off-street loading spaces where five are required by Code (the additional space provide as accessory). Three of the loading spaces would be located within the Walnut Building (accessible from Presidio Avenue), and the other three loading spaces would be located within the Masonic Building (accessible from Masonic Avenue). Therefore, the Project complies with Section 152.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Tailored Transportation Marketing Services (Option C)
- On-site Affordable Housing (Option B)
- Unbundled Parking (Option D)
- Parking Pricing

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

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

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

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

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

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

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

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

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

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

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

*The Project will comply with Section 411A.*

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

*The Project will comply with Section 413.*

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

*Under the requirements of section 249.86 (3333 California Street Special Use District, Board File No. 190844), the provisions of Section 414A do not apply to the Project so long as the Development Agreement is in effect. Instead, the Development Agreement (Board File No. 190845) stipulates that the Project provide a 14,665 square-foot child care facility, including an outdoor activity area, capable of accommodating at least 175 children, with 10% of the maximum number of permitted slots to be provided to children in low-income households.*

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

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

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

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

*Project would introduce new residential uses across the entirety of the Site, with retail and childcare uses contained within structures fronting California Street. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. Above all, housing is a top priority for the City and County of San Francisco and the Project would maximize residential density on the Site through approvals as a Planned Unit Development (PUD).*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

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

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

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

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

*The proposed Project also includes a TDM program in compliance with the TDM Ordinance and TDM Program Standards, and includes 10 car share parking spaces as required by Planning Code Section 166, as well as ample bicycle parking. Accessibility and traffic patterns, the type and volume of traffic, and the proposed off-street parking and loading are all discussed in additional detail in Project's Transportation Impact Study and other Project CEQA documents on file with the Planning Department. The Project is in close proximity to numerous public transit options, with various bus routes along California Street, and nearby along both the Geary Avenue and Sacramento Street commercial corridors.*

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

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

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

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

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

*The Project will generally comply with the provisions of the Planning Code, as amended in Board File No. 190844 and with the Development Agreement (Board File No. 190845). The Project will be, on balance, consistent with the General Plan, particularly with plans and policies related to locating dwelling unit density near transportation, creating new housing, including affordable/supportive housing, providing new publicly-accessible private open space, creating new pedestrian connections to and through the neighborhood, and implementing streetscape improvements. Further, the Project seeks a number of modifications to the requirements of the Code through the PUD process. The purpose of the*

*PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested modifications, and compliance with the PUD criteria and consistency with the General Plan are discussed under Section No. 8 and incorporated here by reference.*

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

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

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

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

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

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

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



*The Project proposes to replace the existing childcare facility with a new childcare facility with capacity to serve approximately 175 children under current licensing requirements. While there may be a period of time during which the existing facility has ceased operations and the new facility is under construction, the Development Agreement (Board File No. 190845) requires the facility to be built as part of construction of the Walnut Building.*

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

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

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

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

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

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

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

- i. **Rear Yard (Section 134):** *The Project does not provide a code-complying rear yard. As such, the Project is seeking a modification of the rear yard requirement defined in Planning Code Section 134.*

*The Commission finds this modification warranted, since the Project provides for a comparable amount of open space accessible to residents of the development, in lieu of the required rear yard.*

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

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

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

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

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

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

- iv. **General Standards of Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155). (Sections 155):** *The Project would include both off-street parking and freight loading spaces not necessarily on the same lot as the use served after the proposed subdivisions of the Site. As such, the Project is seeking a modification of the general standards of off-street parking and freight loading requirements defined in Planning Code Section 155. The Commission finds this modification warranted, since the Project provides sufficient off-street parking and freight loading for the uses served within enclosed garages with the minimum number of access points as is necessary as to reduce the total number of curb cuts on the Site.*

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

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

*The Site's topography varies significantly across the Site generally upsloping from east to west, and from north to south, with an approximately 67-foot total difference in elevation across the Site. The Site contains two existing buildings, the largest of which (Center Office Building), at 52'-10" tall, is deemed a legal, noncomplying structure pursuant to Code Section 180. The Project proposes an adaptive reuse of the Center Office Building, and the construction of 13 new buildings on the Site.*

*The proposed heights of each of the buildings contained within the Project are as follows: the Mayfair, Laurel Duplexes (seven individual buildings), Euclid, and Masonic buildings, each reaching a maximum height of 40 feet; the Plaza A and Plaza B Buildings, each reaching a maximum height of 45 feet; the Walnut Building reaching a maximum height of 67 feet; the Center Building A reaching a maximum height of 80 feet, and the Center Building B reaching a height of 92 feet. The Project proposed minor deviations from the provisions for measurement of height in Sections 260 and 261 for each of the proposed new and adapted buildings on the Site as follows:*

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

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

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

Euclid Building: The Euclid Building fronts onto Euclid Avenue and Walnut Walk. This area is measured from Euclid Avenue per Section 260(a)(1)(D). This site is up-sloping and is therefore measured per Section 260(a)(1)(C). Since Euclid Avenue slopes at 10%, the allowable height is measured at multiple cross-sections perpendicular to the building, taken at a maximum of 65-foot increments per Table 260. Each of the given reference points is derived from the existing grade at each cross-section, to arrive at the allowable height for points along that cross section.

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

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

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

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

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

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

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

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

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

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

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

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

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

*The Project would contain commercial uses along California Street that would serve residents of the immediate vicinity and would be subject to commercial use size and Formula Retail controls in the NC-S zoning district, as specified in section 249.86, the 3333 California Special Use District. SUD (Planning Code Text and Map Ordinance (Board File No. 190844)). Because each of the buildings along California Street would*

*include commercial uses that are less than 6,000 feet, the retail uses would be smaller in scale and would therefore serve the immediate vicinity, and would not be expected to attract customers on a regional level.*

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

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

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

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

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

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

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

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

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

*In total, the Project would provide 88 street trees. The Project would replace the existing 15 street trees along California Street, with 31 new street trees along California Street. Along the Laurel Street, Euclid Avenue, and Masonic Avenue frontages, up to 57 additional new street trees would be planted. The Project would pay the in-lieu fee for any required street trees that could not be planted. If any underground utilities or other barriers prevent a street tree from being planted, the proposed Project would be consistent with the requirements of Section 138.1(c)(2)(C)(iii). Additionally, eleven (11) key trees located on the Site would be preserved.*

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

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

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

## GENERAL PLAN: HOUSING ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1

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

#### Policy 1.8

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

#### Policy 1.10

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

#### OBJECTIVE 4:

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



**Policy 4.1**

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

**Policy 4.4**

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

**Policy 4.5**

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

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4:**

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

**Policy 11.6**

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

**Policy 11.8**

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

**OBJECTIVE 12**

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

**Policy 12.1**

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

**Policy 12.2**

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

**Policy 12.3**

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

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

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

**Policy 13.3**

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

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**OBJECTIVE 1**

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

**Policy 1.1**

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

**OBJECTIVE 3**

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

**Policy 3.2**

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

**GENERAL PLAN: TRANSPORTATION**

**OBJECTIVE 2**

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

**Policy 2.1**

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

**Policy 2.5**

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

**OBJECTIVE 23**

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

**Policy 23.1**

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

**GENERAL PLAN: URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.2**

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

**Policy 1.3**

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

**Policy 1.7**

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

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

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

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

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

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
14. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-014028CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 20, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 5, 2019



## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility, and to allow a **Planned Unit Development** with the requested modifications from the requirements of the Planning Code for: rear yard, permitted obstructions, dwelling unit exposure, standards for off-street parking and freight loading, dwelling unit density, and measurement of height, relating to a project that includes partial demolition of existing structures and adaptive reuse of a legal, noncomplying structure, and construction of a total of 13 new buildings containing residential and non-residential uses on the subject lot, located at 3333 California Street, within Lot 003 of Assessor's Block 1032, pursuant to Planning Code Sections 253, 303, and 304 within the RM-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated **August 20, 2019**, and stamped "EXHIBIT B" included in the docket for Record No. **2015-014028CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 5, 2019** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 5, 2019** under Motion No. **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. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

- 1. Validity.** The authorization and right vested by virtue of this action is valid so long as the Development Agreement contained in Board of Supervisors File No. 190845 remains in effect.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the expiration of earlier termination of the Development Agreement (Board File No. 190845), then the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval, unless such Code conflicts with the provisions of the Development Agreement (Board File No. 190845).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 6. Additional Project Authorization.** The Project Sponsor must obtain an approval of a Planning Code Text and Map Ordinance (Board File No. 190844), giving effect to the 3333 California Street Mixed-Use Project. The Ordinance would amend the Planning Code to establish the 3333

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

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

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

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

## DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to

implement the Project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

## PARKING AND TRAFFIC

19. **Transportation Demand Management (TDM) Program.** The Development Agreement (Board File No. 190845) provides the Project's TDM Plan. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions, all as more specifically set forth in the Development Agreement, which will be recorded in the Official Records of the Recorder of the City and County of San Francisco for the subject property.

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

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

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

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

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

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

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

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

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

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

24. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than 1,219 off-street parking spaces for all uses.

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

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

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

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

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

## PROVISIONS

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

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

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



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

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

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

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

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

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

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

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

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

## MONITORING - AFTER ENTITLEMENT

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

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

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

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



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

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

## OPERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Draft Motion –  
CEQA Findings  
(Forthcoming)**

**Draft SUD Resolution –  
Planning Code Text and Map  
Amendments, Draft SUD  
Ordinance**



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. XXXXX

HEARING DATE: SEPTEMBER 5, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* **2015-014028MAP/PCA**

*Project Name:* **3333 California Street (aka 3333 California Street Mixed-Use Project)**

*Existing Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District  
40-X Height and Bulk District

*Proposed Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District;  
3333 California Street Special Use District  
40-X, 45-X, 67-X, 80-X and 92-X Height and Bulk Districts

*Block/Lot:* 1032/003

*Project Sponsor:* Laurel Heights Partners LLC  
Don Bragg – (415) 395-0880

*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE, WITH MODIFICATIONS, AMENDMENTS TO THE PLANNING CODE, TO ESTABLISH THE 3333 CALIFORNIA STREET SPECIAL USE DISTRICT, TO SPECIFY USE CONTROLS THAT APPLY TO THE SUD, TO SPECIFY DIRECTOR DETERMINATION AND DISCRETIONARY REVIEW CONTROLS; TO EXTINGUISH PLANNING COMMISSION RESOLUTION 4109, TO AMEND HEIGHT AND BULK DISTRICT MAP NO. HT03 TO INCREASE THE HEIGHT LIMIT FOR ASSESSOR’S BLOCK 1032 LOT 003 FROM 40-X TO 40-X, 45-X, 67-X, 80-X AND 92-X AS DEPICTED IN THE BOARD OF SUPERVISORS FILE NO. 190844, AND TO AMEND SPECIAL USE DISTRICT MAP NO. SU03 TO INCLUDE THE NEW 3333 CALIFORNIA STREET SPECIAL USE DISTRICT; AND MAKING VARIOUS FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302; THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

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

WHEREAS, the Ordinance would enable the Project. The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building (“Center Office Building”), would be partially demolished and adaptively reused for residential uses (as two separate buildings, “Center Building A” and “Center

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

WHEREAS, the Ordinance would add Planning Code section 249.86 to establish the 3333 California Street SUD, which: 1) allows certain non-residential uses as principally permitted within the ground and second floor of all buildings with frontage along California Street, including Flexible Retail Uses; Social Service or Philanthropic Facilities; and non-residential uses, which non-residential uses would be subject to the use controls of the NC-S Zoning District; 2) specifies requirements for usable open space; 3) specifies off-street parking requirements for child care facilities; and 4) specifies affordable housing requirements applicable to the Project; specify director determination and discretionary review controls for the project; and extinguishes City Planning Commission Resolution 4109; .

WHEREAS, the Ordinance would amend the Zoning Map, specifically Height & Bulk District Map No. HT03 to increase the height limit for Block 1032, Lot 003 from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X, as depicted in Board of Supervisors File No. 190844.and Special Use District Map No. SU03 to include the new 3333 California Street Special Use District.

