



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use and Section 309

HEARING DATE: DECEMBER 16, 2010

*Date:* December 9, 2010  
*Case No.:* **2008.0197!CEKX**  
*Project Address:* **942 MISSION STREET**  
*Zoning:* C-3-G (Downtown General Commercial) District  
160-F Height and Bulk District  
*Block/Lot:* 3704 / 015  
*Project Sponsor:* Michael Stanton Architects  
555 De Haro Street, #300  
San Francisco, CA 94107  
*Staff Contact:* Rick Crawford – (415) 558-6358  
[rick.crawford@sfgov.org](mailto:rick.crawford@sfgov.org)

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Suite 400  
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**415.558.6378**

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Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposed project would include the demolition of a vacant two-story-over-basement, 30-foot-tall, approximately 25,000-square-foot office and commercial building, and construction of a 15-story, 152-foot-tall, approximately 79,265 square-foot hotel. The proposed building would include an 8,000 square-foot basement, 3,240 square-foot of ground-floor retail space, 4,025 square feet of ground-floor circulation and building service space, and 72,000 square feet of hotel space on floors two through 15, for a gross floor area of 79,265 square-feet and a building total of 87,265 square-feet. The project sponsor would request a 50-foot passenger loading space on Jessie Street. No off-street parking or loading would be provided. The project requires Conditional Use authorization under Planning Code Section 216(b) (i), Hotel, and a Determination of Compliance under Planning Code Section 309 (Permit Review in the C-3 District) with an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made an initial determination that 47,000 square feet of the proposed hotel uses would be subject to the requirements of the Housing for Large-Scale Development (Section 413), and Child-Care Requirements for Office and Hotel Development Projects (Section 414). The proposed project would require purchase of transferable development rights (TDR) pursuant to Planning Code Section 128, Transfer of Development Rights in C-3 Districts, and building permits from the Department of Building Inspection. This project lies within the C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.

### SITE DESCRIPTION AND PRESENT USE

The subject site is an approximately 8,000 sq. ft., rectangular, parcel located mid-block along between Fifth and Sixth Streets on the north side of Mission Street, with a rear lot line that abuts Jessie Street. The site is within the C-3-G District and a 160-F Height and Bulk District. At present, the Site is occupied by a

two-plus-story-over-basement; 30-foot tall building that contains about 8,000 square feet of office space and 17,000 square feet of former commercial film studio space. The existing building includes an approximately 9,000 square foot basement, which is approximately 1,000 square feet larger than the lot. Approximately 8,000 square feet of the existing basement will be retained as part of the Project, and the remaining 1,000 square feet, which extends underneath the sidewalk, would be filled and abandoned.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Project Site is located in the South of Market neighborhood just south of the Union Square/Downtown area, on the north side of Mission Street in the block bounded by Market, Fifth, Mission and Sixth Streets, to the north, east, south and west, respectively. The Project Site has frontage on Mission and Jessie Streets, with the primary frontage on Mission Street. The subject block along Mission Street consists of mixed-use, two to five story buildings on the west, and a five-story structure to the east. The second building to the east from the Project Site is a two-story masonry bank building on the northwest corner of Mission and Mint Streets. The historic two-story-over-basement Mint Building anchors the northwest corner of Mission and Fifth Streets. Mint Plaza, a publicly accessible open space is at the north end of Mint Street and continues on the north side of the old U.S. Mint Building to Fifth Street. The north side of Mint Plaza contains residential and office buildings up to 11 stories tall with ground-floor commercial spaces. Across Mission Street south of the Project Site at the southwest corner of Mission and Fifth Streets is the San Francisco Chronicle building and its adjacent surface parking lot to the west (directly across Mission Street from the Project Site). The Fifth and Mission garage occupies the southeast corner of that intersection and extends along Mission Street to Fourth Street. The Hotel Pickwick occupies the northeast corner of Fifth and Mission Streets.

## **ENVIRONMENTAL REVIEW**

On February 14, 2008, the Project Sponsor filed an application for environmental review, which was conducted pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (“CEQA”), the State CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.) (“CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”).

On June 3, 2009, a Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project was prepared and published for public review.

The Draft IS/MND was available for public comment until June 23, 2009.

On June 23, 2009, three separate appeals were filed on the Department’s decision to issue a Mitigated Negative Declaration by Sue Hestor on behalf of UNITE HERE Local 2, Deborah Jackman, General Manager for Nightgallery LLC, and Roger Patel, dba VJR Universal Chronicle Hotel.

On July 2, 2010, UNITE HERE Local 2 withdrew their appeal.

On December 16, 2010, the Planning Commission (“Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on the appeal of the IS/MND, Case No. 2008.0197E.

On December 16, 2010, the Commission upheld the Mitigated Negative Declaration and approved the issuance of the Final Mitigated Negative Declaration as prepared by the Planning Department and found that the contents of the Final Mitigated Negative Declaration and the procedures through which it was prepared, published, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31.

The Commission found the Final Mitigated Negative Declaration was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the Final Mitigated Negative Declaration for the Project in compliance with CEQA, CEQA Guidelines and Chapter 31. The findings in Commission Motion No. \_\_\_\_\_ (Motion upholding the Planning Department's decision to issue a Mitigated Negative Declaration for the proposed Project) are hereby incorporated herein by reference.

### HEARING NOTIFICATION

| TYPE               | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
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| Classified News Ad | 20 days         | November 26, 2010    | November 24, 2010  | 22 days       |
| Posted Notice      | 20 days         | November 26, 2010    | November 24, 2010  | 22 days       |
| Mailed Notice      | 10 days         | December 6, 2006     | November 23, 2010  | 23 days       |

### PUBLIC COMMENT

- The Department has not received any public comment on this request.

### ISSUES AND OTHER CONSIDERATIONS

- The project provides significant benefits by increasing the supply of tourist hotel space in the Downtown area, creating new jobs in a location that is easily accessible by a multitude of transit services. The project will also result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.
- The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just one block from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within couple blocks from the proposed Transbay Terminal providing convenient access to other transportation service.
- The project has been designed to complement the existing development and neighborhood by providing features such as significant setbacks at the Mission Street façade above the sixth level.

### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization and Section 309 determination of compliance with an exception for ground-level wind currents for the construction of a hotel containing approximately 72,000 square feet of hotel space for 172 hotel rooms, and approximately 3,240 square feet of ground floor retail space at 942 Mission Street within a C-3-G district

## **BASIS FOR RECOMMENDATION**

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project provides a necessary service to the tourist industry.
- The project will redevelop an underutilized site.
- The Project Site is well served by transit; therefore the project should not impact traffic.
- The proposed project meets all applicable requirements of the Planning Code and advances the objectives and policies of the General Plan.

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| <b>RECOMMENDATION:</b> <b>Approval with Conditions</b> |
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**Attachments:**

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Environmental Determination
- Photographs
- Reduced Plans

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motions               | Drawings: <u>Existing Conditions</u>                          |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>                             |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Health Dept. review of RF levels     |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> RF Report                            |
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Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_  
Planner's Initials

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## **BASIS FOR RECOMMENDATION**

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| <b>RECOMMENDATION:</b> <b>Approval with Conditions</b> |
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Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- Public Art

- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Transit Impact Development Fee
- Public Open Space
- Other

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## Planning Commission Draft Motion Conditional Use

HEARING DATE: DECEMBER 16, 2010

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**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 303 AND 216(b)(i), TO A ALLOW TOURIST HOTEL USE WITH UP TO 172 GUEST ROOMS AT 942 MISSION STREET (ASSESSOR'S BLOCK 3704, LOT 015), IN THE C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT AND 160-F HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On March 11, 2009, Mint Development, LP (Project Sponsor), applied for a Conditional Use Authorization under Section 303, Application No. 2008.0197C, on the property at 942 Mission Street (Assessor's Block 3704, Lot 015) (Project Site), in connection with a proposal to demolish an existing two-plus-story-over-basement, 30-foot tall building, and to construct a 15-story, 152-foot-tall building containing approximately 79,265 square feet of area, including approximately 72,000 square feet of hotel use for 172 hotel rooms, and approximately 3,240 square feet of retail space (Project), in general conformity with plans July 22, 2009 and labeled **Exhibit B**. The Project Site is within a C-3-G District, and a 160-F Height and Bulk District.

On February 14, 2008, the Project Sponsor filed an application for environmental review, which was conducted pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), the State CEQA Guidelines (14 California Code of Regulations Sections 15000 et seq.) ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On June 3, 2009, a Draft Initial Study/Mitigated Negative Declaration ("IS/MND") for the Project was prepared and published for public review.

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The Commission found the Final Mitigated Negative Declaration was adequate, accurate and objective, reflected the independent analysis and judgment of the Department of City Planning and the Planning Commission, and approved the Final Mitigated Negative Declaration for the Project in compliance with CEQA, CEQA Guidelines and Chapter 31. The findings in Commission Motion No. \_\_\_\_\_ (Motion upholding the Planning Department's decision to issue a Mitigated Negative Declaration for the proposed Project) are hereby incorporated herein by reference.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2008.0197E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared a Mitigation Monitoring and Reporting Program ("MMRP"), contained in **Exhibit C**, which material was made available to the public and this Commission for this Commission's review, consideration and action.

On December 16, 2010, the Commission also conducted a duly noticed public hearing at a regularly scheduled meeting on the Conditional Use application. 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, the Planning Department staff, and other interested parties.

**MOVED**, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2008.0197C for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The subject site is an approximately 8,000 square foot, rectangular, parcel located mid-block along between Fifth and Sixth Streets on the north side of Mission Street, with a rear lot line that abuts Jessie Street. The site is within the C-3-G District and a 160-F Height and Bulk District. At present, the Site is occupied by a two-story-over-basement; 30-foot tall building that contains about 8,000 square feet of office space and 17,000 square feet of former commercial film studio space. The existing building includes an approximately 9,000 square foot basement, which is approximately 1,000 square feet larger than the lot. Approximately 8,000 square feet of the existing basement will be retained as part of the Project, and the remaining 1,000 square feet, which extends underneath the sidewalk, would be filled and abandoned.
3. **Surrounding Properties and Neighborhood.** The Project Site is located in the South of Market neighborhood just south of the Union Square/Downtown area, on the north side of Mission Street in the block bounded by Market, Fifth, Mission and Sixth Streets, to the north, east, south and west, respectively. The Project Site has frontage on Mission and Jessie Streets, with the primary frontage on Mission Street. The subject block along Mission Street consists of mixed-use, two to five story buildings on the west, and a five-story structure to the east. The second building to the east from the Project Site is a two-story masonry bank building on the northwest corner of Mission and Mint Streets. The historic two-story-over-basement Mint Building anchors the northwest corner of Mission and Fifth Streets. Mint Plaza, a publicly accessible open space is at the north end of Mint Street and continues on the north side of the old U.S. Mint Building to Fifth Street. The north side of Mint Plaza contains residential and office buildings up to 11 stories tall with ground-floor commercial spaces. Across Mission Street south of the Project Site at the southwest corner of Mission and Fifth Streets is the San Francisco Chronicle building and its adjacent surface parking lot to the west (directly across Mission Street from the Project Site). The Fifth and Mission garage occupies the southeast corner of that intersection and extends along Mission Street to Fourth Street. The Hotel Pickwick occupies the northeast corner of Fifth and Mission Streets.

Surrounding development on Jessie, Mint, Mission and Sixth Streets, both on the subject block and across those streets, includes a range of land uses, from residential hotels to ground-floor restaurant, retail, optometry, grocery, clothing, pawnshops, adult businesses, nightclub, professional offices, small manufacturing operations, and surface parking.