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

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

WHEREAS, On September 5, 2019, the commission reviewed and considered the information contained in the Final Environmental Impact Report (“FEIR”) for the 3333 California Street Mixed-Use Project, Planning Department Case No. 2015-014028ENV, consisting of the Draft EIR and the responses to comments document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the responses to comments document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines in Motion No. XXXXXX; and

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that the Commission has reviewed and considered the FEIR certified in Motion XXXXXX, and the adopts and incorporates by reference as though fully set forth herein, the findings, including the statement of overriding considerations, adopted by the Commission in Motion XXXXX on September 5, 2019;

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

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

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

## **GENERAL PLAN: HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

**Policy 1.1**

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

**Policy 1.8**

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

**Policy 1.10**

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

**OBJECTIVE 4:**

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

**Policy 4.1**

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

**Policy 4.4**

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

**Policy 4.5**

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

**OBJECTIVE 11:**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**



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

**Policy 11.4:**

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

**Policy 11.6**

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

**Policy 11.8**

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

**OBJECTIVE 12**

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

**Policy 12.1**

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

**Policy 12.2**

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

**Policy 12.3**

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

**OBJECTIVE 13**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.1**

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

**Policy 13.3**

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

**GENERAL PLAN: COMMERCE AND INDUSTRY**

**OBJECTIVE 1**

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

**Policy 1.1**

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

**OBJECTIVE 3**

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

**Policy 3.2**

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

**GENERAL PLAN: TRANSPORTATION**

**OBJECTIVE 2**

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

**Policy 2.1**

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

**Policy 2.5**

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

**OBJECTIVE 23**

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

**Policy 23.1**

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

**GENERAL PLAN: URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.2**

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

**Policy 1.3**

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

**Policy 1.7**

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

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

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

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

- 1) Amend the SUD to establish applicable Childcare requirements under Planning Code 414A to conform to the terms in the Development Agreement.
- 2) Update the open space plan map in the SUD to conform to the open space square footages to updated plans.

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

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

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 5, 2019

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 5, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On July 30, 2019, Supervisor Stefani submitted the following proposed legislation:

**File No. 190844**

**Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

**File No. 190845**

**Ordinance approving a Development Agreement between the City and County of San Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for the development of an approximately 10.25-acre site located at California Street at Presidio Avenue with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,665 square feet, and approximately 4.47 acres of open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); approving certain development impact fees for the project, and waiving certain Planning Code fees and requirements; and confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith, as defined herein.**

The proposed ordinances are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinances are pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

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

2  
3 **Ordinance amending the Planning Code to add Section 249.86 to create the 3333**  
4 **California Street Special Use District and amending Sectional Maps SU03 and HT03 of**  
5 **the Zoning Map; and making environmental findings, and findings of consistency with**  
6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

15 Section 1.

16 (a) On \_\_\_\_\_ the Planning Commission conducted a duly noticed public hearing on  
17 the proposed 3333 California Street Project (Project), including the proposed Planning Code  
18 and Zoning Map amendments, and by Resolution No. \_\_\_\_\_ recommended the proposed  
19 amendments for approval. The Planning Commission found that the proposed Planning Code  
20 and Zoning Map amendments were, on balance, consistent with the City's General Plan as it  
21 is proposed to be amended and with Planning Code Section 101.1(b) for the reasons set forth  
22 in Planning Code Resolution No. \_\_\_\_\_. A copy of said Resolution is on file with the Clerk of  
23 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference

24 (b) California Environmental Quality Act. At its hearing on \_\_\_\_\_, and prior to  
25 recommending the proposed Planning Code and Zoning Map amendments for approval, the  
Planning Commission certified a Final Environmental Impact Report (FEIR) for the Project



1 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources  
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et  
3 seq.) and Chapter 31 of the Administrative Code. In accordance with the actions  
4 contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions, and  
5 finds that the actions contemplated herein are within the scope of the Project described and  
6 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully  
7 set forth herein the Commission's CEQA approval findings, [including a statement of  
8 overriding considerations], adopted by the Planning Commission on \_\_\_\_\_ in Motion No.  
9 \_\_\_\_\_. This Board also adopts and incorporates by reference as though fully set forth herein  
10 the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP  
11 are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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

17 (c) Pursuant to Planning Code section 302, this Board finds that the Planning Code  
18 and Zoning Map amendments will serve the public necessity, convenience, and welfare for  
19 the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board  
20 incorporates such reasons herein by reference.

21  
22 Section 2. Article two of the Planning Code is hereby amended by adding Section  
23 249.86, to read as follows:

24 (a) Location. A Special Use District entitled the 3333 California Special Use District (SUD),  
25 the general boundaries of which are California Street to the north, Presidio Avenue to the east,

1 Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the  
2 west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County of  
3 San Francisco, is hereby established for the purpose set forth below.

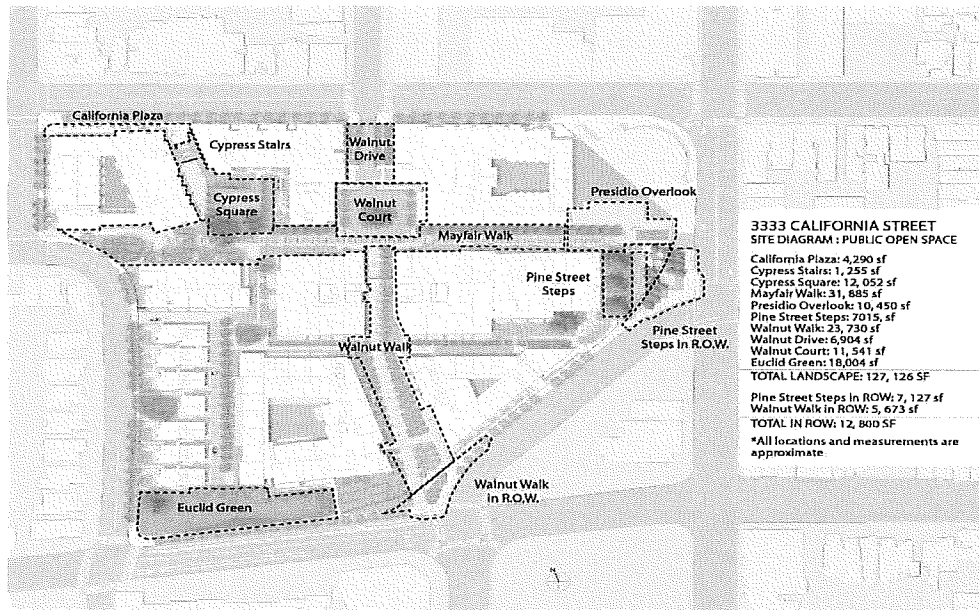
4 (b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in  
5 a transit-rich location with residential, non-residential, child care, open space, and related uses, and to  
6 give effect to the Development Agreement for the 3333 California Street project, as approved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

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

18 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning  
19 district, the following uses are principally permitted within the ground floor and second floor of all  
20 buildings with frontage on California Street: (i) Flexible Retail Uses; (ii) Social Service or  
21 Philanthropic Facilities; and (iii) non-residential uses, which shall be subject to the use controls of the  
22 NC-S zoning district applicable to such uses.

23 (2) Usable Open Space Requirements. Usable open space required under Section 135  
24 has been designed on an SUD-wide basis. The open space requirement shall be met through a  
25 combination of private and common usable open spaces, as defined in Section 135, that will be

1 associated with individual buildings as well as approximately 56,000 square feet of privately owned,  
 2 publically accessible parks and plazas that will be counted as common usable open space, provided  
 3 such space is otherwise complaint with Section 135(g) and developed in accordance with the  
 4 Development Agreement for the project, including without limitation, Schedule 1 (Community Benefits  
 5 Linkages and impact Fee Schedule) thereof. The open space plan depicted below generally sets forth  
 6 the approximate location and size of such privately owned, publically accessible open space.  
 7 Accordingly, compliance with usable open space requirements for any building in the SUD shall be  
 8 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.  
 9 Upon expiration or termination of the Development Agreement, the then-applicable open space  
 10 requirements of the Planning Code shall apply to any future development, provided however, that any  
 11 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior  
 12 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open  
 13 space requirements and shall not constitute a noncomplying structure or nonconforming use under the  
 14 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.



1           (3) Child Care Facility Parking. Off-street parking spaces for any child care facility shall be  
2 permitted at a rate of 1.5 parking spaces for each nine (9) children who could be accommodated in the  
3 child care facility under the applicable child care licensing requirements at any one time.

4           (4) Inclusionary Housing. For so long as the Development Agreement is in effect, the  
5 affordable housing requirements of the Development Agreement shall govern. Upon expiration or  
6 termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing  
7 requirements set forth in Planning Code 415 et seq shall apply to any future development, without  
8 reference to the date of any earlier development application.

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

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

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

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

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

Description of Property	Special Use District Hereby Approved
Assessor’s Block/Lot 1032/0033	3333 California Street Special Use District

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

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved
Assessor's Parcel Block No. 1032, Lot 003 (an approximately 2.13 acre area of the northwestern portion of Lot 003 from California Street south approximately 215.00' and from Laurel Street east approximately 451.75')	40-X	45-X

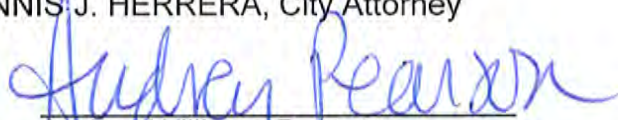
<p>1 Assessor's Parcel Block No. 1032,  2 Lot 003 (an approximately 1.64 acre  3 area of the northeastern portion of  4 Lot 003 from California Street south  5 approximately 197.00' and  6 approximately 270.63' west of the  7 northeastern most property corner  8 along the California Street frontage)</p>	<p>40-X</p>	<p>67-X</p>
<p>9 Assessor's Parcel Block No. 1032,  10 Lot 003 (an approximately 0.69 acre  11 area measuring approximately  12 190.25' by 158.39' centrally located  13 within Lot 003 197' south of  14 California Street)</p>	<p>40-X</p>	<p>80-X</p>
<p>15 Assessor's Parcel Block No. 1032,  16 Lot 003 (an approximately 1.54 acre  17 area measuring approximately  18 190.25' by 182.72' centrally located  19 on the eastern side of Lot 003 197'  20 south of California Street)</p>	<p>40-X</p>	<p>92-X</p>

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

1 Section 6. Effective Date and Operative Date. This ordinance shall become effective  
2 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
3 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
4 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This Ordinance shall  
5 become operative only on (and no rights or duties are affected until) the later of (a) 30 days  
6 from the date of its passage, or (b) the date that Ordinance \_\_\_\_\_, approving the  
7 Development Agreement for the Project, has become effective. A copy of said Ordinance is  
8 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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

12 By:

  
13 Audrey Williams Pearson  
14 Deputy City Attorney

15 n:\land\as2019\1700540\01379847.docx  
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17  
18  
19  
20  
21  
22  
23  
24  
25

## **LEGISLATIVE DIGEST**

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

**Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Currently, the property at 3333 California Street (Assessor's Block 1032, Lot 003) ("the property"), generally bounded by California Street, Presidio Avenue, Masonic Avenue, Euclid Avenue, and Laurel Street/Mayfair Drive, is zoned RM-1 with a height limit of 40 feet. The property is also subject to Planning Commission Resolution 4109, which governs the location, type, and size of uses on the property.

### Amendments to Current Law

This ordinance would create a special use district for the property, to facilitate the reuse of the existing office building as two residential buildings, and the development of 13 new buildings, including seven duplexes. The special use district would be subject to the Planning Code controls for parcels zoned RM-1, except it would have special controls related to open space, parking for child care uses, and inclusionary housing. The district also would allow buildings fronting California Street to include, at the ground and second floors, flexible retail uses, social services or philanthropic facilities, and non-residential uses, subject to the controls of NC-S zoning. Permits for the buildings would be reviewed by the Planning Director for consistency with a development agreement (proposed in separate legislation) and the special use district controls, and requests for discretionary review would not be considered.

The ordinance would increase the height limit for buildings on the northern half of the property. Along California Street, between Laurel Street and the continuation of Walnut Avenue, the height limit would increase to 45 feet. On California Street between the continuation of Walnut Avenue and Presidio Avenue (but not including the northeast corner lot containing the San Francisco Fire Credit Union Building) the height limit would increase to 67 feet. In the interior of the property, at the current location of the existing building, the height limit would increase to 80 feet and 92 feet. The height limit would remain 40 feet along Laurel Street south of the intersection with Mayfair Drive, and along Euclid Avenue and Masonic Avenue to approximately Pine Street.

The ordinance would revoke Resolution 4109.



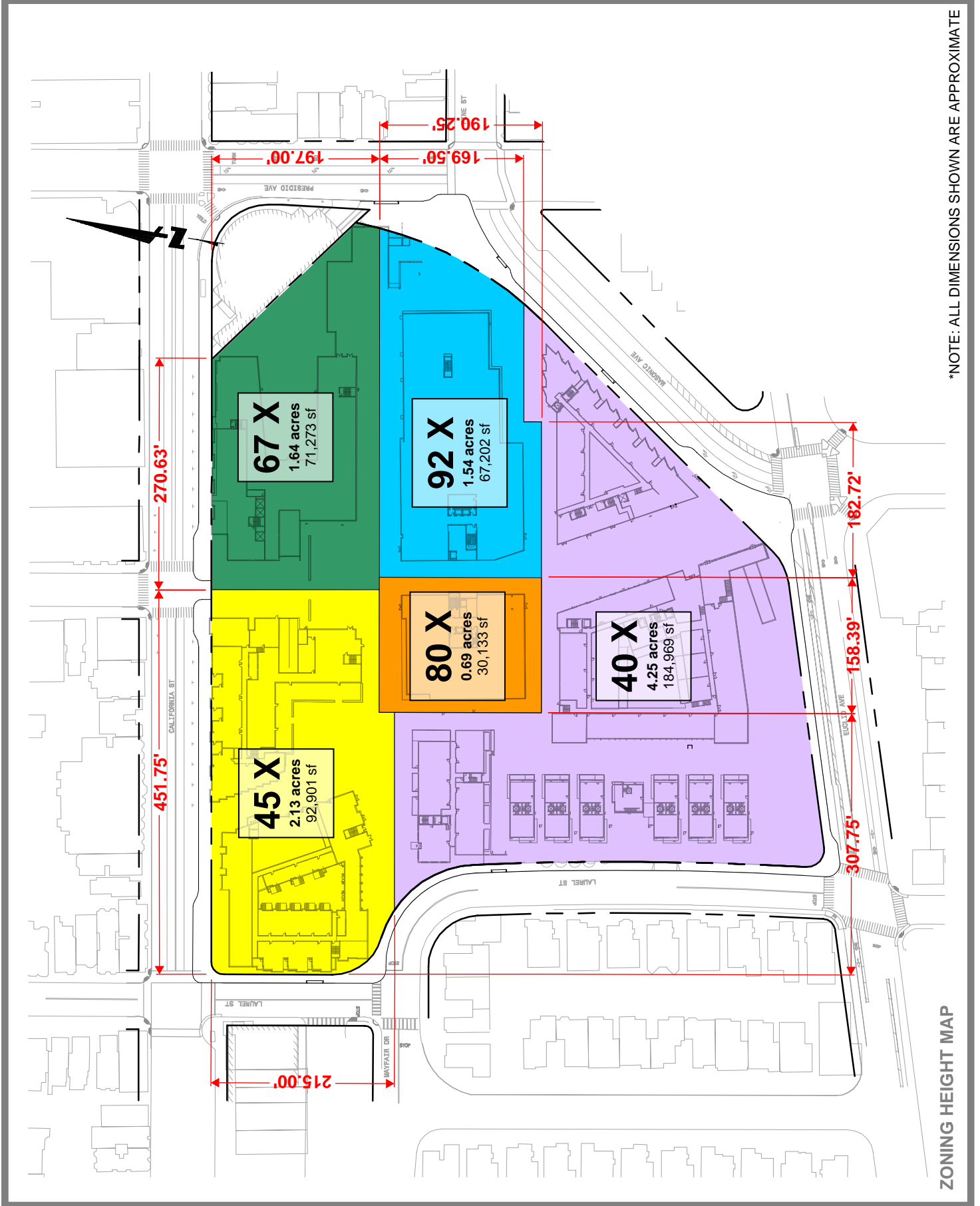
Background Information

Laurel Heights Partners, LLC, a Delaware limited liability company ("Developer") has proposed a mixed-use development project ("Project") that includes converting an existing office building into two residential buildings, constructing 13 new buildings containing approximately 744 residential units, including 185 on site affordable senior residential units, and approximately 34,496 square feet for retail/restaurant/commercial use. The Project would also include 10 below-grade parking garages with approximately 857 parking spaces, an approximately 14,665 gross square foot space for child care use, approximately 41,288 square feet of private open space, and approximately 127,126 square feet of privately owned, publicly accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue.

City staff has negotiated a development agreement with the Developer for a term of 15 years. Under the development agreement, Developer will attain the vested right to develop the Project in return for specified community benefits, including the affordable housing, public open space, child care facility, transportation, street improvements, auxiliary water supply system contribution, and workforce commitments made by Developer. The Board will consider the development agreement in separate legislation.

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# 3333 CALIFORNIA DRIVE



\*NOTE: ALL DIMENSIONS SHOWN ARE APPROXIMATE

ZONING HEIGHT MAP

**Draft DA Resolution –  
Adoption of Development  
Agreement, DA Ordinance**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. XXXXX

HEARING DATE: SEPTEMBER 5, 2019

*Record No.:* 2015-014028DVA  
*Project Address:* 3333 California Street  
*Existing Zoning:* RM-1 (Residential – Mixed, Low Density)  
40-X Height and Bulk District  
*Proposed Zoning:* RM-1 (Residential – Mixed, Low Density)  
3333 California Street Special Use District (SUD)  
40-X, 45-X, 67-X, 80-X, 92-X Height and Bulk Districts  
*Block/Lot:* 1032 / 003  
*Project Sponsor:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Property Owner:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND LAUREL HEIGHTS PARTNERS, LLC, FOR CERTAIN REAL PROPERTY LOCATED AT CALIFORNIA STREET AND PRESIDIO AVENUE, COMPRISED OF ASSESSOR'S BLOCK 1032 LOT 003, CONSISTING OF APPROXIMATELY 10.25 ACRES, AND ADOPTING VARIOUS FINDINGS, INCLUDING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, Chapter 56 of the San Francisco Administrative Code sets forth the procedure by which a request for a development agreement will be processed and approved in the City and County of San Francisco.

WHEREAS, California Government Code Section 65864 et seq. authorizes any city, county, or city and county to enter into an agreement for the development of real property within the jurisdiction of the city, county, or city and county.

WHEREAS, Laurel Heights Partners, LLC ("Project Sponsor") has filed applications with the Planning Department (hereinafter "Department") for a Conditional Use Authorization, Development Agreement, Legislative Amendments, and Environmental Review to allow the Project

Sponsor to construct approximately 1,427,832 gross square feet of new and rehabilitated space at 3333 California Street, Block 1032 Lot 003 (hereinafter "Project Site").

WHEREAS, the Development Agreement would enable the 3333 California Street Project ("Project"). The Project is a new mixed-use development that will include residential, non-residential, open space, child care, and related uses. The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building ("Center Office Building"), would be partially demolished and adaptively reused for residential uses (as two separate buildings, "Center Building A" and "Center Building B") with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings ("Masonic"; "Euclid"; "Mayfair"; and the seven "Laurel Duplex" buildings), and mixed-use buildings ("Plaza A"; "Plaza B"; and "Walnut") containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

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

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

WHEREAS, the Board will be taking a number of actions in furtherance of the Project, including the adoption of the 3333 California Street Special Use District (“3333 California Street SUD”), which specifies development controls that apply to the SUD, allowing additional (non-residential) permitted uses along California Street, specifies parking for childcare use, affordable housing requirements, and open space requirements; specifies director determination for consistency review and discretionary review controls; extinguishes City Planning Commission Resolution 4109; and amends Zoning Maps SU03 and HT03, reclassifying the height and bulk designation of the site from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X.

WHEREAS, in furtherance of the Project and the City’s role in subsequent approval actions relating to the Project, the City and Laurel Heights Partners, LLC negotiated a development agreement for development of the Project Site, a copy of which is attached as Exhibit K (the “Development Agreement”).

WHEREAS, the City has determined that as a result of the development of the Project Site in accordance with the Development Agreement, clear benefits to the public will accrue that could not be obtained through application of existing City ordinances, regulations, and policies, as more particularly described in the Development Agreement.

WHEREAS, the Development Agreement will eliminate uncertainty in the City’s land use planning for the Project and secure orderly development of the Project Site.

WHEREAS, the Development Agreement shall be executed by the Director of Planning, subject to prior approval by the Board of Supervisors.

WHEREAS, on September 5, 2019, the Planning Commission (“Commission”) reviewed and considered the Final EIR for the 3333 California Street Project (“FEIR”) and found the FEIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgement of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and, by Motion No. XXXXX, certified the FEIR as accurate, complete and in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) (“CEQA”), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on September 5, 2019, the Commission by Motion No. XXXXX approved CEQA Findings, including adoption of a statement of overriding considerations, under Case No. 2015-014028ENV, for approval of the Project, which findings are incorporated by reference as though fully set forth herein.

WHEREAS, the CEQA Findings included adoption of the Mitigation Monitoring and Reporting Program (MMRP) as Exhibit C, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

WHEREAS, on September 5, 2019, by Motion No. XXXXX, the Commission adopted findings in connection with its consideration of, among other things, the adoption of amendments to zoning text and map, as well as adoption of the 3333 California Street SUD, under CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and made certain findings in connection therewith, regarding the Project's consistency with the General Plan, Planning Code Section 101.1, and all other approval actions associated with the Project which findings are hereby incorporated herein by this reference as if fully set forth.

**NOW THEREFORE BE IT RESOLVED**, that the Commission has reviewed and considered the FEIR and record as a whole, and finds that the FEIR is adequate for its use as the decision-making body for the action taken herein and incorporates the CEQA Findings contained in Motion No. XXXXXX, including the statement of overriding considerations and the MMRP, by this reference thereto as though set forth in this Resolution;

**AND BE IT FURTHER RESOLVED**, that the Commission recommends approval of the Development Agreement, in substantially the form attached hereto as Exhibit K, subject to any additions and modifications that may be made by the Board of Supervisors.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the application, public notice, Planning Commission hearing, and Planning Director reporting requirements regarding the Development Agreement negotiations contained in Administrative Code Chapter 56 have been substantially satisfied in light of the meetings held for the last two years, the public hearings by the Planning Department staff at the Planning Commission, the provision of required public notices, and the information contained in the Director's Report.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the Development Agreement is consistent with the General Plan and the eight priority policies in Planning Code section 101.1 for the reasons set forth in Resolution XXXXX, and incorporated herein by reference.

**AND BE IT FURTHER RESOLVED**, that the Commission authorizes the Planning Director to take such actions and make such changes as deemed necessary and appropriate to implement this Commission's recommendation of approval and to incorporate recommendations or changes from other City agencies and/or the Board of Supervisors, provided that such changes do not materially increase any obligations of the City or materially decrease any benefits to the City contained in the Development Agreement attached as Exhibit K.

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

Jonas P. Ionin  
Commission Secretary

AYES: NOES:

ABSENT:

ADOPTED:



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 5, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On July 30, 2019, Supervisor Stefani submitted the following proposed legislation:

**File No. 190844**

**Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

**File No. 190845**

**Ordinance approving a Development Agreement between the City and County of San Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for the development of an approximately 10.25-acre site located at California Street at Presidio Avenue with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,665 square feet, and approximately 4.47 acres of open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); approving certain development impact fees for the project, and waiving certain Planning Code fees and requirements; and confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith, as defined herein.**

The proposed ordinances are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinances are pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

1 [Development Agreement - Laurel Heights Partners, LLC - 3333 California Street Project -  
2 California Street at Presidio Avenue]

3 **Ordinance approving a Development Agreement between the City and County of San**  
4 **Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for**  
5 **the development of an approximately 10.25-acre site located at California Street at**  
6 **Presidio Avenue with various public benefits, including 25% affordable housing, a child**  
7 **care center comprised of approximately 14,665 square feet, and approximately 4.47**  
8 **acres of open space; making findings under the California Environmental Quality Act,**  
9 **findings of conformity with the General Plan, and the eight priority policies of Planning**  
10 **Code, Section 101.1(b); approving certain development impact fees for the project, and**  
11 **waiving certain Planning Code fees and requirements; and confirming compliance with**  
12 **or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain**  
13 **actions taken in connection therewith, as defined herein.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
17 **Board amendment additions** are in double-underlined Arial font.  
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
20 subsections or parts of tables.