4. **Project Description.** The proposed project would include the demolition of a vacant two-story-over-basement, 30-foot-tall, approximately 25,000-square-foot office and commercial building, and construction of a 15-story, 152-foot-tall, approximately 79,265 square-foot hotel. The proposed building would include an 8,000 square-foot basement, 3,240 square-foot of ground-floor retail space, 4,025 square feet of ground-floor circulation and building service space, and 72,000 square feet of hotel space on floors two through 15, for a gross floor area of 79,265 square-feet and a building total of 87,265 square-feet. The project sponsor would request a 50-foot passenger loading space on Jessie Street. No off-street parking or loading would be provided. The project requires Conditional Use authorization under Planning Code Section 216(b) (i), Hotel, and a Determination of Compliance under Planning Code Section 309 (Permit Review in the C-3 District) with an exception under Section 309(a)(2) from the ground-level wind current requirement. The Planning Department has made an initial determination that 47,000 square feet of the proposed hotel uses would be subject to the requirements of the Housing for Large-Scale Development (Section 413), and Child-Care Requirements for Office and Hotel Development Projects (Section 414). The proposed project would require purchase of transferable development rights (TDR) pursuant to Planning Code Section 128, Transfer of Development Rights in C-3 Districts, and building permits from the Department of Building Inspection. This project lies within the C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
5. **Public Comment.** The Department has not received any public comment on this request.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Hotels and Motels.** Planning Code Section 303(g)(1) establishes additional criteria for consideration of applications for development of tourist hotels and motels.
    - i. The impact of the employees of the hotel or motel on demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

*Impact of hotel employees on housing: The addition of up to 172 new hotel rooms is not anticipated to have a significant impact on housing. Due to the Project's location close many transit services; many employees are anticipated to be existing local residents.*

*Impact of hotel employees on public transit: The project site is located close to many transit services, and thus it is anticipated that a high percentage of employees will utilize public transit to get to work. As employees will be distributed between different daily shifts, and since there are numerous transit options within blocks of the site, the project should have minimal impacts on public transit.*

*Impact of hotel employees on child care: The employees would have no measurable impact on child care, as the anticipated number of workers that the project would add to the City's overall work force is not significant.*

*Impact of hotel employees on other social services: The proposed hotel use would have no appreciable impact on other social services. The Project may provide new employment for some currently unemployed workers. Providing additional job opportunities to San Francisco residents may have some positive impact on existing needs for social services.*

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

*Many employees in a tourist hotel located in a downtown location are anticipated to retain their positions year-round, in contrast to resort hotel employees where employment fluctuates depending on the season. Thus, the employees are more likely to be local residents.*

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

*According to historical ADR (average daily rate) and occupancy data compiled by PKF Consulting for the San Francisco Convention & Visitors Bureau, the San Francisco hotel market substantially and steadily increased between 1991 and 2000, rising from an average annual occupancy rate of 66.2% in 1991 to 81.7% in 2000. During this same time period, the average daily room rate increased from \$111.55 to \$169.74. Due to the events of September 11, 2001 and the general economic downturn, the occupancy rate declined in 2001 to 67.7%, and further down to 65.4% in 2002. However, since 2003, the average occupancy rate has steadily increased from 68.1% in 2003 to 77.9% in 2007. Similarly, the average daily room rate increased from \$144.81 in 2003 to \$182.28 in 2007. The increase in new hotel rooms proposed by the Project is supported by the market demand according to the recent San Francisco hotel occupancy and rate trends, outlined above.*

*The Project will positively impact the available tourist hotel room supply by adding up to 172 new hotel rooms at a time when some existing hotels are seeking to convert their tourist hotel rooms into residential uses, which has triggered the need for the adoption of a Large Tourist Hotel Conversion Ordinance that regulates the number of tourist hotel rooms that can be eliminated from the City's supply. The Project will help fill-in the loss of the initial up to 500 tourist hotel rooms that are allowed to be convert under the Tourist Hotel Conversion Ordinance.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- B. 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 site is located in the C-3-G Downtown General Commercial District, which was created to provide for a variety of use, including hotels, which often have a Citywide or regional function. The*

*existing neighborhood is representative of the zoning designation, and includes a wide range of uses from residential to restaurants, offices, retail, parking and other uses. The proposed hotel use is desirable at this location due to its proximity to attractions, downtown businesses and other places and services frequently visited by hotel patrons. No off-street parking is provided within the Project recognizing its excellent location and easy access to a variety of transit services. The project's proposed height at 152 feet corresponds with the site's 160-F height and bulk district, which allows building heights up to 160 feet.*

*In sum, the Project would provide for a development that is necessary and desirable for and compatible with the existing neighborhood and community.*

- C. 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 has been designed, and is situated, in a way that minimizes its appearance and presence at the street. The Property is located mid-block on a lot that fronts both Mission and Jessie Streets. The first six floors of the proposed building are built up to the property lines, however at the seventh level, and above, significant setbacks are provided so that the "tower" is situated approximately 40 feet away from the Mission Street façade, and approx. 10 feet away from the Jessie Street façade. At the 13<sup>th</sup> level the Jessie Street setback is increased to 20 feet. The setbacks provide for a better transition to the adjacent buildings, especially on Mission Street, where the Project is flanked by four- and five-story buildings, by creating an appearance of a six-story building at the street façade.*

*At the Mission Street façade, use of different materials further differentiates between the building base and tower portions; with the base using primarily terra cotta finish and the tower using a more modern aluminum finish.*

*The Project is fully compliant with the Code prescribed height and bulk limits. The 160-F designation would allow a maximum building height of 160 feet, and maximum length dimension of 110 feet, and diagonal dimension of 140 feet for building height exceeding 80 feet. The Project has a height of 152 feet, and above 80-foot height, a length dimension of 100 feet, and diagonal dimension of 106 feet, and thus the Project is well within the height and bulk limits. The Project is an appropriately located high-density in-fill project that does not overwhelm or dominate the neighborhood.*

*The Project will allow the currently underutilized site to be developed with an appropriate higher density use that is necessary to serve office, business and tourist uses and sectors located in the C-3-G District. Moreover, the proposed use at this site is in an ideal location close to transit, businesses, attractions and other services frequented by hotel patrons.*



*The Project also includes ground-floor retail uses at both facades (Mission and Jessie Street), contributing to the pedestrian experience and providing additional services to the building visitors and other neighbors.*

- 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;

*No off-street parking is required by the Planning Code, and none is provided by the Project. The lack of off-street parking eliminates the need for any curb cuts, thus improving and preserving pedestrian use of the sidewalks that front the building, and eliminating the potential for pedestrian and vehicular conflicts on Mission and/or Jessie Streets. The lack of parking access on either façade also allows the Project to maximize the use of the relatively narrow 50-foot wide street frontages for necessary pedestrian hotel access and retail opportunities. The Project also does not require, or provide, any off-street loading facilities. However, in order to improve patron/visitor arrivals and departures, as well as freight loading needs, the Project Sponsor has agreed to seek approval of an installation of a 50-foot white passenger zone along the Project's Jessie Street frontage, and a 50-foot yellow freight loading zone along the Project's Mission Street frontage, from SFMTA. Additionally, the Negative Declaration prepared for the Project found that the projected traffic volumes and patterns would not have a significant impact on the environment.*

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

*Noxious or offensive emissions are not typically associated with hotel uses, and would conflict with the hotel's objectives. The retail opportunities are anticipated to be utilized by compatible neighborhood-serving uses that do not result in offensive noise, glare, dust or odor.*

- 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 comply with street tree, other landscaping, lighting and signage requirements. The Project does not include any off-street parking, and thus the Project's ground floor façade do not include any disruptive parking or loading access areas or entrances. The Project's rooftop is proposed to provide an approximately 1,800-sf common open space that will benefit not only the building patrons and employees, but also other neighborhood residents.*

- D. 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 complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

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

## COMMERCE ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

*The Project provides significant benefits by increasing the supply of tourist hotel space in the Downtown area, and thus creating new jobs in a location that is easily accessible by a multitude of transit services. It will result in an increase in tax revenue for the City and an increase in retail activity in the immediate neighborhood.*

#### **Policy 1.3:**

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

*The Project Site is located in the C-3-G (Downtown General Commercial) District which permits commercial uses. The Project Site is an ideal location for the Project and will provide tourist hotel uses in the Downtown area in close proximity to services and attractions frequented by tourists and business travelers.*

#### **OBJECTIVE 2:**

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

#### **Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*Due to its location in the Downtown Core area, the Project is anticipated to easily attract hotel patrons. The Project is centrally located and is close to many jobs and services. The Project Site is also conveniently accessible by multiple transit services.*

#### **OBJECTIVE 4:**

ENHANCE SAN FRANCISCO'S ROLE AS A TOURIST AND VISITOR CENTER.

**Policy 4.1:**

Guide the location of new hotels to minimize their adverse impacts on circulation, existing uses, and scale of development.

*The Project directly supports this policy by locating new tourist hotel rooms in a location that is geographically in close proximity to the attractions, entertainment, transit, retail and food services frequented by tourists.*

**OBJECTIVE 8:**

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

**Policy 8.1:**

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

*The proposed tourist hotel is ideally located close to many visitor attractions and services. With the addition of 172 new tourist hotel rooms at the Property, the Project directly supports this policy.*

**URBAN DESIGN ELEMENT**

**Objectives And Policies**

**OBJECTIVE 3:**

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

**Policy 3.1:**

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

**Policy 3.6:**

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

*The Project vicinity consists of a variety of building designs and scales. The Project has been designed to complement the existing development and neighborhood by providing features such as significant setbacks at the Mission Street façade above the sixth level.*

**DOWNTOWN PLAN ELEMENT**

**Objectives And Policies**

**OBJECTIVE 5:**

RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

**Policy 5.1:**

Provide space for support commercial activities within the downtown and in adjacent areas.

*With a significant addition of new hotel space, the Project directly supports this Policy by providing hotel services for business and tourists visiting the City for business trips to the nearby downtown offices, or for pleasure trips to many of San Francisco's attractions.*

**TRANSPORTATION ELEMENT**

**Objectives And Policies**

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The Project is located within an existing high-density downtown neighborhood. The Downtown Financial District has a multitude of transportation options. The Project Site is within one block of Market Street, and within few blocks of the Transbay Terminal, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply 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 Site does not currently contain any retail uses, and none will be displaced by the Project. The Project furthers this policy by proposing ground floor retail uses. Moreover, the addition of hotel uses will bring new employees and visitors to the Project Site and area, which would strengthen existing neighborhood retail operations and encourage new retail opportunities in the Project Site vicinity.*

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

*The Site does not currently contain any residential use, and thus the Project has no impact on the amount of existing housing.*

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

*The site does not currently contain any residential uses; however, the Project will promote this policy by contributing to the City's affordable housing supply by complying with the Section 314 Jobs-Housing Linkage Program.*

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

*The Project Site is situated in the downtown core and is well served by public transit. The Project Site is located just one block from Market Street, a major transit corridor that provides access to various Muni and BART lines. In addition, the Project Site is within couple blocks from the proposed Transbay Terminal providing convenient access to other transportation services.*

- 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 Site does not contain any industrial or service sector uses, and thus none will be displaced by the Project.*

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

*The Project will conform to the structural and seismic requirements of the San Francisco Building Code.*

- G. That landmarks and historic buildings be preserved.

*The Project Site does not contain any landmark or other historically significant improvements and is not located in any historic or preservation district. The Project will have no effect on this policy.*

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

*The Project Site is surrounded by existing urban development and is not located adjacent to parks or other public open spaces. Therefore, the Project is not expected to have any impact on this policy.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization is necessary and desirable and 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 Application No. 2008.0197C** for the proposed 15-story, 152-foot-tall Project with approximately 72,000 gross square feet of hotel space, and approximately 3,240 square feet of retail space subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with the Application as received on March 11, 2009 and plans dated July 22, 2009 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 No. XXXXX. 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.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 16, 2010.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 16, 2010

## Exhibit A

# Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval and the granting of certain exceptions pursuant to Section 309 is for a proposed hotel and ground floor retail project located on the property at 942 Mission Street, Lot 015 in Assessor's Block 3704, in general conformity with the plans stamped **Exhibit B** and dated December \_\_, 2010. The proposed Project would contain approximately 72,000 square feet of hotel space for 172 hotel rooms, and approximately 3,240 square feet of retail space in a 15-story, 152-foot-tall building. The Project Site is within a C-3-G District and a 160-F Height and Bulk District.

### 1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. The Project Sponsor must also obtain a Determination of Compliance under Planning Code Section 309, and a building permit. 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 conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

### 2. GENERAL CONDITIONS

#### A. Mitigation and Improvement Measures

The Mitigation Measures and the MMRP identified in the Project's Mitigated Negative Declaration shall be enforceable as conditions of approval and are accepted by the Project Sponsor or its successor in interest, as shown in **Exhibit C** attached.

#### B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

#### C. Recordation

Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning

Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

**D. Reporting**

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

**E. Construction**

- (1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
- (2) The project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

**F. Performance**

- (1) A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion.
- (2) This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

**G. Severability**

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

**H. First Source Hiring**



The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

A. Design

The Project Sponsor and the Project architects shall continue to work on aspects of design development with the Department.

B. Signage

The Project Sponsor shall develop a signage program for the Project, which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the project.

C. Lighting

The Project Sponsor shall develop a lighting program for the Project, which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the project.