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

22 Section 1. Project Findings.

23 The Board of Supervisors makes the following findings:

24 (a) California Government Code Section 65864 et seq. authorizes any city, county,  
25 or city and county to enter into an agreement for the development of real property within the  
jurisdiction of the city, county, or city and county.

///

1 (b) Chapter 56 of the San Francisco Administrative Code ("Chapter 56") sets forth  
2 certain procedures for the processing and approval of development agreements in the City  
3 and County of San Francisco (the "City").

4 (c) Laurel Heights Partners, LLC, a Delaware limited liability company ("Developer")  
5 owns and operates an approximately 10.25-acre site bounded by California Street to the  
6 north, Presidio Avenue to the east, Masonic Avenue to the southeast, Euclid Avenue to the  
7 south, and Laurel Street and Mayfair Drive to the west, currently composed of an  
8 approximately 455,000 gross square foot office building, an approximately 14,000 gross  
9 square foot annex building, surface and subsurface parking areas, and approximately 165,200  
10 square feet of landscaping or landscaped open space (the "Project Site").

11 (d) On \_\_\_\_\_, 2019, Developer filed an application with the City's  
12 Planning Department for approval of a development agreement relating to the Project Site  
13 (the "Development Agreement") under Chapter 56. A copy of the Development Agreement is  
14 on file with the Clerk of the Board in File No. \_\_\_\_\_.

15 (e) The Developer proposes a mixed use development that will include residential,  
16 non-residential, open space, child care, and related uses (the "Project"). Specifically, the  
17 Project includes (1) approximately 744 residential units, including not less than 185 on site  
18 affordable senior residential units, (2) approximately 34,496 square feet of  
19 retail/restaurant/commercial use in buildings along California Street, (4) 10 below-grade  
20 parking garages with approximately 857 parking spaces, (5) an approximately 14,665 gross  
21 square foot space for child care use, and (6) approximately 56,730 square feet of privately  
22 owned, publicly accessible open space required under Planning Code Section 135,  
23 approximately 70,396 square feet of additional privately owned, publicly accessible open  
24 space, and approximately 41,288 square feet of private open space, all as more particularly  
25 described in the Development Agreement.

1 (f) While the Development Agreement is between the City, acting primarily through  
2 the Planning Department, and Developer, other City agencies retain a role in reviewing and  
3 issuing certain later approvals for the Project. Later approvals include approval of final maps  
4 and street improvement permits. As a result, affected City agencies have consented to the  
5 Development Agreement.

6 (g) The Project is anticipated to generate an annual average of approximately 675  
7 construction jobs, and on completion, an approximate \$10 million annual increase in property  
8 taxes and approximately \$15 million in development impact fees (including transportation,  
9 housing linkages, and school fees). In addition to the significant housing, jobs, urban  
10 revitalization, and economic benefits to the City from the Project, the City has determined that  
11 development of the Project under the Development Agreement will provide additional benefits  
12 to the public that could not be obtained through application of existing City ordinances,  
13 regulations, and policies. Additional public benefits to the City from the Project include (1) on-  
14 site affordable housing that exceeds the amount otherwise required and will equal twenty five  
15 percent (25%) of the total number of proposed housing units for the Project; (2) workforce  
16 obligations, including significant training, employment and economic development  
17 opportunities as part of the development and operation of the Project; (3) construction and  
18 maintenance of the publicly accessible privately owned open space, totaling approximately  
19 2.92 acres; (4) street improvements, some of which will be maintained by the Developer at no  
20 cost to the City; (5) an approximately 14,665 square foot child care center, including an  
21 outdoor activity area, capable of accommodating at least 175 children, with 10% of the  
22 maximum number of permitted slots to be provided to children in low-income households; (6)  
23 a Transportation Demand Plan under Planning Code Section 169.3(e)(2) that implements  
24 75% of applicable target points rather than the 50% standard otherwise required for the  
25 Project; and (7) a \$1,055,000 payment towards an auxiliary water supply system that will

1 service the Project (the "AWSS Community Benefit Fee").

2 (h) Concurrently with this ordinance, the Board is taking a number of actions in  
3 furtherance of the Project, as generally described in the Development Agreement, including  
4 Exhibit E to the Development Agreement.

5 Section 2. CEQA Findings.

6 On \_\_\_\_\_, by Motion No. \_\_\_\_\_, the Planning Commission certified as  
7 adequate, accurate and complete the Final Environmental Impact Report ("FEIR") for the  
8 Project pursuant to the California Environmental Quality Act (California Public Resources  
9 Code Section 21000 et seq.) ("CEQA"). A copy of Planning Commission Motion No.  
10 \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

11 Also on \_\_\_\_\_, by Motion No. \_\_\_\_\_, the Planning Commission adopted findings,  
12 including a rejection of alternatives and a statement of overriding considerations (the "CEQA  
13 Findings") and a Mitigation Monitoring and Reporting Program ("MMRP"). These Motions are  
14 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_. In accordance with  
15 the actions contemplated herein, this Board has reviewed the FEIR and related documents,  
16 and adopts as its own and incorporates by reference as though fully set forth herein the  
17 CEQA Findings, including the statement of overriding considerations, and the MMRP.

18 Section 3. General Plan and Planning Code Section 101.1 (b) Findings.

19 (a) The Board of Supervisors finds that the Development Agreement will serve the  
20 public necessity, convenience, and general welfare for the reasons set forth in Planning  
21 Commission Resolution No. \_\_\_\_\_ and incorporates those reasons herein by reference.

22 (b) The Board of Supervisors finds that the Development Agreement is in conformity  
23 with the General Plan and the eight priority policies of Planning Code Section 101.1 for the  
24 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_. The Board hereby adopts  
25 the findings set forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates those

1 findings herein by reference.

2 Section 4. Development Agreement.

3 (a) The Board of Supervisors approves all of the terms and conditions of the  
4 Development Agreement in substantially the form on file with the Clerk of the Board of  
5 Supervisors in File No. \_\_\_\_\_.

6 (b) The Board of Supervisors approves and authorizes the execution, delivery, and  
7 performance by the City of the Development Agreement as follows: (1) the Director of  
8 Planning and (other City officials listed thereon) are authorized to execute and deliver the  
9 Development Agreement and consents thereto, and (2) the Director of Planning and other  
10 applicable City officials are authorized to take all actions reasonably necessary or prudent to  
11 perform the City's obligations under the Development Agreement in accordance with the  
12 terms of the Development Agreement. The Director of Planning, at his or her discretion and in  
13 consultation with the City Attorney, is authorized to enter into any additions, amendments, or  
14 other modifications to the Development Agreement that the Director of Planning determines  
15 are in the best interests of the City and that do not materially increase the obligations or  
16 liabilities of the City or materially decrease the benefits to the City as provided in the  
17 Development Agreement.

18 (c) The Board of Supervisors authorizes the Controller to accept any payments  
19 made by the Developer under the Development Agreement.

20 Section 5. Development Impact Fees and Planning Code Conformity

21 (a) For the Project, the Board of Supervisors approves the development impact fees  
22 as set forth in the Development Agreement and waives any inconsistent provision in Planning  
23 Code Article 4.

24 (b) For the Project, the Board of Supervisors approves the child care facility and  
25 affordable housing requirements as set forth in the Development Agreement and waives the

1 requirements of Planning Code Section 414A, Section 415.5, Section 415.6(e), Section  
2 415.6(f), and Section 415.7.

3 Section 6. City Administrative Code Conformity.

4 The Development Agreement shall prevail if there is any conflict between the  
5 Development Agreement and Chapter 56, and without limiting the generality of the foregoing  
6 clause, for purposes of the Development Agreement only, the provisions of Chapter 56 are  
7 waived or its provisions deemed satisfied as follows:

8 (a) Laurel Heights Partners, LLC shall constitute a permitted "Applicant/Developer"  
9 for purposes of Chapter 56, Section 56.3(b).

10 (b) The Project comprises approximately 10.25 acres and is the type of large multi-  
11 phase and/or mixed-use development contemplated by the City Administrative Code and  
12 therefore is satisfies the provisions of Chapter 56, Section 56.3(g).

13 (c) The provisions of the Development Agreement, including its attached Workforce  
14 Agreement, apply and satisfy the requirements of City Administrative Code Chapter 14B,  
15 Section 14B.20 and Chapter 56, Section 56.7(c).

16 (d) The provisions of the Development Agreement regarding any amendment or  
17 termination, including those relating to "Material Change," shall apply in lieu of the provisions  
18 of Chapter 56, Section 56.15.

19 (e) The provisions of Chapter 56, Section 56.20 have been satisfied by the  
20 Memorandum of Understanding between Developer and the Mayor's Office of Economic and  
21 Workforce Development for the reimbursement of City costs, a copy of which is on file with the  
22 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

23 Section 7. Chapter 56 Waiver; Ratification.

24 (a) In connection with the Development Agreement, the Board of Supervisors finds  
25 that the requirements of Chapter 56, as modified hereby, have been substantially complied

1 with and waives any procedural or other requirements of Chapter 56 if and to the extent to  
2 which they have not been strictly complied.

3 (b) All actions taken by City officials in preparing and submitting the Development  
4 Agreement to the Board of Supervisors for review and consideration are hereby ratified and  
5 confirmed, and the Board of Supervisors hereby authorizes all subsequent action to be taken  
6 by City officials consistent with this ordinance.

7 Section 8. Effective and Operative Date.

8 This ordinance shall become effective 30 days from the date of passage. This  
9 ordinance shall become operative only on (and no rights or duties are affected until) the later  
10 of (a) 30 days from the date of its passage, or (b) the date that Ordinance \_\_\_\_\_, Ordinance  
11 \_\_\_\_\_, and Ordinance \_\_\_\_\_ have become effective. Copies of said Ordinances are on file  
12 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16  
17  
18 By:   
19 Carol Wong  
20 Deputy City Attorney  
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## LEGISLATIVE DIGEST

[Development Agreement Amendment - Laurel Heights Partners, LLC - 3333 California Street Project - California Street at Presidio Avenue]

**Ordinance approving a Development Agreement between the City and County of San Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for the development of an approximately 10.25-acre site located at California Street at Presidio Avenue with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,665 square feet, and approximately 4.47 acres of open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); approving certain development impact fees for the project, and waiving certain Planning Code fees and requirements; and confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith, as defined herein.**

### Background Information

California Government Code sections 65864 et seq. (the "Development Agreement Statute") and San Francisco Administrative Code Chapter 56 ("Chapter 56") authorize the City to enter into a development agreement regarding the development of real property. There are no amendments to existing law.

### Proposed Amendment

Laurel Heights Partners, LLC, a Delaware limited liability company ("Developer") has proposed a mixed-use development project ("Project") for the approximately 10.25-acre site bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street and Mayfair Drive to the west. The Project includes converting an existing office building into two residential buildings, constructing 13 new buildings, and developing open space to result in approximately 744 residential units, including 185 on site affordable senior residential units, approximately 34,496 square feet for retail/restaurant/commercial use, 10 below-grade parking garages with approximately 857 parking spaces, an approximately 14,665 gross square foot space for child care use, approximately 41,288 square feet of private open space, and approximately 127,126 square feet of privately owned, publicly accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue.

City staff has negotiated a development agreement with Developer for a term of 15 years. Under the development agreement, Developer will attain the vested right to develop the Project in return for specified community benefits, including the affordable housing, public open space, child care facility, transportation, street improvements, auxiliary water supply

FILE NO. 190845

system contribution, and workforce commitments made by Developer. Approval of the ordinance would adopt certain environmental findings, allow City staff to enter into the development agreement, and waive specified provisions of the Administrative Code and Planning Code for the Project.

By separate legislation, the Board is considering a number of other actions in furtherance of the Project, including the creation of a special use district and amendments to the City's Planning Code, Height Map and Zoning Map, and approving a major encroachment permit.