D. Transferable Development Rights (TDR)

The Project Sponsor shall purchase the required number of TDR and secure a Notice of Use of TDR.

E. Pedestrian Streetscape Improvements

A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements as described in this Motion and in conformance with Planning Code Section 138.1, Section 143, and the Downtown Streetscape Plan.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST CONSTRUCTION DOCUMENT (ADDENDUM TO A BUILDING OR SITE) PERMIT

A. Jobs-Housing Linkage Fee

The Project Sponsor shall comply with the Jobs-Housing Linkage Fee as required by Planning Code Section 413. The net addition of gross square footage of hotel use subject to this requirement was determined to be 47,000 square feet.

Project sponsor has the option to defer payment of up to 85% of this fee until prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13 of the San Francisco Building Code

**B. Child Care Brokerage Services and Fees**

- (1) The Project Sponsor shall execute an agreement with the Department and the Mayor's Office of Community Development for the provision of childcare brokerage services and preparation of a childcare plan to be approved by the Director of Planning. The childcare plan and childcare brokerage services shall be designed to meet the goals and objectives set forth in Planning Code Section 165.
- (2) The Project Sponsor shall pay the Child Care Fee as required by Planning Code Section 314. The net addition of gross square footage of hotel use subject to this requirement was determined to be 47,000 square feet.

Project sponsor has the option to defer payment of up to 85% of this fee until prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13 of the San Francisco Building Code

**C. Design**

- (1) Final detailed building plans shall be reviewed and approved by the Planning Department before issuance of the first addendum to the site permit. Detailed building plans shall include a final site plan, parking plan, open space and landscaping plans, floor plans, elevations, sections, specifications of finish materials and colors, and details of construction.
- (2) Final architectural and decorative detailing, materials, glazing, color, and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to ensure a high design quality is maintained.
- (3) Highly reflective glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be permitted at pedestrian levels.
- (4) Per Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

**D. Usable Open Space**

A final plan showing location and area of common usable open space shall be submitted for review by, and shall be satisfactory to, the Director of the Department. The Project shall include the common usable open space generally as described in this Motion, as shown in Exhibit B. Trees, other landscaping and/or windscreens may be provided in the common open space areas to reduce wind speeds and provide sheltered areas that meet the usability requirement of Section 135.

E. Public Artwork

- (1) Pursuant to Section 449, the Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.
- (2) The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission.

F. Garbage and Recycling

The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided. Enclosed trash areas with provisions for separating recyclable and non-recyclable materials shall be provided for Project residents on each floor of the residential tower. These areas shall be indicated on the building plans.

5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY.

A. Pedestrian Streetscape Improvements

- (1) The Project Sponsor shall complete the City's standard pedestrian streetscape improvements as required by the Department of Public Works and shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.
- (2) Street trees shall be installed pursuant to the requirements set forth in Section 143. The species and locations shall be subject to approval by the Department of Public Works.

B. Public Artwork

- (1) The Applicant shall install the public art generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.
- (2) The Project Sponsor shall comply with Code Section 449(b) by providing a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site.

C. Emergency Preparedness Plan

An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and

to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

**EXHIBIT C: MITIGATION MONITORING AND REPORTING**

(Includes Text for Adopted Mitigation Measures)

| Adopted Mitigation Measures  | MONITORING AND REPORTING PROGRAM  |                                      |   |   |  |
|--|---|--------------------------------------|---|---|--|
|  | Responsibility for Implementation   | Mitigation Schedule                  | Mitigation Action   | Monitoring/Reporting Responsibility                                   | Monitoring Schedule  |
| <b>A-1 MITIGATION MEASURES</b>   |   |                                      |   |   |  |
| <b>AGREED TO BY PROJECT SPONSOR</b>  |   |                                      |   |   |  |
| <b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>  |   |                                      |   |   |  |
| <i>Mitigation Measure 1: Archaeological Resources</i>  |   |                                      |   |   |  |
| Based on the reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer (ERO) for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c). | Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO). | Prior to soil-disturbing activities. | Project sponsor to retain a qualified archeological consultant who shall report to the ERO. | Project sponsor, archeologist and Environmental Review Officer (ERO). | Complete when Project Sponsor retains qualified archaeological consultant. |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility for Implementation</b>                               | <b>Mitigation Schedule</b>      | <b>Mitigation Action</b>  | <b>Monitoring/Reporting Responsibility</b>  | <b>Monitoring Schedule</b>  |
|--|--|---------------------------------|---|---|---|
| <b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b> <i>Continued</i>   |  |                                 |   |   |   |
| <i>Mitigation Measure 1: Archaeological Resources</i>  |  |                                 |   |   |   |
| <p><i>Archeological Testing Program (ATP).</i> The archeological consultant shall prepare and submit to the ERO for review and approval and archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ol style="list-style-type: none"> <li>The proposed project shall be re-designed so as to avoid any adverse effect on the significant</li> </ol> | Project sponsor/ archeological consultant at the direction of the ERO. | Prior to any soils disturbance. | Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soils disturbing activities on the project site. | Archeological consultant, project sponsor, and ERO.                                 | Complete when project sponsor retains qualified archeological consultant, submits ATP and ERO approves ATP. |
|  |  | Same as above.                  | After completion of the Archeological Testing Program.  | Archeological consultant shall submit report of the findings of the ATP to the ERO. | Same as above.  |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility<br/>for<br/>Implementation</b> | <b>Mitigation<br/>Schedule</b> | <b>Mitigation<br/>Action</b> | <b>Monitoring/<br/>Reporting<br/>Responsibility</b> | <b>Monitoring<br/>Schedule</b> |
|--|--|--------------------------------|------------------------------|---|--------------------------------|
| <p>archeological resource; or</p> <p>2. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> |  |                                |                              |   |                                |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b>                                  | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b>   | <b>Monitoring/Reporting Responsibility</b>     | <b>Monitoring Schedule</b>  |
|---|---|---|--|--|---|
| <p><i>Archeological Monitoring Program (AMP).</i> The archeological monitoring program (AMP) shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</li> </ul> <p>The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant</p> | <p>Project sponsor and archaeological consultant at direction of ERO.</p> | <p>ERO &amp; archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.</p> | <p>Project sponsor/archeological consultant/archeological monitor/contractor(s) shall implement the AMP, if required by the ERO.</p> | <p>Project sponsor, archaeologist and ERO.</p> | <p>After consultation with and approval by ERO of AMP, and implementation of AMP.</p> |



**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b> | <b>Mitigation Action</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
|------------------------------------|--|----------------------------|--------------------------|--|----------------------------|
|------------------------------------|--|----------------------------|--------------------------|--|----------------------------|

archeological deposits; and

**CULTURAL AND PALEONTOLOGICAL RESOURCES**

*Continued*

**Mitigation Measure 1: Archeological Deposits Mitigation Measure Monitoring**

- |   |                       |                       |                       |                       |                       |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <ul style="list-style-type: none"> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</li> <li>▪ If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile</li> </ul> | <p>Same as above.</p> | <p>Same as above.</p> | <p>Same as above.</p> | <p>Same as above.</p> | <p>Same as above.</p> |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>   | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b> | <b>Mitigation Action</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
|--|--|----------------------------|--------------------------|--|----------------------------|
| <p>driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p> |  |                            |                          |  |                            |

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

**CULTURAL AND PALEONTOLOGICAL RESOURCES**

*Continued*

***Mitigation Measure 1: Archaeological Deposits Mitigation Measure Monitoring***

|  |  |  |  |  |   |
|--|--|--|--|--|---|
| <p><i>Archeological Data Recovery Program.</i> If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological</p> | <p>Archaeological consultant in consultation with ERO.</p> | <p>After determination by ERO that an archeological data recovery program is</p> | <p>Archaeologica l consultant to prepare an ADRP in consultation with ERO.</p> | <p>Archaeologica l consultant and ERO.</p> | <p>Considered complete upon approval of ADRP by ERO, and implementation</p> |
|--|--|--|--|--|---|

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b> | <b>Responsibility for Implementation</b> | <b>Mitigation Schedule</b> | <b>Mitigation Action</b> | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b> |
|------------------------------------|--|----------------------------|--------------------------|--|----------------------------|
|------------------------------------|--|----------------------------|--------------------------|--|----------------------------|

consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

required.

n of ARDP.

The scope of the ADRP shall include the following elements

- **Field Methods and Procedures.**  
 Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and Deaccession Policy.**  
 Description of and rationale for field and post-field discard and deaccession policies.
- **Interpretive Program.**  
 Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures  | Responsibility for Implementation              | Mitigation Schedule         | Mitigation Action  | Monitoring/Reporting Responsibility             | Monitoring Schedule  |
|--|--|-----------------------------|--|---|--|
| <b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b>  |  |                             |  |   |  |
| <i>Continued</i>   |  |                             |  |   |  |
| <i>Mitigation Measure 1: Archaeological Deposits Mitigation Measure Monitoring</i>   |  |                             |  |   |  |
| <ul style="list-style-type: none"> <li>▪ Security Measures.<br/>Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ Final Report. Description of proposed report format and distribution of results.</li> <li>▪ Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul>   | Archaeological consultant or medical examiner. | Discovery of human remains. | Notification of County/City Coroner and, as warranted, notification of NAHC. | Archaeologica l consultant and project sponsor. | Considered complete on finding by ERO that all State laws regarding human                      |
| <p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and</p> |  |                             |  |   | remains/ burial objects have been adhered to, consultation with MLD is completed as warranted. |

**MONITORING AND REPORTING PROGRAM**

| <b>Adopted Mitigation Measures</b>  | <b>Responsibility for Implementation</b>                                      | <b>Mitigation Schedule</b>  | <b>Mitigation Action</b>    | <b>Monitoring/Reporting Responsibility</b> | <b>Monitoring Schedule</b>   |
|---|---|---|-----------------------------|--|--|
| <p>associated or unassociated funerary objects.</p> <p><b>CULTURAL AND PALEONTOLOGICAL RESOURCES</b><br/> <i>Continued</i><br/> <b>Mitigation Measure 1: Archaeological Deposits Mitigation Measure Monitoring</b><br/> <i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> | <p>Project sponsor/ archeological consultant at the direction of the ERO.</p> | <p>Following completion of cataloguing, analysis, and interpretation of recovered archeological data.</p> | <p>Preparation of FARR.</p> | <p>Archaeologica l consultant and ERO.</p> | <p>FARR is complete on review and approval of ERO. Complete on certification to ERO that copies of FARR have been distributed.</p> |

Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

**MONITORING AND REPORTING PROGRAM**

| Adopted Mitigation Measures | Responsibility<br>for<br>Implementation | Mitigation<br>Schedule | Mitigation<br>Action | Monitoring/<br>Reporting<br>Responsibility | Monitoring<br>Schedule |
|-----------------------------|---|------------------------|----------------------|--|------------------------|
|-----------------------------|---|------------------------|----------------------|--|------------------------|

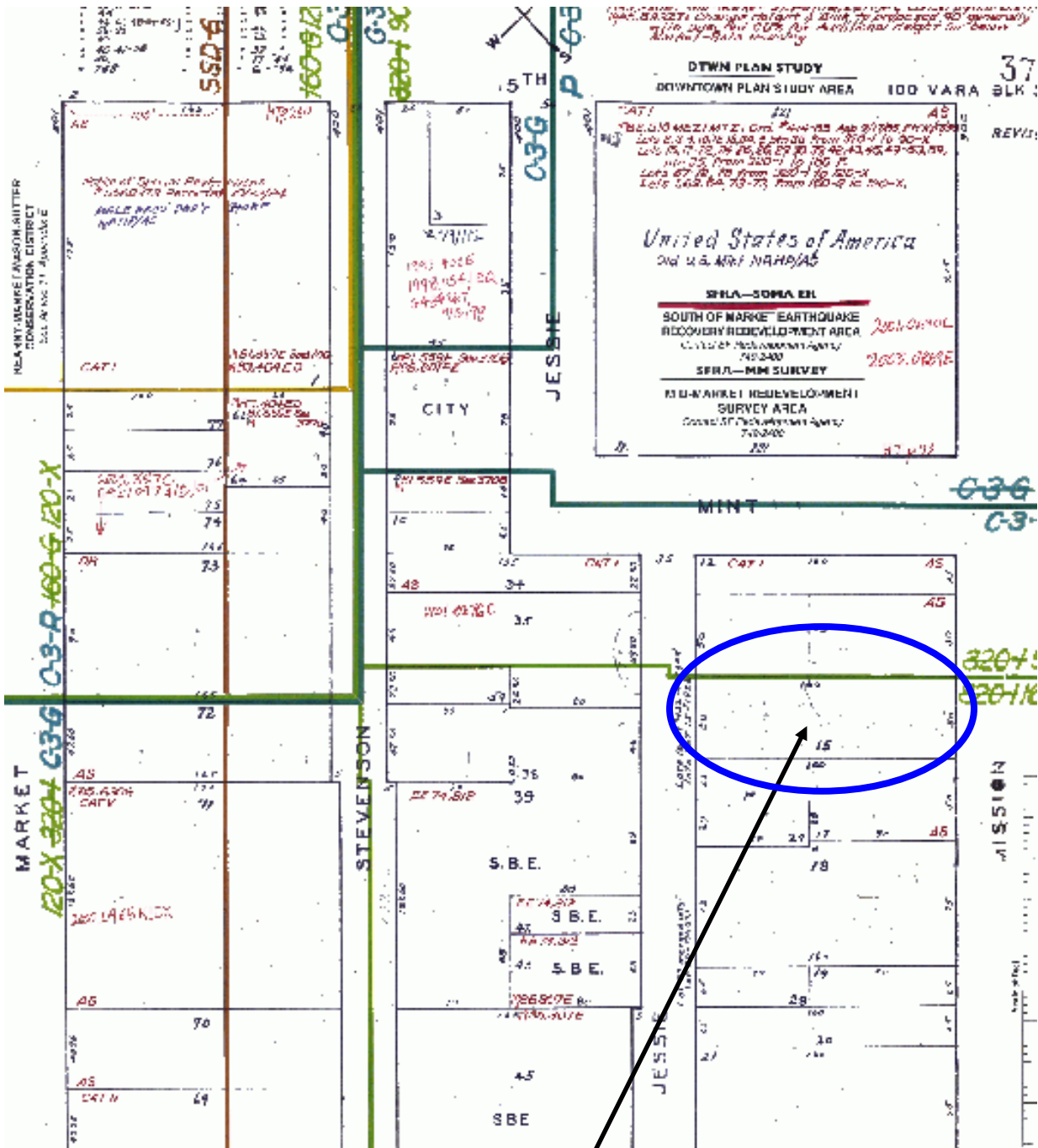
**HAZARDOUS MATERIALS**

*Mitigation Measure 2: Hazards (PCBs and Mercury)*

The project sponsor would ensure that building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, and fluorescent lights are performed prior to the start of demolition. Any hazardous materials so discovered would be abated according to federal, state, and local laws and regulations.

|                  |                                   |   |                  |   |
|------------------|-----------------------------------|---|------------------|---|
| Project sponsor. | Prior to the start of demolition. | Completion of building surveys for hazardous materials. | Project sponsor. | Considered complete upon issuance of building permit. |
|------------------|-----------------------------------|---|------------------|---|

# Parcel Map

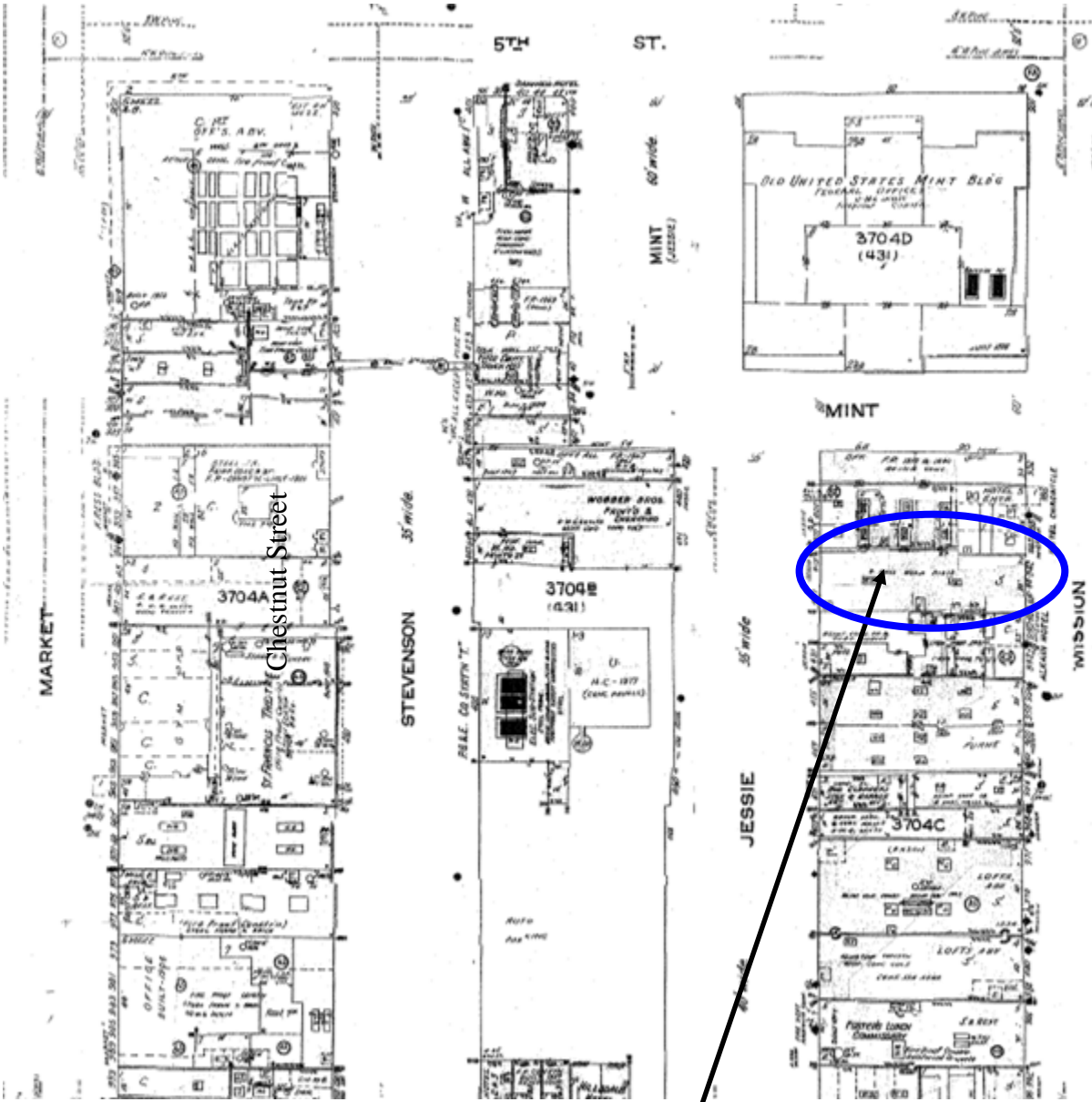


**SUBJECT PROPERTY**



Conditional Use and Section 309 Hearing  
 Case Number 2008.0197CX  
 942 Mission Street

# Sanborn Map\*



SUBJECT PROPERTY



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



# Zoning Map



## ZONING USE DISTRICTS

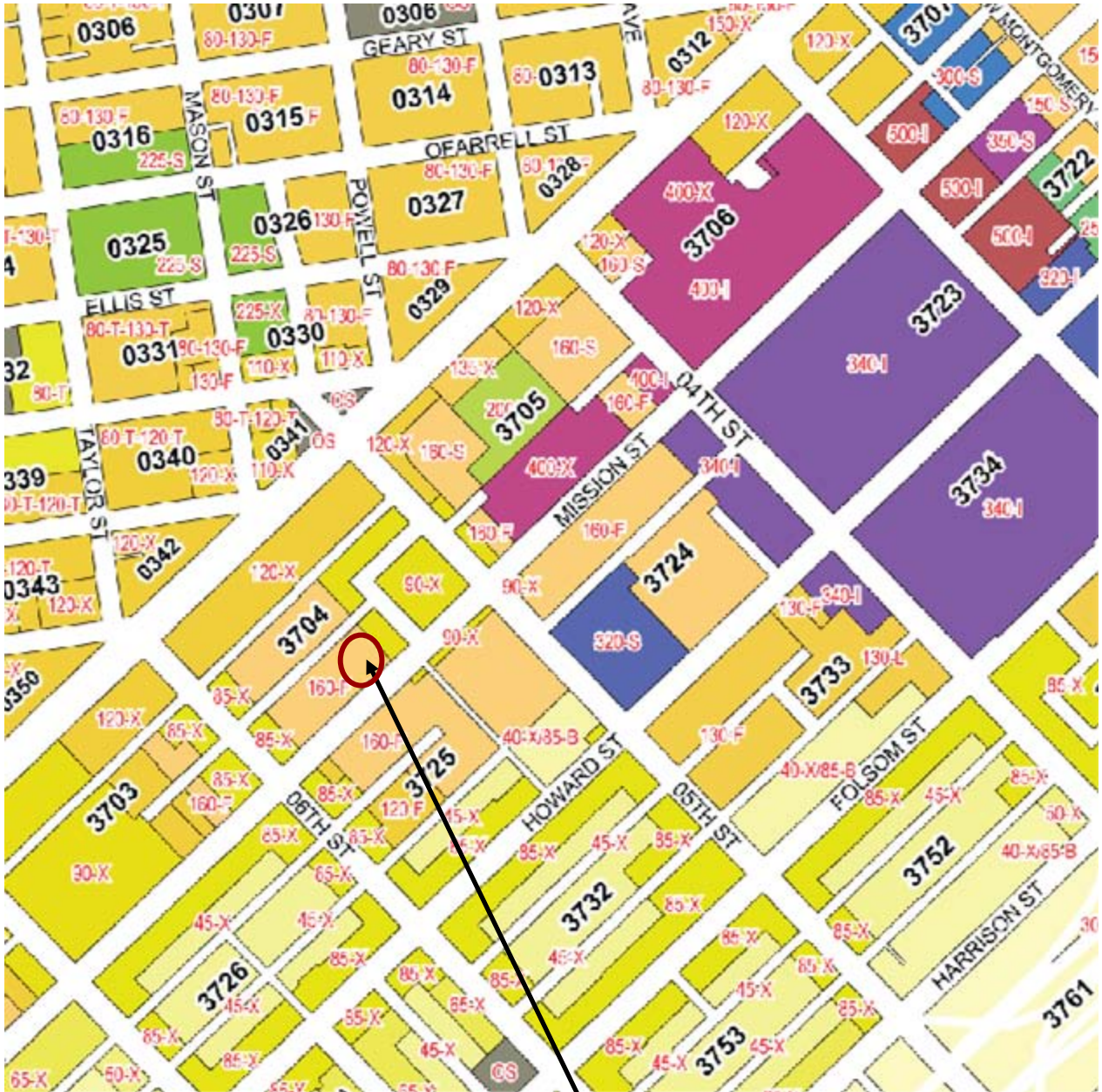
|  |       |         |       |       |
|--|-------|---------|-------|-------|
| RESIDENTIAL, HOUSE DISTRICTS                       |       |         |       |       |
| RH-1(D)  | RH-1  | RH-1(S) | RH-2  | RH-3  |
| RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS |       |         |       |       |
| RM-1   | RM-2  | RM-3    | RM-4  |       |
| NEIGHBORHOOD COMMERCIAL DISTRICTS                  |       |         |       |       |
| NC-1   | NC-2  | NC-3    | NCD   | NC-S  |
| SOUTH OF MARKET MIXED USE DISTRICTS                |       |         |       |       |
| SPD  | RED   | RSD     | SLR   | SLI   |
| SSO  |       |         |       |       |
| COMMERCIAL DISTRICTS                               |       |         |       |       |
| C-2  | C-3-S | C-3-G   | C-3-R | C-3-O |
| C-3-O(SD)  |       |         |       |       |
| INDUSTRIAL DISTRICTS                               |       |         |       |       |
| C-M  | M-1   | M-2     |       |       |

**SUBJECT PROPERTY**



Conditional Use and Section 309 Hearing  
 Case Number 2008.0197CX  
 942 Mission Street