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**EXHIBIT C:**  
**Mitigation Monitoring and**  
**Reporting Program (MMRP)**

**FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR  
 3333 California Street Mixed-Use Project  
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions Schedule and Verification of Compliance
<b>MITIGATION MEASURES</b>				
<i>Cultural Resources (Historic Architectural Resources) Mitigation Measures</i>				
<p><b>Mitigation Measure M-CR-1a: Documentation of Historical Resource</b></p> <p>Prior to issuance of demolition or site permits, the project sponsor shall undertake Historic American Building/Historic American Landscape Survey-like (HABS/HALS-like) documentation of the building and associated landscape features. The documentation shall be undertaken by a professional who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History, History, or Architecture (as appropriate) to prepare written and photographic documentation of 3333 California Street. The specific scope of the documentation shall be reviewed and approved by the Planning Department but shall include the following elements:</p> <p><b>Measured Drawings</b> – A set of measured drawings shall be prepared that depict the existing size, scale, and dimension of the historic resource. Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (e.g., plans, sections, elevations). Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings;</p>	<p>Project sponsor to retain qualified professional consultant.</p> <p>Consultant to prepare documentation.</p> <p>Planning Department shall review, request revisions if appropriate, and ultimately approve documentation.</p> <p>Project sponsor to conduct outreach to identify other interested repositories under the direction of Planning Department Preservation staff.</p>	<p>Prior to issuance of any demolition or site permit for the affected historic resource at 3333 California Street, the qualified professional consultant to submit documentation package per HABS / HAER / HALS Guidelines for review by Planning Department.</p> <p>Prior to issuance of any demolition or site permit for the affected historic resource at 3333 California Street, project sponsor to transmit documentation to the History Room in SF Library, San Francisco Architectural Heritage, and NWIC.</p>	<p>The qualified professional consultant to submit draft and final documentation prepared pursuant to HABS/HAER/HALS Guidelines to Planning Department for review and approval.</p> <p>Following approval of documentation by Planning Department and prior to the start of construction, project sponsor to transmit documentation to the SF History Center in SF Library, Planning Department, and NWIC.</p>	<p>Considered complete when project sponsor transmits documentation to the History Room in SF Library, San Francisco Architectural Heritage, and NWIC as well as any other repositories, if applicable, as identified and agreed with during the outreach process.</p>
<p><b>Historic American Buildings/Historic American Landscape Survey-Level Photographs</b> – Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital photography shall be used. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service (NPS) standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS/HALS photography.</p>				

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>			
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>
	<b>Monitoring Actions Scheduled and Verification of Compliance</b>		
<p>Photograph views for the data set shall include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features, including landscape elements.</p> <p>All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the data set.</p> <p><b>HABS/HALS Historical Report</b> – A written historical narrative and report shall be provided in accordance with the HABS/HALS Historical Report Guidelines. The written history shall follow an outline format that begins with a statement of significance supported by the development of the architectural and historical context in which the structure was built and subsequently evolved. The report shall also include architectural description and bibliographic information.</p> <p><b>Video Recodation</b> – Video recodation shall be undertaken before demolition or site permits are issued. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. This mitigation measure would supplement the traditional HABS/HALS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.</p> <p><b>Softcover Book</b> – A Print-on-Demand softcover book shall be produced that includes the content from the historical report, historical photographs, HABS/HALS photography, measured drawings, and field notes. The Print-on-Demand book shall be made available to the public for distribution.</p>			

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the Planning Department, and the Northwest Information Center. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested repositories. All documentation will be reviewed and approved by the Planning Department's Preservation staff before any demolition or site permit is granted for the affected historical resource.</p> <p><b>Mitigation Measure M-CR-1b: Interpretation of the Historical Resource</b></p> <p>The project sponsor shall facilitate the development of an interpretive program focused on the history of the project site. The interpretive program should be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, such as a museum or exhibit curator. This program shall be initially outlined in a proposal for an interpretive plan subject to review and approval by Planning Department Preservation staff. The proposal shall include the proposed format and location of the interpretive content, as well as high-quality graphics and written narratives. The proposal prepared by the qualified consultant describing the general parameters of the interpretive program 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. The interpretive program shall include but not be limited to the installation of permanent on-site interpretive displays or screens in publicly accessible locations. Historical photographs, including some of the large-format photographs required by Mitigation Measure M-CR-1a, may be used to illustrate the site's history.</p> <p>The primary goal is to educate visitors and future residents about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts. These themes would include but not be limited to the subject property's historic</p>	<p>Project sponsor and their qualified professionals to select materials from 3333 California Street building to display. Project sponsor to establish location(s), media, and characteristics of the display. Project sponsor and their qualified professional to prepare display.</p>	<p>Prior to issuance of architectural addendum to the site permit, the general parameters of the interpretive program shall be approved by Planning Department Preservation staff. Prior to any demolition or removal activities, selection of interpretative materials to occur. Interpretive program shall be approved by Planning Department prior to the issuance of the first Temporary Certificate of Occupancy and updated for each construction phase, if needed.</p>	<p>The qualified professional to submit interpretive materials to Planning Department for approval. Project sponsor to report to Planning Department when display is completed.</p>	<p>Considered complete when Planning Department approve the interpretive program for all construction phases and when the interpretive program is installed.</p>

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significance as a Midecentury Modern corporate campus designed by Edward B. Page with a landscape designed by Eckbo, Royston & Williams. The interpretive program should be developed in coordination with the archaeological program, which would likely include interpretation of the subject property's inclusion in the larger site of California Registered Landmark 760, Former Site of Laurel Hill Cemetery.				
<b>Cultural Resources (Archaeological Resources) Mitigation Measures</b>				
<b>Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting</b> Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the project on buried historical or prehistoric resources. The project sponsor shall retain the services of an archaeological consultant from rotation of the Department Qualified Archaeological Consultants List maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the qualified archaeological consultants list. The archaeological consultant shall undertake an archaeological testing program as specified in the Archaeological Research Design and Treatment Plan and outlined below. In addition, the consultant shall be available to conduct an archaeological monitoring program, as required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or testing programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines section 15064.5 (a) and (c).	Project sponsor to retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.	Prior to issuance of site permits and prior to commencement of demolition and soil-disturbing activities for each construction phase, submittal of all plans and reports for approval by the ERO.	The archaeological consultant shall undertake an archaeological testing program as specified herein. (See below regarding archaeological consultant's reports).	Considered complete when project sponsor retains a qualified professional archaeological consultant, and archaeological consultant has a scope approved by the ERO for the archaeological testing program.

**FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR  
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<p><u>Consultation with Descendant Communities</u>                      On discovery of an archaeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site and to consult with the ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site per Mitigation Measure M-CR-2b (below). A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><u>Archaeological Testing Program</u>                      The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP) that tiers off the Archaeological Research Design and Treatment Plan. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the project, at the discretion of the project sponsor either:</p> <p>A) The project shall be redesigned so as to avoid any adverse effect on</p>	<p>Project sponsor/archaeological consultant.</p> <p>Project sponsor and archaeological consultant at the direction of the ERO.</p> <p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Upon discovery of an archaeological site associated with descendant groups, and for the duration of the archaeological investigation of the associated site.</p> <p>Prior to any excavation, site preparation or construction an ATP for such phase is to be submitted to and approved by the ERO.</p> <p>At the completion of the archaeological testing program.</p>	<p>Project sponsor/archaeological consultant shall contact the ERO and appropriate descendant group representative upon discovery of an archaeological site.</p> <p>Archaeological consultant to undertake ATP in consultation with ERO.</p> <p>Archaeological consultant to submit results of testing. Based on findings, the project sponsor and archaeological consultant, in consultation with ERO, to determine the final steps.</p>	<p>Considered complete upon submittal of Final Archaeological Resources Report.</p>

<sup>1</sup> The term "archaeological site" is intended here to minimally include any archaeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.



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<p>the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program (AMP) shall be implemented, the AMP would minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. A single AMP or multiple AMPs may be produced to address project phasing. 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 archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</li> <li>The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; and</li> <li>The archaeological monitor shall record and be authorized to collect</li> </ul>	<p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Project sponsor, archaeological consultant, and ERO shall meet prior to commencement of soils-disturbing activities for each construction phase. If ERO determines that archaeological monitoring is necessary, monitor throughout all soils-disturbing activities for each construction phase</p>	<p>If required, archaeological consultant to prepare AMP in consultation with the ERO. Project sponsor, archaeological consultant, and project sponsor's contractors shall implement the AMP, if required by the ERO</p>	<p>Considered complete on approval of AMP by ERO; submittal of report regarding findings of AMP.</p>

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<p>soil samples and artifactual/ecofactual material as warranted for analysis.</p> <p>If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, pile driving activity that may affect the archaeological resource shall be suspended until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the project, at the discretion of the project sponsor either:</p> <p>A) The project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological data recovery program shall be implemented based on the presence of a significant resource, the archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archaeologist. The</p>	<p>Project sponsor and project archaeological consultant.</p> <p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>After completion of the approved archaeological monitoring program</p> <p>If there is a determination by the ERO that an ADRP is required.</p>	<p>Submit report on findings of AMP</p> <p>If required, archaeological consultant to prepare an ADRP in consultation with the ERO.</p>	<p>Considered complete on approval of the FARR by ERO.</p>

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
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<p>archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, shall 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 archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• <i>Interpretive Program.</i> Consideration of an onsite/offsite public interpretive program during the course of the archaeological data recovery program.</li> <li>• <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <i>Final Report.</i> Description of proposed report format and distribution of results.</li> </ul> <p><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p>				

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<p><u>Human Remains and Associated or Unassociated Funerary Objects</u>                      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 ERO and the 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 (NAHC), which shall appoint a Most Likely Descendant (MLD). The MLD 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 project sponsor and ERO shall make all reasonable efforts to develop a burial agreement with the MLD, 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 MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological 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 ERO to accept recommendations of an MLD. However, if the ERO, project sponsor and MLD are unable to reach an agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains 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.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity will additionally follow protocols laid out in the Archaeological Research Design</p>	<p>Project sponsor and archaeological consultant shall notify the San Francisco Medical Examiner and if applicable, Native American Heritage Commission who will appoint a Most Likely Descendent. Project sponsor, ERO, and the Most Likely Descendent shall make all reasonable efforts to develop a burial agreement.</p>	<p>In the event human remains and/or funerary objects are encountered project sponsor's construction contractor to immediately contact archaeological consultant and ERO.</p>	<p>Archaeological consultant/sponsor or contractor to contact San Francisco Medical Examiner and ERO and implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/unassociated funerary objects.</p>	<p>Considered complete on notification of the San Francisco Medical Examiner, ERO, and NAHC, if necessary, and completion of burial agreement and/or analysis.</p>

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
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<p>and Treatment Plan, the ATP, and any agreement established between the project sponsor, Medical Examiner and the ERO.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the FARR. The FARR may be submitted at the conclusion of all construction activities associated with the project.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA Department of Parks and Recreation [DPR] 523 series) and/or documentation for nomination to the National Register of Historic Places (National register)/California Register of Historical Resources (California register). In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p> <p><b>Mitigation Measure M-CR-2b: Interpretation</b></p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, and to the extent that the potential significance of some such resources is premised on the California register Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), the following measure shall be undertaken to avoid any potentially significant adverse effect from the project on buried historical resources if significant archaeological resources are discovered.</p> <p>The project sponsor shall implement an approved program for interpretation of significant archaeological resources. The project sponsor shall retain the</p>	<p>Project sponsor and archaeological consultant in consultation with ERO.</p> <p>Archaeological consultant at the direction of the ERO.</p>	<p>If applicable, after completion of archaeological data recovery, inventorying, analysis and interpretation.</p> <p>If applicable, upon approval of Final Archaeological Resources Report by ERO.</p>	<p>If applicable, archaeological consultant to submit a FARR to ERO for approval.</p> <p>Once approved, archaeological consultant to distribute FARR and provide written certification to ERO that required FARR distribution has been completed.</p>	<p>Considered complete upon approval of Final Archaeological Resources Report by ERO and distribution of FARR as directed by ERO.</p> <p>Considered complete upon installation of approved interpretation program, if required.</p>

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<p>services of a qualified archaeological consultant from the rotational qualified archaeological consultant list maintained by the Planning Department archaeologist having expertise in California urban historical and prehistoric archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the Archaeological Research Design and Treatment Plan): lectures, exhibits, websites, video documentaries, and preservation and display of archaeological materials. To the extent feasible, the interpretive program shall be part of a larger, coordinated public interpretation strategy for the project area.</p> <p>The archaeological consultant's work shall be conducted at the direction of the ERO, and in consultation with the project sponsor. All plans and recommendations for interpretation by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</p>			<p>ERO. The ERO to approve final interpretation program. Project sponsor to implement an approved interpretation program.</p>	
<p><b>Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program</b></p> <p>If the Environmental Review Officer (ERO) determines that a significant archaeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum,</p>	<p>Project sponsor at the direction of the ERO.</p> <p>Project sponsor in consultation with the ERO.</p>	<p>For the duration of soil-disturbing activities throughout all construction phases.</p> <p>Prior to issuance of final certificate of occupancy.</p>	<p>Project sponsor shall contact the ERO and appropriate Native American tribal representative upon discovery of an archaeological resource that constitutes a TCR.</p> <p>A qualified consultant, the project sponsor, a Native American tribal representative, and the ERO shall collaborate on the development of a feasible, resource-specific program for post-recovery</p>	<p>Considered complete upon installation of approved interpretation program, if required.</p>