# Height and Bulk Map



**SUBJECT PROPERTY**



## ZONING USE DISTRICTS

|  |       |         |       |       |          |
|--|-------|---------|-------|-------|----------|
| RESIDENTIAL HOUSE DISTRICTS                        |       |         |       |       |          |
| RH-1(D)  | RH-1  | RH-1(S) | RH-2  | RH-3  |          |
| RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS |       |         |       |       |          |
| RM-1   | RM-2  | RM-3    | RM-4  |       |          |
| NEIGHBORHOOD COMMERCIAL DISTRICTS                  |       |         |       |       |          |
| NC-1   | NC-2  | NC-3    | NCD   | NC-S  |          |
| SOUTH OF MARKET MIXED USE DISTRICTS                |       |         |       |       |          |
| SPD  | RED   | RSD     | SLR   | SLI   | SSO      |
| COMMERCIAL DISTRICTS                               |       |         |       |       |          |
| C-2  | C-3-S | C-3-G   | C-3-R | C-3-O | C-3-OISD |
| INDUSTRIAL DISTRICTS                               |       |         |       |       |          |
| C-M  | M-1   | M-2     |       |       |          |

Conditional Use and Section 309 Hearing  
 Case Number 2008.0197CX  
 942 Mission Street

# Aerial Photo



SUBJECT PROPERTY

Conditional Use and Section 309 Hearing  
Case Number 2008.0197CX  
942 Mission Street

# Site Photo



Conditional Use and Section 309 Hearing  
Case Number 2008.0197CX  
942 Mission Street

# Context Photos



SUBJECT PROPERTY

Conditional Use and Section 309 Hearing  
Case Number 2008.0197CX  
942 Mission Street

# Context Photos



Conditional Use and Section 309 Hearing  
Case Number 2008.0197CX  
942 Mission Street

# Context Photos



SUBJECT PROPERTY



Conditional Use and Section 309 Hearing  
Case Number 2008.0197CX  
942 Mission Street



# 942 HOTEL

## 942 MISSION STREET SAN FRANCISCO, CALIFORNIA

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CONDITIONAL USE HEARING  
07 DECEMBER, 2010

MINT DEVELOPMENT,  
L.L.C.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO,  
CALIFORNIA

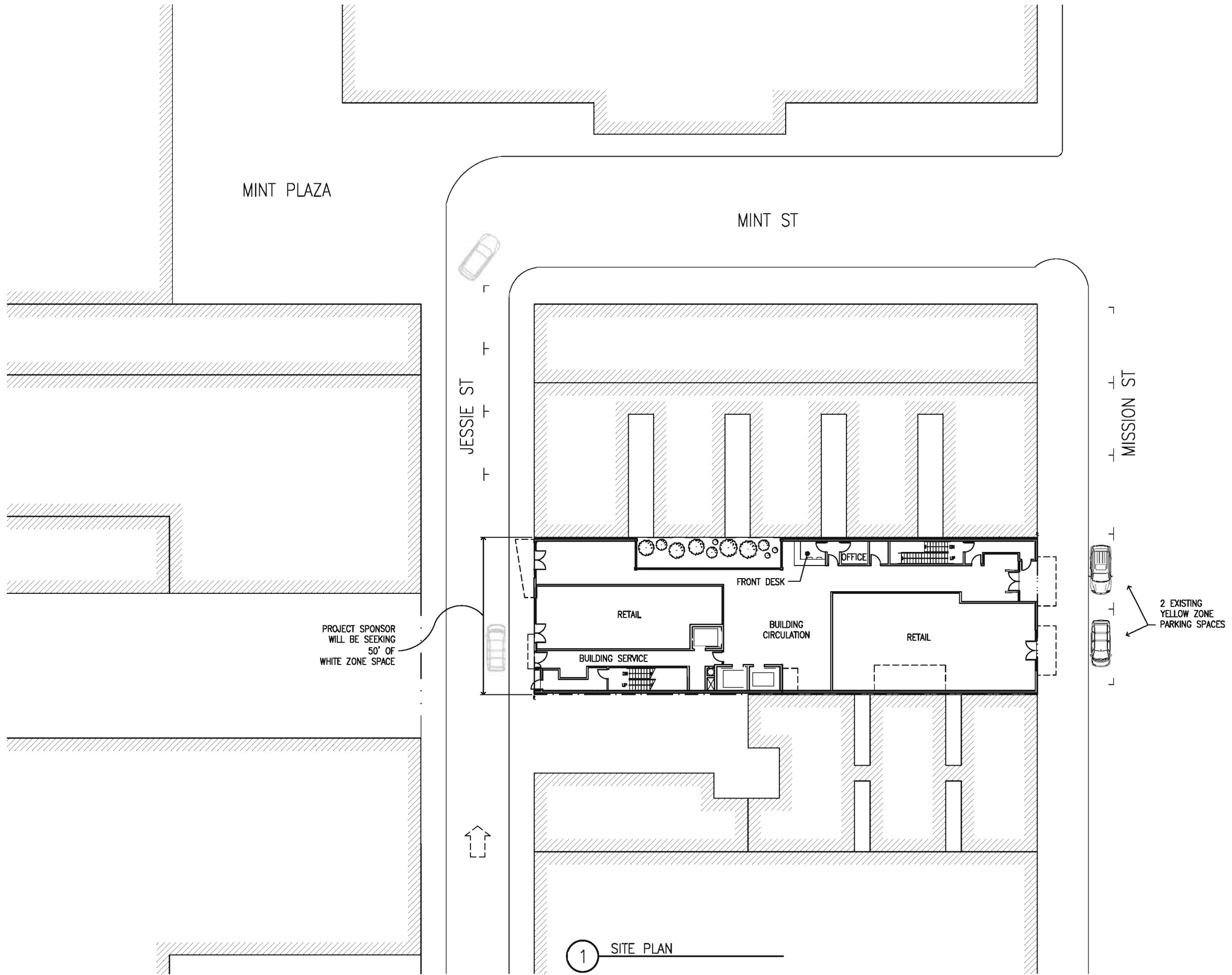
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94107-2261

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07 DECEMBER, 2010

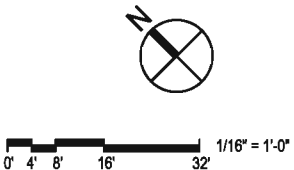




PROJECT SPONSOR  
WILL BE SEEKING  
50' OF  
WHITE ZONE SPACE

2 EXISTING  
YELLOW ZONE  
PARKING SPACES

1 SITE PLAN



MINT DEVELOPMENT,  
LLC.

942 HOTEL  
942 MISSION STREET  
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1 VIEW ACROSS MISSION STREET FROM 3RD FLOOR OF EXISTING BUILDING



2 VIEW ACROSS MISSION STREET FROM ROOF OF EXISTING BUILDING



3 VIEW OF EXISTING BUILDING ACROSS MISSION STREET



4 VIEW OF EXISTING BUILDING ACROSS MISSION STREET



5 VIEW OF EXISTING BUILDING AND SURROUNDINGS ALONG MISSION STREET

MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

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07 DECEMBER, 2010



1 MISSION STREET FACADE



2 MISSION STREET FACADE  
LOOKING DOWN AT PLANTED ROOF



3 MISSION STREET VIEW  
LOOKING SOUTH WEST



4 MISSION STREET VIEW  
LOOKING NORTH EAST

MINT DEVELOPMENT,  
LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO,  
CALIFORNIA

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CONDITIONAL USE HEARING  
07 DECEMBER, 2019



1 JESSIE STREET FACADE



2 JESSIE STREET VIEW  
LOOKING DOWN AT TERRACES WITH PLANTERS



3 JESSIE STREET VIEW  
LOOKING EAST AT TOWER



4 MISSION STREET VIEW  
LOOKING NORTH EAST AT HOTEL TOWER

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LLC.

942 HOTEL  
942 MISSION STREET  
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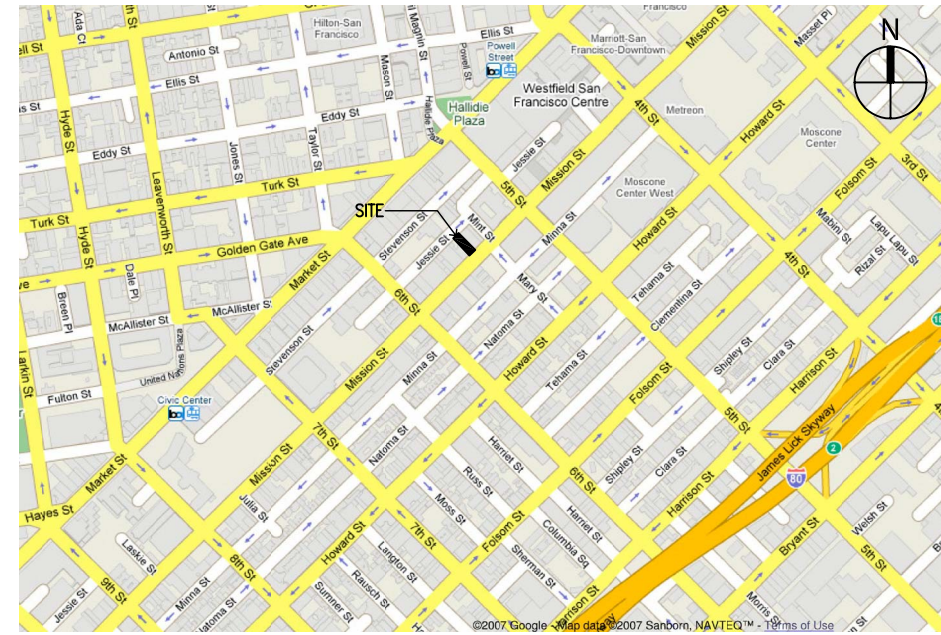
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010

**942 MISSION STREET SUMMARY PROGRAM**

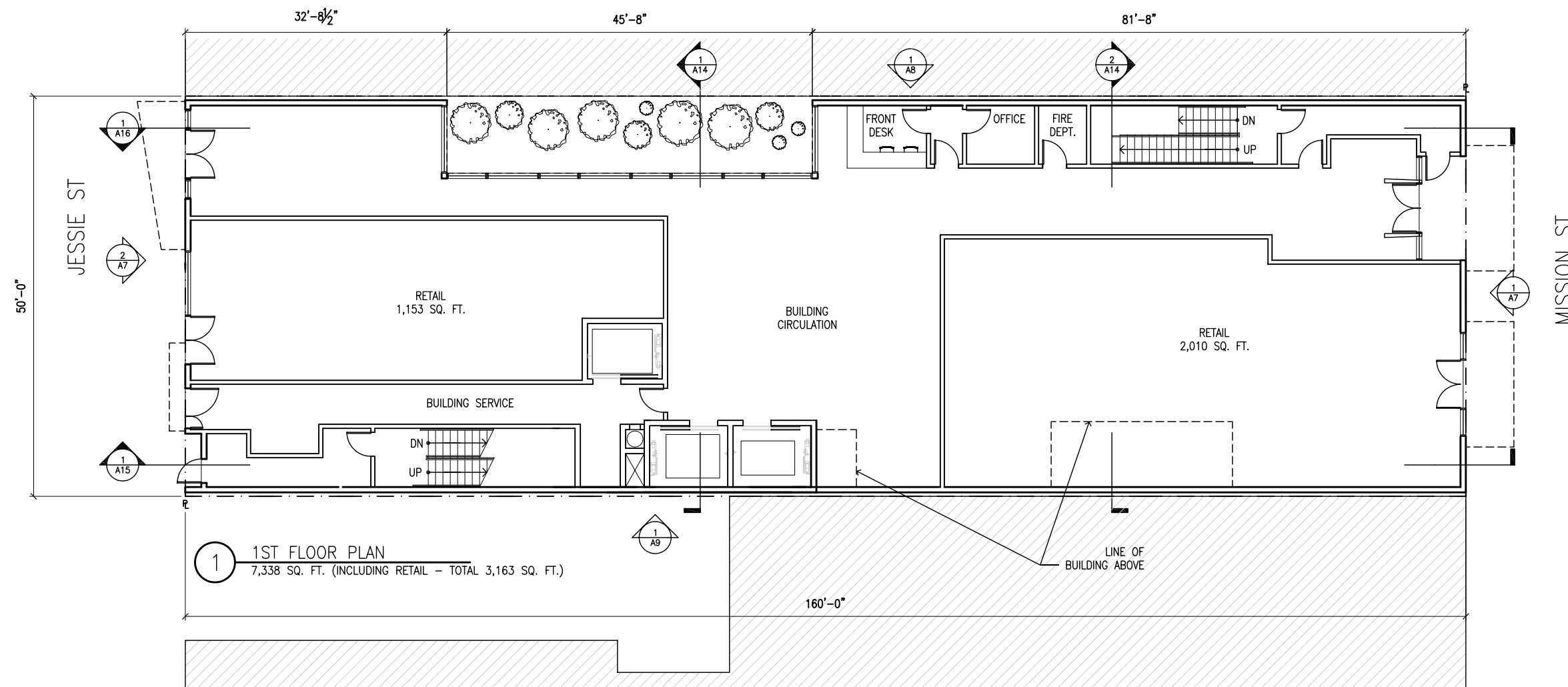
| Level | Elevation     | Use  | DD | Kings | Guestrooms      |               |    | Total      | Area (SF)   |
|-------|---------------|--|----|-------|-----------------|---------------|----|------------|---|
|       |               |  |    |       | Suites w/o deck | Suites w/deck |    |            |   |
| B*    | minus 10 feet | building service                               | 0  | 0     | 0               | 0             | 0  | 0          | 8,000   |
| 1     | street level  | retail, building service, building circulation | 0  | 0     | 0               | 0             | 0  | 0          | 7,338   |
| 2     | 15 feet**     | guestrooms                                     | 6  | 9     | 2               | 0             | 17 | 17         | 7,175   |
| 3     | 24.5 feet     | guestrooms                                     | 6  | 9     | 2               | 0             | 17 | 17         | 7,175   |
| 4     | 34 feet       | guestrooms                                     | 6  | 9     | 2               | 0             | 17 | 17         | 7,175   |
| 5     | 43.5 feet     | guestrooms                                     | 6  | 9     | 2               | 0             | 17 | 17         | 7,175   |
| 6     | 53 feet***    | guestrooms                                     | 6  | 5     | 1               | 2             | 14 | 14         | 6,614   |
| 7     | 63.5 feet     | guestrooms                                     | 1  | 8     | 0               | 2             | 11 | 11         | 4,445   |
| 8     | 73 feet       | guestrooms                                     | 1  | 10    | 0               | 0             | 11 | 11         | 4,344   |
| 9     | 82.5 feet     | guestrooms                                     | 1  | 10    | 0               | 0             | 11 | 11         | 4,344   |
| 10    | 92 feet       | guestrooms                                     | 1  | 10    | 0               | 0             | 11 | 11         | 4,344   |
| 11    | 101.5 feet    | guestrooms                                     | 1  | 10    | 0               | 0             | 11 | 11         | 4,344   |
| 12    | 111 feet      | guestrooms                                     | 1  | 10    | 0               | 0             | 11 | 11         | 4,344   |
| 13    | 120.5 feet    | guestrooms                                     | 1  | 7     | 0               | 1             | 9  | 9          | 3,752   |
| 14    | 130 feet      | guestrooms                                     | 1  | 3     | 1               | 2             | 7  | 7          | 3,348   |
| 15    | 139.5 feet    | guestrooms                                     | 1  | 6     | 1               | 0             | 8  | 8          | 3,348   |
| Roof  | 149 feet****  | mechanical                                     | 0  | 0     | 0               | 0             | 0  | 0          | 0   |
|       |               |  |    |       |                 |               |    | <b>172</b> | <b>87,265</b>                                     |
|       |               |  |    |       |                 |               |    |            | <b>71,927</b>                                     |
|       |               |  |    |       |                 |               |    |            | <b>area counting towards 72,000 allowable FAR</b> |