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<p>and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, 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, artifacts displays and interpretation, and educational panels or other informational displays.</p>			<p>interpretation of resources. The interpretive plan shall be submitted first and directly to the ERO for review and comment, and shall be considered a draft report subject to revision until deemed final by the ERO. The ERO to approve final interpretation program. Project sponsor to implement an approved interpretation program.</p>	
<p><b>Transportation and Circulation Mitigation Measures</b></p>				
<p><b>Mitigation Measure M-TR-2: Reduce Retail Parking Supply</b>                      The proposed project or project variant shall provide retail parking in an amount not to exceed the existing neighborhood rate of 1.55 by 38 percent (or 2.14 spaces per 1,000 gross square feet).</p>	<p>Project sponsor or qualified consultant to develop a draft parking plan to achieve the required retail parking rate.</p>	<p>Prior to approval of the Conditional Use/PUD application.</p>	<p>The project sponsor or qualified consultant to provide a draft parking program to the Planning Department for review and approval.</p>	<p>Considered complete upon review and approval of the parking reduction plan by the Planning Department.</p>
<p><b>Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity</b>                      Based on an evaluation of the transit ridership generated by the proposed project or project variant, monitoring of transit capacity utilization for the 43 Masonic route shall be initiated when the first phase of development has been completed and occupied.                      The transit monitoring phase shall involve the following steps.</p> <ul style="list-style-type: none"> <li>The project sponsor shall fund a transit capacity study to be reviewed and approved by the SFMTA. The project sponsor shall obtain current ridership on the 43 Masonic route from SFMTA and an assessment of the capacity utilization shall be conducted at the 43 Masonic route's maximum load point for weekday a.m. peak hour conditions.</li> </ul>	<p>Project sponsor or qualified consultant at the direction of the SFMTA shall prepare a transit capacity study to determine whether capacity utilization exceeds 85 percent for the 43 Masonic route. If so, then SFMTA will determine whether adding bus(es) or other</p>	<p>Baseline study conducted prior to the issuance of the first Certificate of Occupancy of the first phase of development, and subsequent ridership study after the first phase of the development is occupied. No studies shall be required if fair-share contribution is paid.</p>	<p>SFMTA to review the study and determine if the capacity utilization of the 43 Masonic line at its maximum load point exceeds 85 percent as measured at the completion of any individual project phase. If so, and the SFMTA has committed to implement M-TR-4, the project sponsor shall provide the fair share contribution subject to the limits stated in M-TR-4 to</p>	<p>Considered complete upon payment of fair-share contribution or review and approval of the transit capacity study by SFMTA, if applicable and payment of fair-share contribution. If SFMTA determines one or</p>

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<ul style="list-style-type: none"> <li>If the capacity utilization exceeds 85 percent, a fair share contribution payment shall be made to SFMTA by the project sponsor, calculated in a Transit Mitigation Agreement, to contribute to the cost of providing additional bus service or otherwise improving service on the 43 Masonic route.</li> </ul> <p>The fair share contribution as documented in EIR Appendix D shall not exceed the following amounts across all phases. Payment of the following fair share contribution levels would mitigate the impacts of the estimated transit ridership added by full development of the proposed project or project variant.</p> <ul style="list-style-type: none"> <li>Proposed Project – \$182,227</li> <li>Project Variant – \$218,390</li> </ul> <p>These amounts shall be increased by consumer price index per year plus a one-time escalation of 0.5 percent.</p> <p>SFMTA will determine whether adding bus(es) or other measures are more desirable to increase capacity along the route and will use the funds provided by the project sponsor to implement the most desirable measure, which may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> <li>Instead of adding more buses to a congested route, increase travel speeds along the route, which would allow for buses to move faster, thus increasing efficiency and reliability. In this case, the project sponsor's fair share contribution may be used to fund a study to identify appropriate and feasible improvements and/or implement a portion of the improvements that would increase travel speeds enough to increase capacity along the bus route. Such improvements could include transit only lanes, transit signal priority, and transit boarding improvements.</li> <li>Increase capacity along the corridor by adding a new Muni service route in this area. If this option is selected, the project sponsor's fair share contribution may fund the purchase of the new vehicles.</li> </ol> <p>If the capacity utilization with the proposed project or project variant based on SFMTA's ridership data is less than 85 percent after a particular phase of the proposed project or project variant is completed and occupied, then the project</p>	<p>measures are more desirable to increase capacity along the route and will use the funds provided by the project sponsor to implement the most desirable measure</p>		<p>capital costs for SFMTA to implement one of the designated capacity enhancement measures.</p>	<p>more fair-share payments is required, considered complete upon payment of the final fair-share payment.</p>



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<p>sponsor's fair share payment shall be \$0 and the process shall repeat at the subsequent phase. Each subsequent fair share calculation shall take account of amounts paid for prior phases, to ensure that payments are not duplicative for the same transit rider impacts.</p>				
<b>Noise and Vibration Mitigation Measures</b>				
<p><b>Mitigation Measure M-NO-1: Construction Noise Control Measures</b></p> <p>The project sponsor shall implement a project-specific Noise Control Plan that has been prepared by a qualified acoustical consultant and approved by the Planning Department. The Noise Control Plan may include, but is not limited to, the following construction noise control measures. Implementation of applicable construction noise control measures shall apply to all phases of the construction period.</p> <ul style="list-style-type: none"> <li>Muffle and maintain all equipment used on site. All internal combustion engine driven equipment shall be fitted with mufflers that are in good working condition.</li> <li>Position stationary noise sources, such as temporary generators and pumps, as far from nearby receptors as possible, within temporary enclosures and shielded by barriers (which could reduce construction noise by as much as 5 dB) or other measures, to the extent feasible.</li> <li>Use "quiet" models of air compressors and other stationary equipment where such technology exists.</li> <li>Prohibit unnecessary idling of internal combustion engines.</li> <li>Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for project construction shall be "quiet" gasoline-powered compressors or electrically powered compressors, and electric rather than gasoline- or diesel-powered engines shall be used to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be</li> </ul>	<p>Project sponsor and construction contractor shall prepare and implement Noise Control Plan.</p>	<p>Draft Noise Control Plan to be submitted to Planning Department and Department of Public Health prior to issuance of the first building permit or other permit that allows ground disturbance.</p> <p>Draft construction-noise monitoring program to be submitted to the Planning Department and Department of Public Health prior to start of excavation of all construction phases, prior to building construction of the Euclid and Masonic buildings, and the Laurel Duplexes and Mayfair Building.</p>	<p>Planning Department and Department of Public Health shall review and approve Noise Control Plan and construction-noise monitoring programs.</p> <p>Project sponsor, qualified contractor(s) to prepare a weekly noise monitoring log which shall be made available to the Planning Department when requested. Any weekly report that includes an exceedance or for a period during which a complaint is received shall be submitted to the Development Performance Coordinator within 3 business days following the week in which the exceedance or complaint occurred.</p> <p>Project sponsor shall notify the Planning Department Development Performance Coordinator of any night noise permit requests when submitted and any emergency/unanticipated activity causing noise with potential to exceed standard as soon as possible.</p>	<p>Project sponsor, qualified consultant, and/or contractor to submit final noise monitoring report to the Planning Department</p> <p>Development Performance Coordinator at the completion of each construction phase.</p> <p>Considered complete at the completion of project construction and submittal of final noise monitoring reports.</p>

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<p>used, which could achieve a reduction of 5 dBA. Quieter equipment shall be used when feasible, such as drills rather than impact equipment.</p> <ul style="list-style-type: none"> <li>Clearly post allowable construction hours (i.e., 7 a.m. to 8 p.m.) on signs around the project site through the duration of construction.</li> <li>During the excavation component of all construction phases, during building construction (framing of structure and major exterior work) of the Euclid and Masonic buildings, the Laurel Duplexes, and Mayfair Building, prepare and implement a daytime construction-noise monitoring program (e.g., 7 a.m. to 7 p.m. during weekdays, and 7 a.m. to 3 p.m. on Saturdays and all other times that excavation or major exterior construction of the identified buildings occurs). Three monitoring stations shall be required to provide continuous noise monitoring at the nearest potentially impacted receptors to the south (along Euclid Avenue), to the west (along Laurel Street), and to the north (along California Street). Selection of the three monitoring locations shall be coordinated between the Planning Department, construction contractor, and ultimately the affected residential property owners. The program shall be set up to alert the Construction Manager or other designated person(s) when noise levels exceed allowable limits (10 dBA above established ambient levels). If noise levels are found to exceed applicable noise limits due to construction-related activities, corrective action shall be taken, such as halting or moving specific construction activities, fixing faulty or poorly operating equipment, and installing portable barriers.</li> <li>Designate a Construction Manager who shall:                         <ul style="list-style-type: none"> <li>Clearly post his/her name and phone number(s) on signs visible during each phase of the construction program.</li> <li>Notify area residents of construction activities, schedules, and impacts.</li> <li>Receive and act on complaints about construction noise disturbances.</li> </ul> </li> </ul>				

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<ul style="list-style-type: none"> <li>○ Determine the cause(s) and implement remedial measures as necessary to alleviate potentially significant problems related to construction noise</li> <li>○ Request night noise permits from the San Francisco Department of Building Inspection (DBI) if any activity, including deliveries or staging, is anticipated outside of work hours that has the potential to exceed noise standards. If such activity is required in response to an emergency or other unanticipated conditions, night noise permits shall be requested as soon as feasible for any ongoing response activities.</li> <li>○ Notify the Planning Department's Development Performance Coordinator at the time that night noise permits are requested or as soon as possible after emergency/unanticipated activity causing noise with the potential to exceed noise standards has occurred.</li> </ul> <p><u>Plan Review, Implementation, and Reporting</u>                      The Noise Control Plan shall be reviewed and approved by the San Francisco Department of Public Health and Planning Department prior to implementation. Noise monitoring shall be completed by a qualified noise consultant.</p> <p>A noise monitoring log report shall be prepared by the Construction Manager or other designated person(s) on a weekly basis and shall be made available to the Planning Department when requested. The log shall include any complaints received, whether in connection with an exceedance or not, as well as any complaints received through calls to 311 or DBI if the contractor is made aware of them (for example, via a DBI notice, inspection, or investigation). Any weekly report that includes an exceedance or for a period during which a complaint is received should be submitted to the Development Performance Coordinator within 3 business days following the week in which the exceedance or complaint occurred. A report also shall be submitted to the Planning Department Development Performance Coordinator at the completion of each construction phase. The report shall document noise levels, exceedances of threshold levels, if reported, and corrective action(s) taken.</p>				

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<p><b>Mitigation Measure M-NO-2: Vibration Monitoring Program for SF Fire Credit Union Building</b></p> <p>Prior to excavation activities along California Street, including for the Walnut Building and California Street Garage, a detailed vibration assessment and monitoring plan shall be completed to ensure that construction activities and equipment are selected and designed to ensure groundborne vibration levels at the SF Fire Credit Union do not exceed levels protective of the structural integrity of the building.</p> <p>The project contractor shall:</p> <ul style="list-style-type: none"> <li>Retain the services of a qualified structural engineer or vibration consultant to prepare a pre-construction building assessment and vibration monitoring plan of the SF Fire Credit Union building.</li> <li>Prior to excavation activities for the Walnut Building and the California Street Garage, perform inspection of the SF Fire Credit Union building to document existing building conditions with written and photographic descriptions of the existing condition of visible exteriors and in interior locations upon permission of the owner. The assessment shall determine specific locations to be monitored and include annotated drawings to locate digital photo locations, survey markers, and/or other monitoring devices to measure vibrations. Based on the construction program for the proposed project or project variant and the condition of the SF Fire Credit Union building, the structural engineer and/or vibration consultant shall develop a vibration monitoring plan to protect the SF Fire Credit Union building. The pre-construction assessment and vibration monitoring plan shall be submitted to the Planning Department prior to issuance of construction permits for excavation for the Walnut Building and the California Street Garage.</li> </ul>	<p>Project sponsor to retain a qualified consultant to prepare a detailed vibration assessment and monitoring plan.</p> <p>Project sponsor to retain a qualified structural engineer or vibration consultant to carry out pre-construction assessment.</p>	<p>The detailed vibration assessment and monitoring plan is to be submitted to Planning Department prior to issuance of demolition or site permits for Walnut Building and California Street Garage.</p> <p>Prior to excavation activities for the Walnut Building and California Street Garage, the qualified consultant shall perform pre-construction inspection of the SF Fire Credit Union building.</p>	<p>Planning Department to approve vibration assessment and monitoring plan.</p> <p>Project sponsor, qualified consultant, and/or construction contractor(s) to submit weekly reports during excavation, foundation and exterior construction activities to the Planning Department Development Performance Coordinator, and Department of Building Inspection upon request.</p> <p>Planning Department shall review and approve pre-construction assessment and vibration monitoring plan.</p>	<p>Considered complete at the completion of Walnut Building and California Street Garage excavation and submittal of final vibration monitoring report to the Planning Department.</p>