\* Existing basement will remain with approximately 1,000 square feet under the public sidewalk filled in and abandoned  
 \*\*Floor-to-floor is 15 feet at grade level for stair transitions and possible mechanical mezzanines  
 \*\*\*Floor-to-floor is 10 feet 6 inches at this level to transition plumbing systems  
 \*\*\*\*Floor-to-floor is 10 feet 6 inches at roof to transition mechanical and slope roof to drain

SUMMARY OF DEVELOPMENT



VICINITY MAP



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942 HOTEL

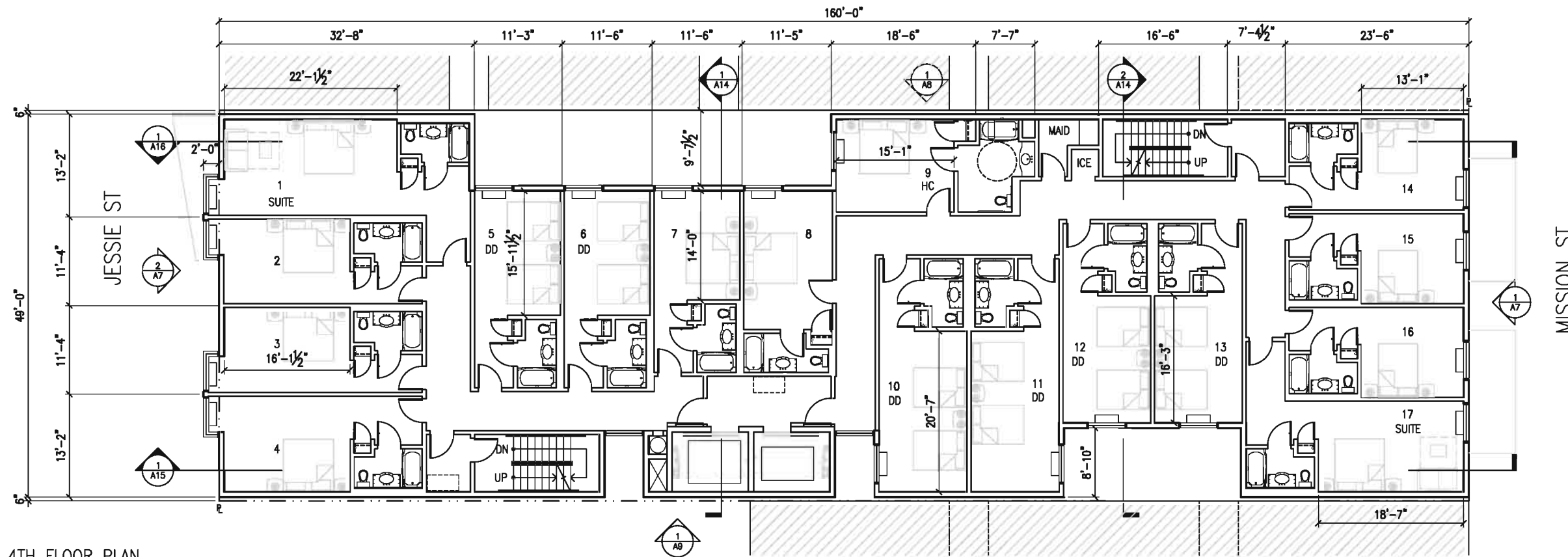
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

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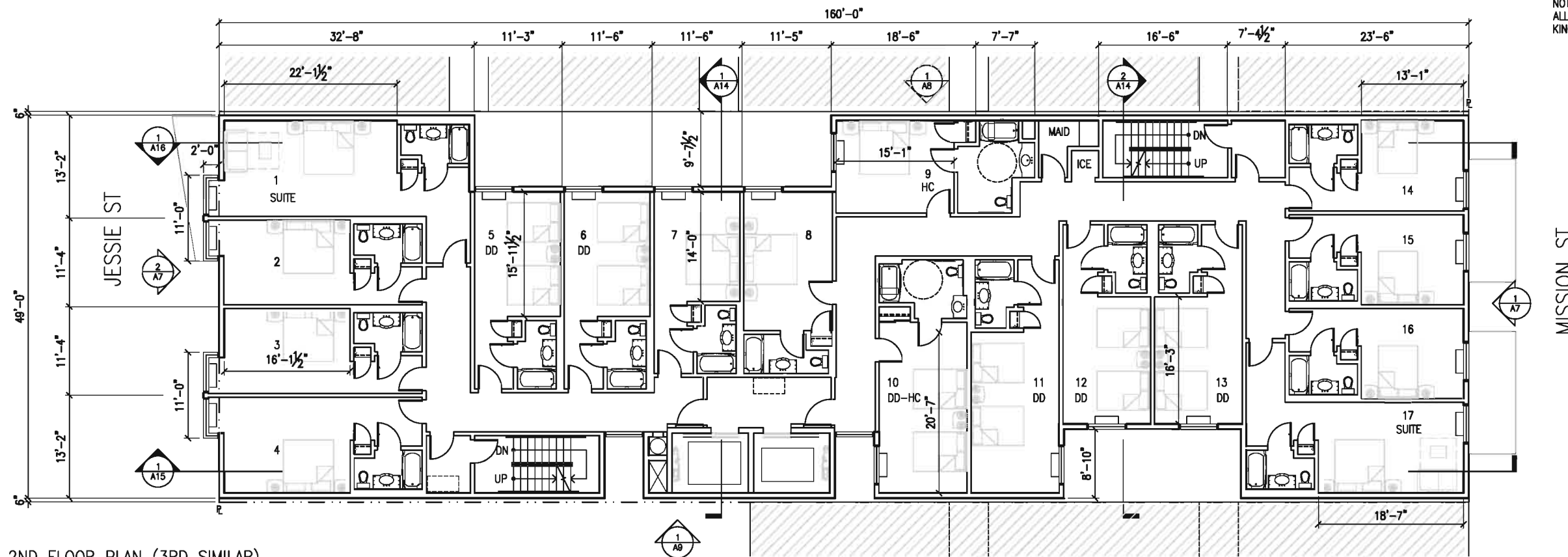
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PROJECT# 2712  
CONDITIONAL USE HEARING  
07 DECEMBER, 2010



2 4TH FLOOR PLAN  
7,175 SF



1 2ND FLOOR PLAN (3RD SIMILAR)  
7,175 SF

NOTE: UNLESS NOTED OTHERWISE, ALL ROOMS ARE KINGS



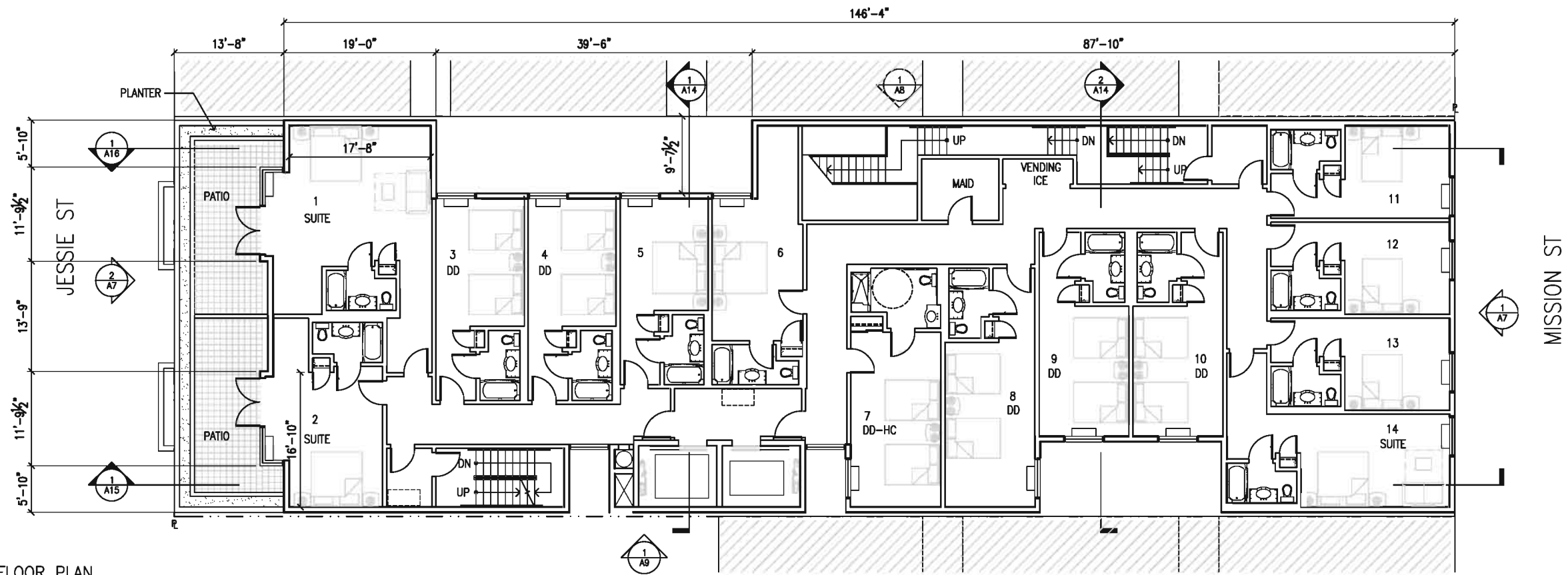
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942 MISSION STREET  
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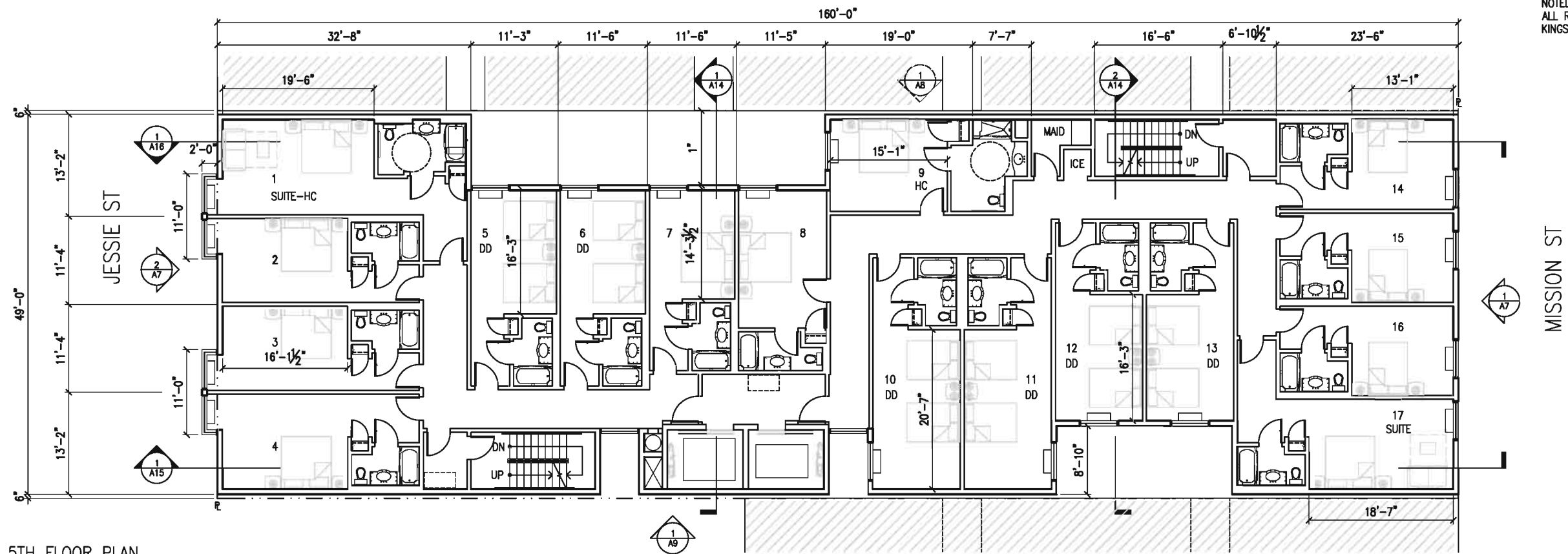
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PROJECT # 2712  
CONDITIONAL USE HEARING  
07 DECEMBER, 2010



2 6TH FLOOR PLAN  
6,614SF



1 5TH FLOOR PLAN  
7,175 SF

NOTE: UNLESS NOTED OTHERWISE, ALL ROOMS ARE KINGS

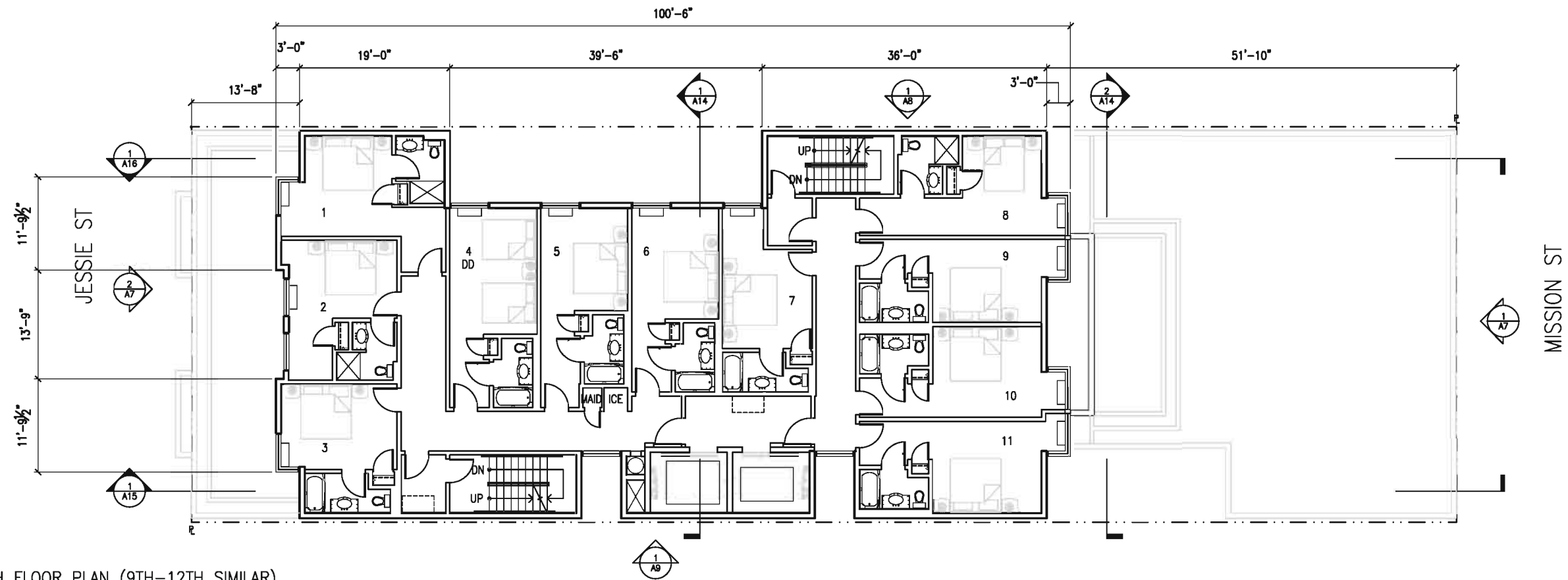


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942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

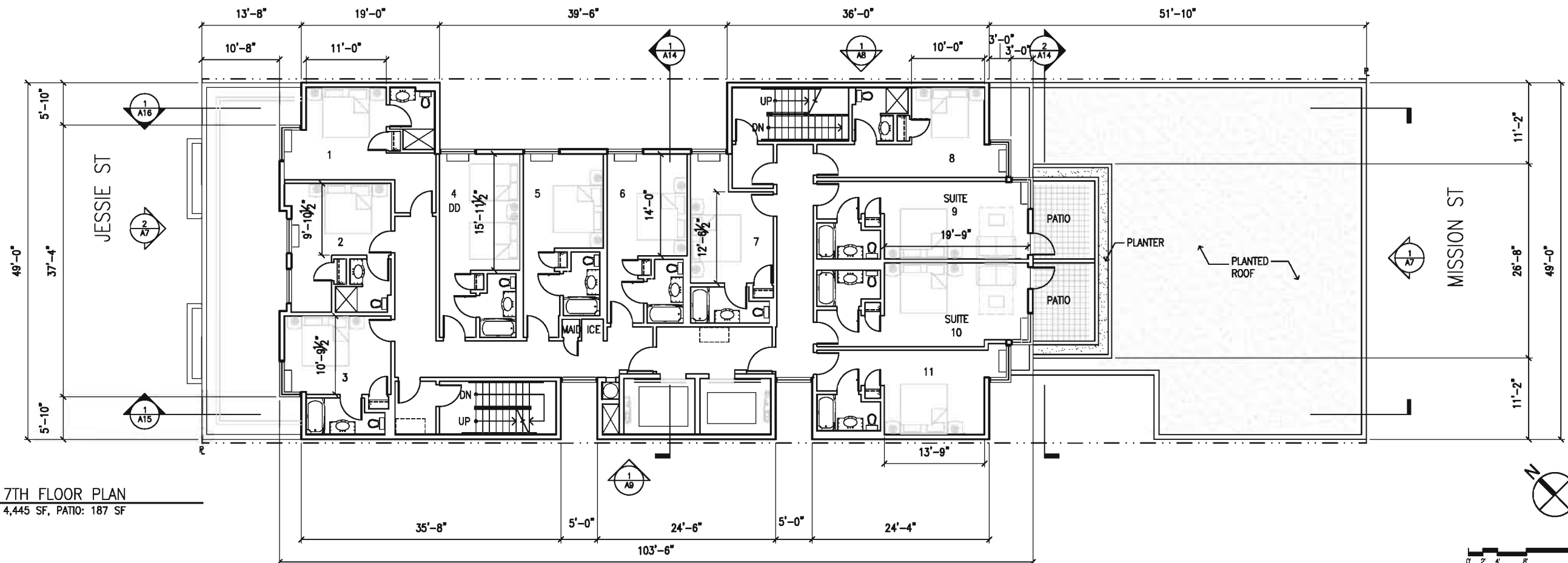
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SAN FRANCISCO, CALIFORNIA  
94107-2351

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PROJECT # 2712  
CONDITIONAL USE HEARING  
07 DECEMBER, 2010



2 8TH FLOOR PLAN (9TH-12TH SIMILAR)  
4,344 SF



1 7TH FLOOR PLAN  
4,445 SF, PATIO: 187 SF

MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

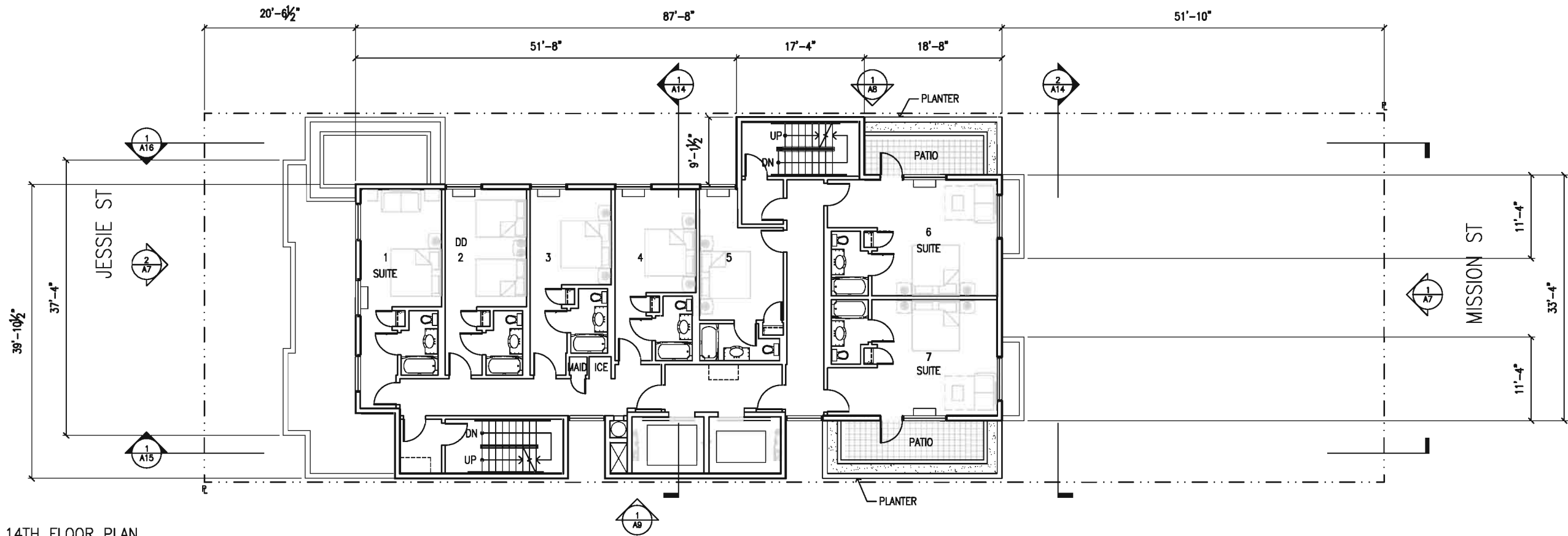
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ESSE DE HARO, SUITE 200  
SAN FRANCISCO, CALIFORNIA  
94107-2351