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<ul style="list-style-type: none"> <li>Inform the SF Fire Credit Union of upcoming construction activities that may generate high levels of vibration, including excavator use that may occur within 15 feet of this building (thereby providing a 7-foot protective buffer to the 8-foot distance where damage may occur).</li> <li>Perform vibration monitoring at the SF Fire Credit Union building during excavation activities for the Walnut Building and the California Street Garage when operating heavy equipment (i.e., excavators) within 15 feet of the building foundation. Vibration monitoring shall be conducted on a daily basis, as needed, when heavy equipment operates within 15 feet of the building foundation. When vibration levels exceed allowable threshold the Construction Manager, structural engineer, or other designated person(s) shall be alerted.</li> <li>Should the measured vibration levels at the SF Fire Credit Union building during excavation for the Walnut Building and the California Street Garage exceed 0.5 PPV (in/sec) at any time, or if damage to the SF Fire Credit Union building is observed, construction personnel shall immediately cease excavation and implement vibration control measures such as adjustment of excavation methods to reduce vibration of soil or use of equipment that generates lower levels of vibration. Examples of equipment that may generate lower levels of vibration may include smaller sized back-hoes.</li> <li>If damage to the SF Fire Credit Union building occurs, the building shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity, as shown in the pre-construction assessment, with the consent of the building owner.</li> </ul> <p><b>Plan Review, Implementation, and Reporting</b>                      The Detailed Vibration Assessment Plan shall be reviewed and approved by the San Francisco Planning Department prior to implementation. Vibration measurements shall be completed by a qualified structural engineer or vibration consultant.</p>				

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<p>A vibration monitoring log report is to be prepared by the Construction Manager or other designated person(s) on a weekly basis during excavation for the Walnut Building and California Street Garage, and shall be made available to the Planning Department Development Performance Coordinator and building department when requested. A final report on the vibration monitoring shall be submitted to the Planning Department following completion of Walnut Building and California Street Garage excavation and prior to the issuance of a Certificate of Occupancy. The report shall document vibration levels, exceedances of the threshold level, if reported, and corrective action(s) taken.</p>	<p>Project sponsor and construction contractor(s) shall implement noise attenuation measures and conduct noise measurements identified in M-NO-3.</p>	<p>Prior to issuance of building permit, incorporate practices identified in M-NO-3 into the project construction plans.                      Before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements.</p>	<p>Project sponsor to provide copies of project construction plans to Planning Department that show incorporation of practices identified.                      Before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall submit noise measurements results to the Planning Department Development Performance Coordinator. The noise measurement results from the stationary equipment shall demonstrate compliance with sections 2909 (a) and (d) of the San Francisco Noise Ordinance.</p>	<p>Considered complete upon submittal of project construction plans incorporating identified practices and noise measurements results demonstrating compliance with the San Francisco Noise Ordinance.</p>
<p><b>Mitigation Measure M-NO-3: Stationary Equipment Noise Controls</b></p> <p>Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions. Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, and location of vent openings away from adjacent residential uses.</p> <p>After completing installation of the HVAC equipment but before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.</p>				
<p align="center"><i>Biological Resources Mitigation Measures</i></p>				
<p><b>Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas</b></p> <p>Nesting birds and their nests shall be protected during construction by implementation of the following measures for each construction phase:</p>	<p>Project sponsor and qualified biologist shall</p>	<p>Vegetation/tree removal activities shall be</p>	<p>Before each construction phase. If qualified biologist proposes to</p>	<p>Considered complete upon</p>

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<p>a. To the extent feasible, conduct initial activities including, but not limited to, vegetation removal, tree trimming or removal, ground disturbance, building demolition, site grading, and other construction activities which may compromise breeding birds or the success of their nests outside of the nesting season (January 15 through August 15).</p> <p>b. If construction during the bird nesting season cannot be fully avoided, a qualified wildlife biologist* shall conduct pre-construction nesting surveys within 14 days prior to the start of construction or demolition at areas that have not been previously disturbed by project activities or after any construction breaks of 14 days or more. Surveys shall be performed for suitable habitat within 250 feet of the project site in order to locate any active nests of common bird species and within 500 feet of the project site to locate any active raptor (birds of prey) nests.</p> <p>c. If active nests are located during the preconstruction nesting bird surveys, a qualified biologist shall evaluate if the schedule of construction activities could affect the active nests and if so, the following measures would apply:</p> <ol style="list-style-type: none"> <li>i. If construction is not likely to affect the active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency would be determined on a nest-by-nest basis considering the particular construction activity, duration, proximity to the nest, and physical barriers which may screen activity from the nest. The qualified biologist may revise his/her determination at any time during the nesting season in coordination with the Planning Department.</li> <li>ii. If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work shall halt</li> </ol>	<p>implement measures to protect nesting birds and their nests.</p>	<p>conducted during the non-breeding season (i.e., August 16 through January 14), OR preconstruction surveys shall be conducted for work scheduled during the breeding season (January 15 through August 15).                       The preconstruction survey shall be conducted within 14 days prior to the start of work or after any construction breaks of 14 days or more during the bird nesting season (January 15 through August 15)</p>	<p>modify nest buffer distances, Planning Department shall review and approve in coordination with California Department of Fish and Wildlife before the buffer distances are reduced.</p>	<p>completion of preconstruction nesting bird surveys or completion of vegetation removal and grading activities outside of the bird breeding season.</p>

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<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are 250 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction.</p> <p>iii. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the Planning Department, who would notify CDFW. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the Planning Department and approved by CDFW.</p> <p>iv. Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.</p> <p>v. Any birds that begin nesting within the project area and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels, so exclusion zones around nests may be reduced or eliminated in these cases as determined by the qualified biologist in coordination with the Planning Department, who would notify CDFW. Work may proceed around these active nests as long as the nests and their occupants are not directly impacted.</p> <p>d. In the event inactive nests are observed within or adjacent to the project site at any time throughout the year, any removal or relocation of the inactive nests shall be at the discretion of the qualified biologist in coordination with the Planning Department, who would notify and seek approval from the CDFW, as appropriate. Work may proceed around these inactive nests.</p>				



**FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR  
 3333 California Street Mixed-Use Project  
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions Schedule and Verification of Compliance
<p>* Typical experience requirements for a “qualified biologist” include a minimum of four years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of two years of experience conducting surveys for each species that may be present within the project area.</p>				
<b>Geology and Soils Mitigation Measures</b>				
<p><b>Mitigation Measure M-GE-5: Inadvertent Discovery of Paleontological Resources.</b>                      Before the start of any drilling or excavation activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in on-site construction worker training. The qualified paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. If potential vertebrate fossils are discovered by construction crews, all earthwork or other types of ground disturbance within 50 feet of the find shall stop immediately and the monitor shall notify the Environmental Review Officer. The fossil should be protected by an “exclusion zone” (an area approximately five feet around the discovery that is marked with caution tape to prevent damage to the fossil). Work shall not resume until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the qualified paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The qualified paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology’s 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and currently accepted scientific practice, and shall be subject to review and approval by the Environmental Review Officer. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection [e.g.,</p>	<p>Project sponsor to retain appropriately qualified paleontologist to conduct training for construction personnel and to review procedures for Stop Work notices for inadvertent discoveries. Project sponsor and contractor(s) to report any fossils encountered.</p>	<p>Prior to and during any excavation, site preparation or soil disturbance for each construction phase. ERO to approve training materials and ensure notification procedures are up to date.</p>	<p>The project sponsor’s paleontological consultant shall notify the ERO immediately if work should stop, as indicated, and consult with the qualified paleontologist to develop recommendations for monitoring, treatment, and salvage, as needed.</p>	<p>Considered complete upon completion of ground-disturbing activities, if no paleontological resources are encountered, or upon completion of recovery or report preparation as directed by the ERO.</p>

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<p>the University of California Museum of Paleontology], and may also include preparation of a report for publication describing the finds. The Planning Department shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.</p>				
<p><b>IMPROVEMENT MEASURES FOR THE 3333 CALIFORNIA STREET MIXED USE PROJECT</b> <i>(Improvement measures are not required under CEQA. The EIR identifies Improvement Measures as conditions of approval.)</i></p> <p><i>Measures to avoid or reduce the less-than-significant impacts of the proposed project or project variant. The decision-makers may adopt these Improvement Measures as conditions of approval.)</i></p> <p><b>Transportation and Circulation Improvement Measures</b></p>				
<p><b>Improvement Measure I-TR-1: Project Construction Updates</b></p> <p>To minimize construction impacts on access for nearby residences, institutions, and businesses, the project sponsor should provide nearby residences and adjacent businesses with regularly updated information regarding construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel or parking lane closures, and sidewalk closures via a newsletter and/or website.</p>	<p>Project sponsor and project construction contractor(s).</p>	<p>Implement measure throughout all phases of construction.</p>	<p>Project sponsor and project construction contractor(s) to provide documentation regarding compliance with Improvement Measure I-TR-1 to Planning Department.</p>	<p>Considered complete at the completion of project construction.</p>
<p><b>Improvement Measure I-TR-3: Driveway Queue Abatement</b></p> <p>It will be the responsibility of the owner/operator of the proposed parking garage to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility will employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses.</p> <p>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; ingress/egress restrictions, such as limiting access to right-in/right-out; employment of parking attendants; installation of "LOT FULL" signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of parking occupancy sensors and signage directing</p>	<p>Project sponsor/building management representative and Planning Department.</p>	<p>Ongoing during building occupancy.</p>	<p>Project sponsor/building management representative to ensure that recurring vehicle queues do not occur adjacent to the project site.</p> <p>Planning Department shall notify the project sponsor/building management representative in writing if recurring queues are suspected. Project sponsor/building management representative to hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. If the Planning Department determines that a recurring queue does exist, the</p>	<p>Ongoing during building occupancy.</p>

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>drivers to available spaces; transportation demand management strategies such as customer/employee shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the department for review. If the department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.</p> <p><b>Improvement Measure I-TR-9a: Schedule and Coordinate Deliveries</b></p> <p>Per Planning Code section 169.5, the project will maintain a transportation demand management (TDM) coordinator.<sup>3</sup> The project's TDM coordinator will work with delivery providers and building tenants to schedule and coordinate loading activities to ensure that any freight loading/service vehicles can be accommodated either in the proposed on-street or on-site/off-street loading spaces. Loading and moving activities will be minimized during peak periods and spread across the day, thereby reducing activity during the peak hour for loading. The TDM coordinator will work with tenants to find opportunities to consolidate deliveries and reduce the need for peak period deliveries whenever possible. Deliveries will be scheduled to minimize loading activities during peak periods and reduce potential for conflicts with traffic, transit, bicyclists, and pedestrians on the surrounding street network. Freight loading/service vehicles will be monitored and actively discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along the project frontages.</p> <p><b>Improvement Measure I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies as Needed</b></p> <p>After completion of the proposed project or project variant, the project sponsor will conduct a utilization study of commercial and passenger loading spaces. If</p>	<p>Project sponsor/building management representative/ TDM coordinator.</p>	<p>Prior to issuance of certificates of occupancy for new buildings. Implementation of this measure is ongoing, after building occupancy.</p>	<p>project sponsor/building management representative shall have 90 days from the date of the written determination to abate the queue.</p> <p>The project sponsor shall provide documentation to the Planning Department regarding procedures to implement this improvement measure.</p>	<p>Ongoing during building occupancy.</p>
<p><b>Improvement Measure I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies as Needed</b></p> <p>After completion of the proposed project or project variant, the project sponsor will conduct a utilization study of commercial and passenger loading spaces. If</p>	<p>Project sponsor/building management representative to</p>	<p>After one year of operation of the proposed project or project variant, conduct</p>	<p>The project sponsor shall provide documentation to the Planning Department regarding procedures</p>	<p>Considered complete upon review and</p>

<sup>3</sup> The project sponsor of a development project subject to the requirements of planning code section 169 must designate a TDM coordinator. The TDM coordinator may be an employee for the development project (e.g., property manager) or the project sponsor may contract with a third-party provider(s) (e.g., transportation brokerage services as required for certain projects pursuant to planning code section 163). The TDM coordinator shall be delegated authority to coordinate and implement the TDM Plan.

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR                      3333 California Street Mixed-Use Project                      (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>the result of the study indicates that fewer than 15 percent of the loading spaces (e.g., 1 space) are available during the peak loading period, the project sponsor will implement loading management strategies and/or provide additional or expanded loading supply to meet the loading demand.</p> <p>Additional loading strategies could include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Expanding efforts to coordinate with parcel delivery companies to schedule deliveries during off-peak hours</li> <li>• Installing delivery supportive amenities such as lock boxes and unassisted delivery systems to allow delivery personnel access and enable off-peak hour deliveries</li> <li>• Coordinating delivery services across buildings to enable the delivery of several buildings' packages to a single location</li> <li>• Requiring deliveries to the retail and restaurant components of the proposed project or project variant to occur during early morning or late evening hours</li> <li>• Reserving on-street parking spaces for smaller delivery vehicles through the SFMTA Temporary Signage Program</li> </ul>	<p>conduct a loading utilization study with an approach reviewed and approved by Planning transportation staff.</p>	<p>loading utilization study.</p>	<p>to implement this improvement measure.</p>	<p>approval of the loading utilization study by the Planning department. If Planning determines one or more loading strategies is/are recommended, considered complete upon implementation of loading management strategies.</p>

**EXHIBIT D:  
LAND USE DATA**



# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 3333 CALIFORNIA ST  
RECORD NO.: 2015-014028CUA

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	EXISTING	PROPOSED	NET NEW
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	93,000	401,234	401,234
Residential GSF	0	977,437	977,437
Retail/Commercial GSF	0	34,496	34,496
Office GSF	364,500	0	0
Child Care GSF	11,500	14,665	14,665
Usable Open Space	103,800	97,640	97,640
Public Open Space	34,300	127,126	127,126
Other ( )	0	0	0
TOTAL GSF (excluding Open Space)	469,000	1,427,832	1,427,832
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
Dwelling Units - Affordable	0	186	186
Dwelling Units - Market Rate	0	558	558
Dwelling Units - Total	0	744	744
Hotel Rooms	0	0	0
Number of Buildings	2	13	15
Number of Stories	1-5	2-3	4-7
Parking Spaces	543	314	857
Loading Spaces	5	1	6
Bicycle Spaces	15	824	839
Car Share Spaces	5	5	10
Other ( )			

	EXISTING	PROPOSED	NET NEW
<b>LAND USE - RESIDENTIAL</b>			
Studio Units	0	27	27
One Bedroom Units	0	392	392
Two Bedroom Units	0	195	195
Three Bedroom (or +) Units	0	130	130
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0

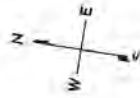
**EXHIBIT E:**  
**MAPS AND CONTEXT PHOTOS**



# Parcel Map

LOTS MERGED  
60fs 3A & 3B into street - 1954

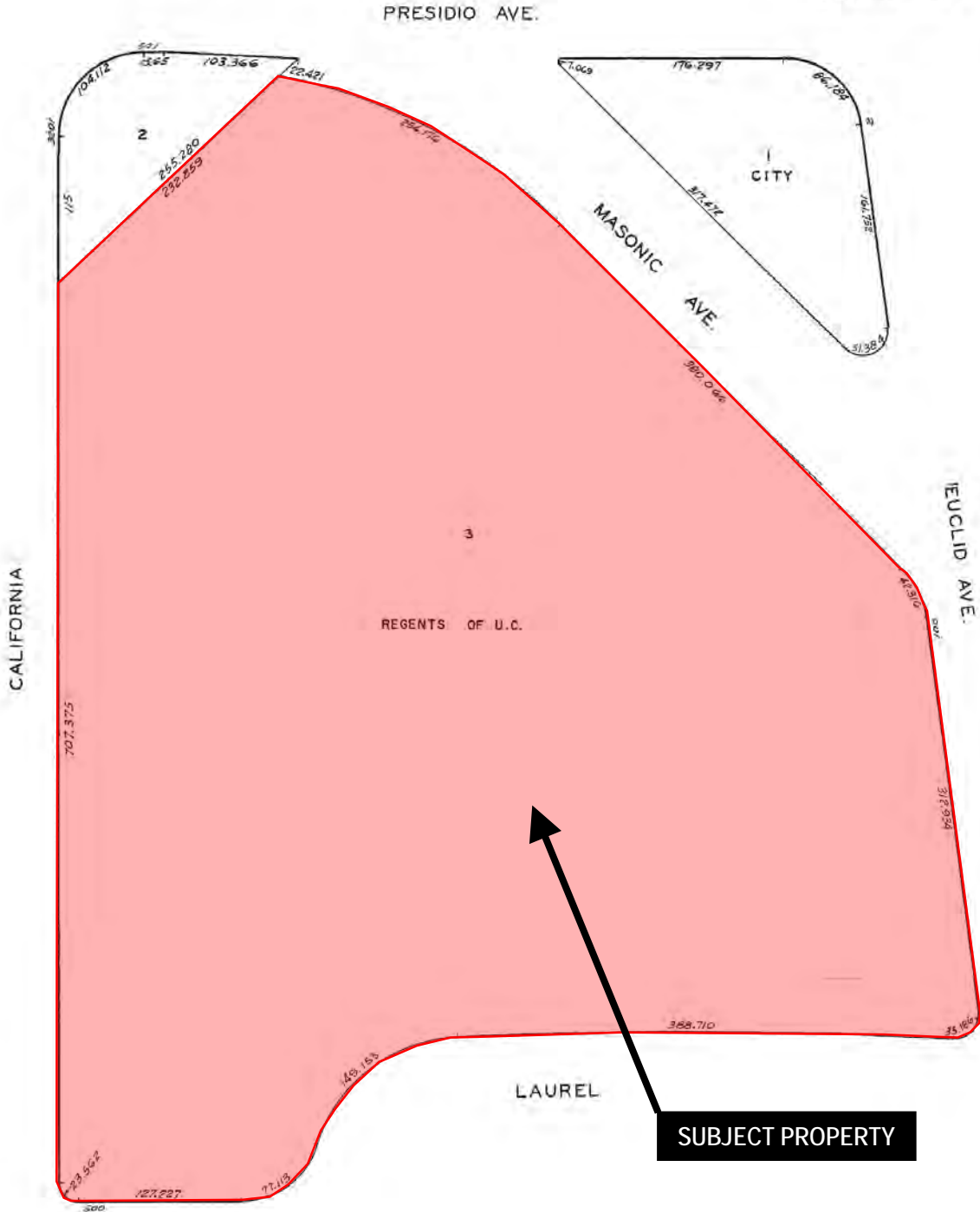
© COPYRIGHT SAN FRANCISCO  
CITY & COUNTY ASSESSOR 1995



1032

BLOCK RENUMBERED 1951

SCALE: 1 IN. = 60 FT.  
(LAUREL HILL CEMETERY)



# Zoning Map

SUBJECT PROPERTY



Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project

# Height and Bulk Map

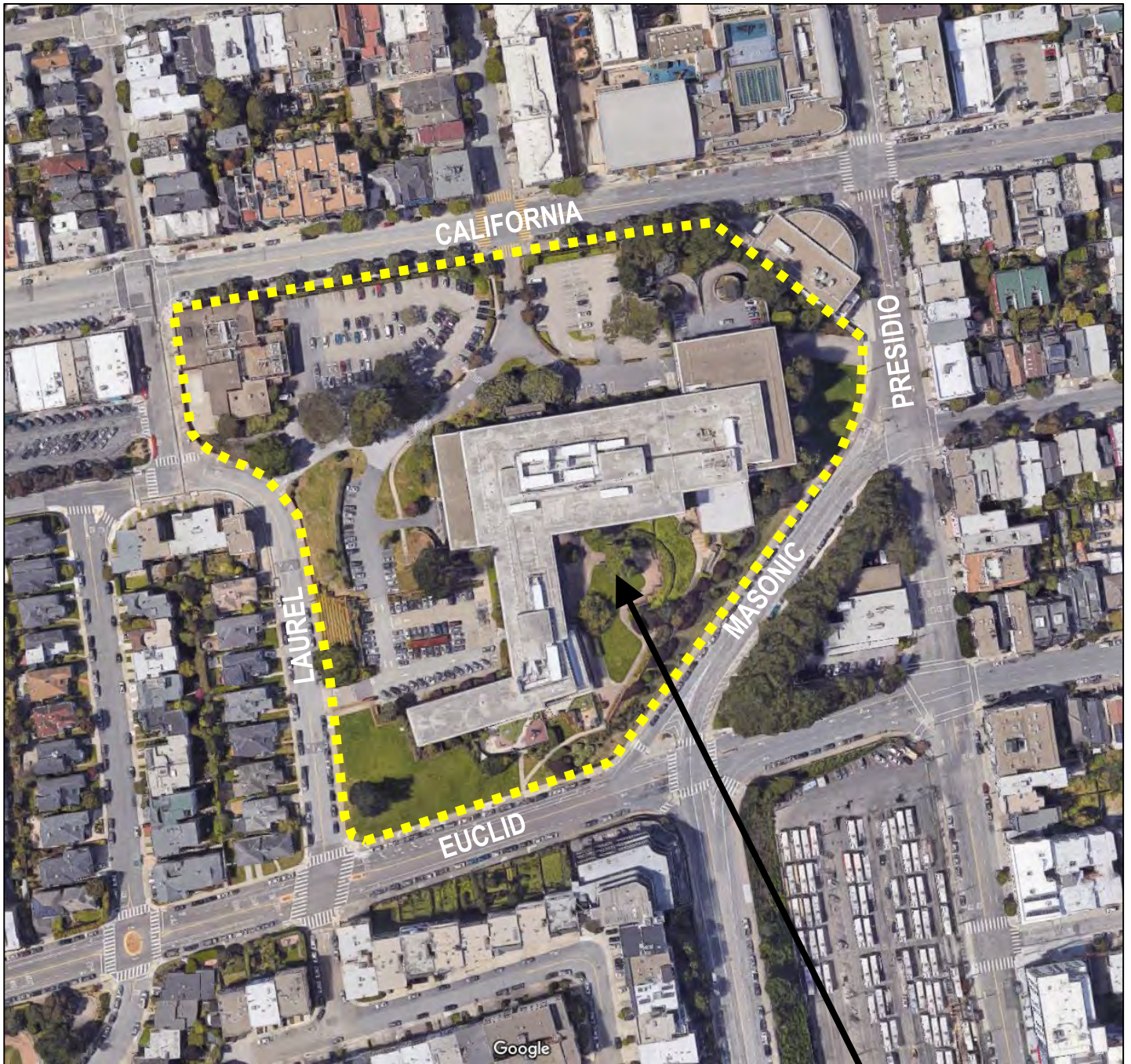
SUBJECT PROPERTY



Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project



# Aerial Photos



Aerial view of Project Site.

SUBJECT PROPERTY

Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project





# Aerial Photos



Aerial view of Project Site.

SUBJECT PROPERTY

Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project





# Aerial Photos



Aerial view of Project Site.

SUBJECT PROPERTY



Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project



# Site Photos



View of Project Site (from corner of California/Laurel).



View of Project Site (from Laurel Street).

Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project

# Site Photos



View of Project Site (from corner of Laurel/Euclid).



View of Project Site (from Euclid).

Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project



# Site Photos



Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project



# Site Photos



Conditional Use Authorization  
Case No. 2015-014028CUA  
3333 California Street Mixed-Use Project