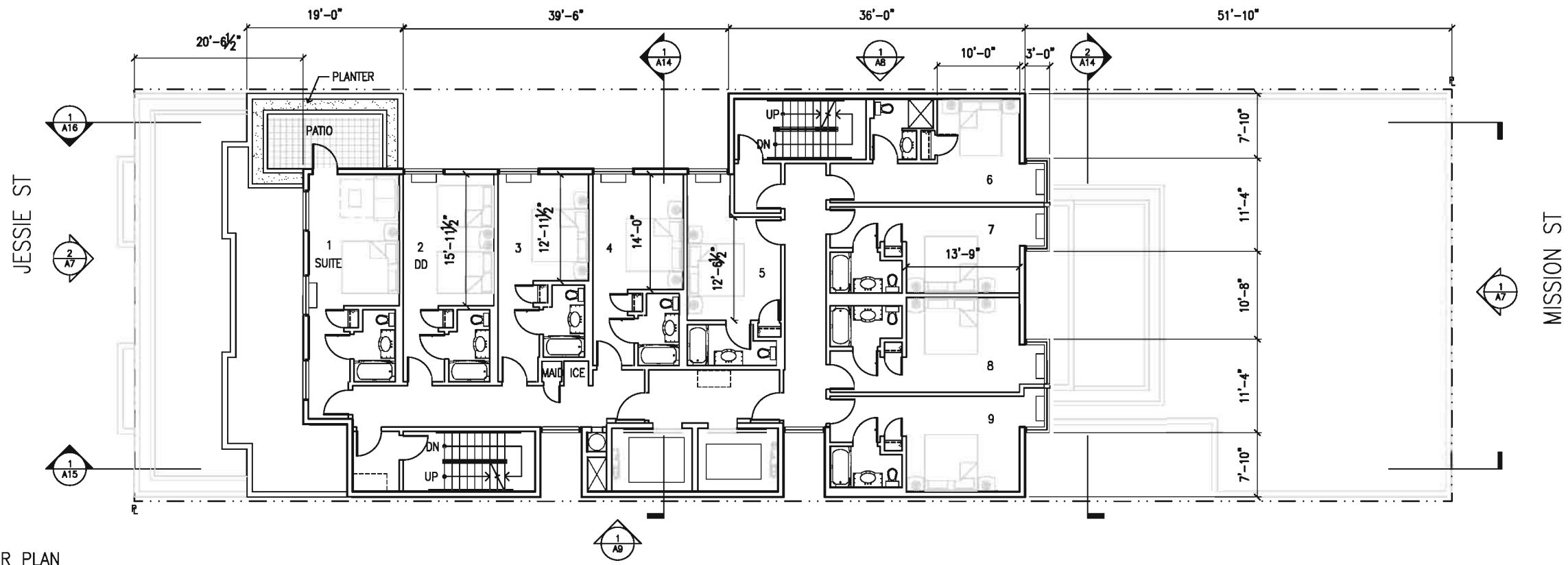
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010

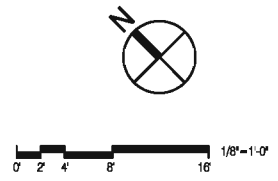




2 14TH FLOOR PLAN  
3,348 SF, PATIO 194 SF



1 13TH FLOOR PLAN  
3,752 SF



MINT DEVELOPMENT, LLC.

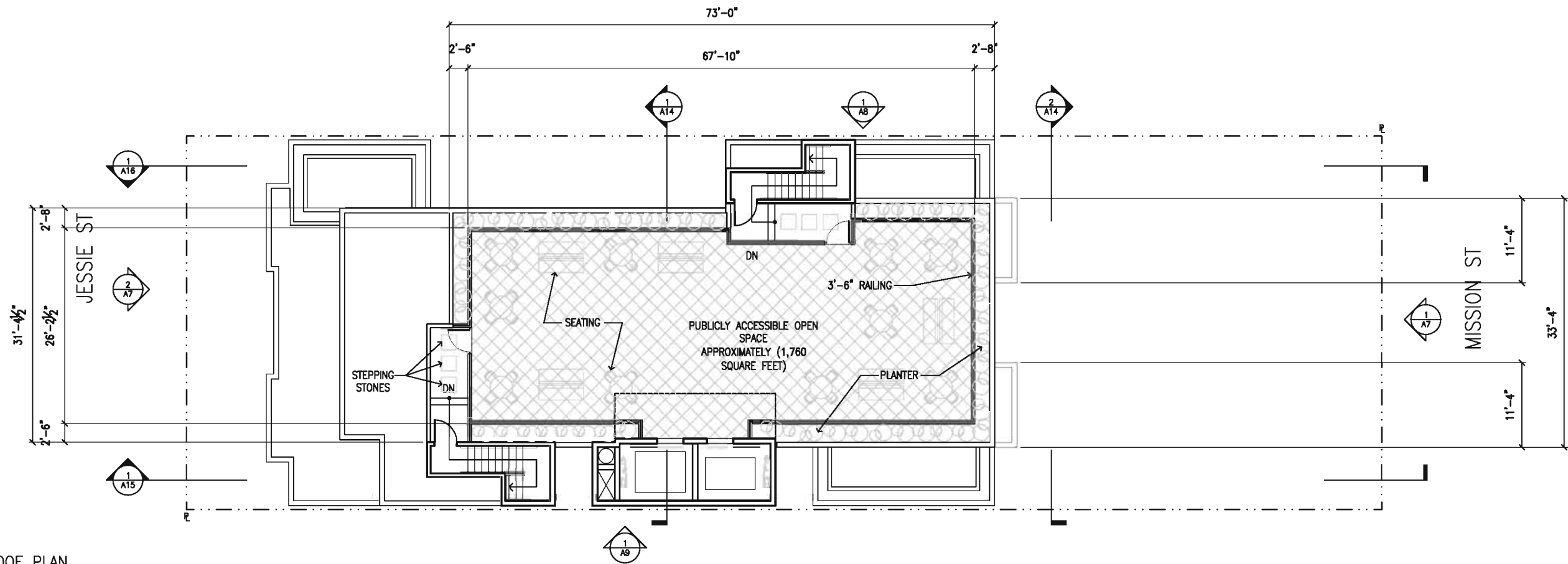
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SAN FRANCISCO, CALIFORNIA

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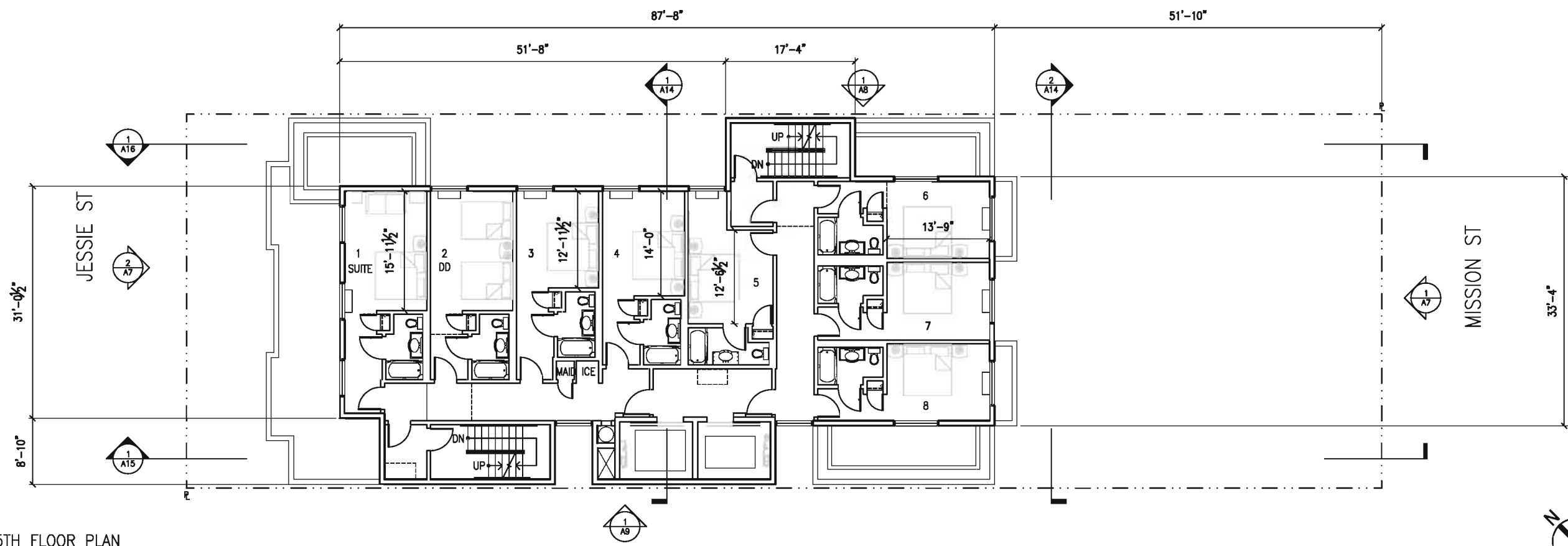
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010



2 ROOF PLAN



1 15TH FLOOR PLAN  
3,348 SF



MINT DEVELOPMENT, LLC.

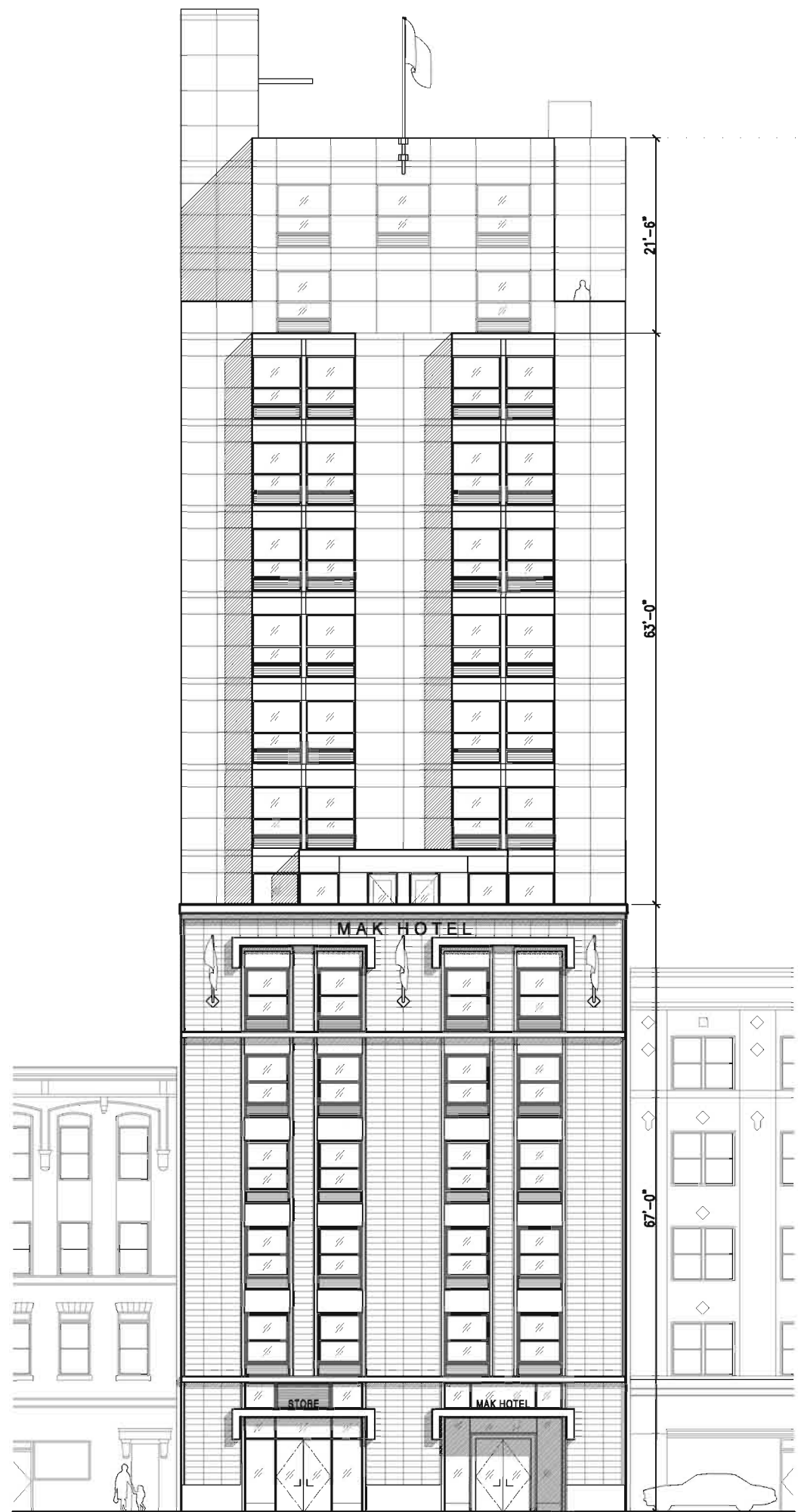
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SAN FRANCISCO, CALIFORNIA

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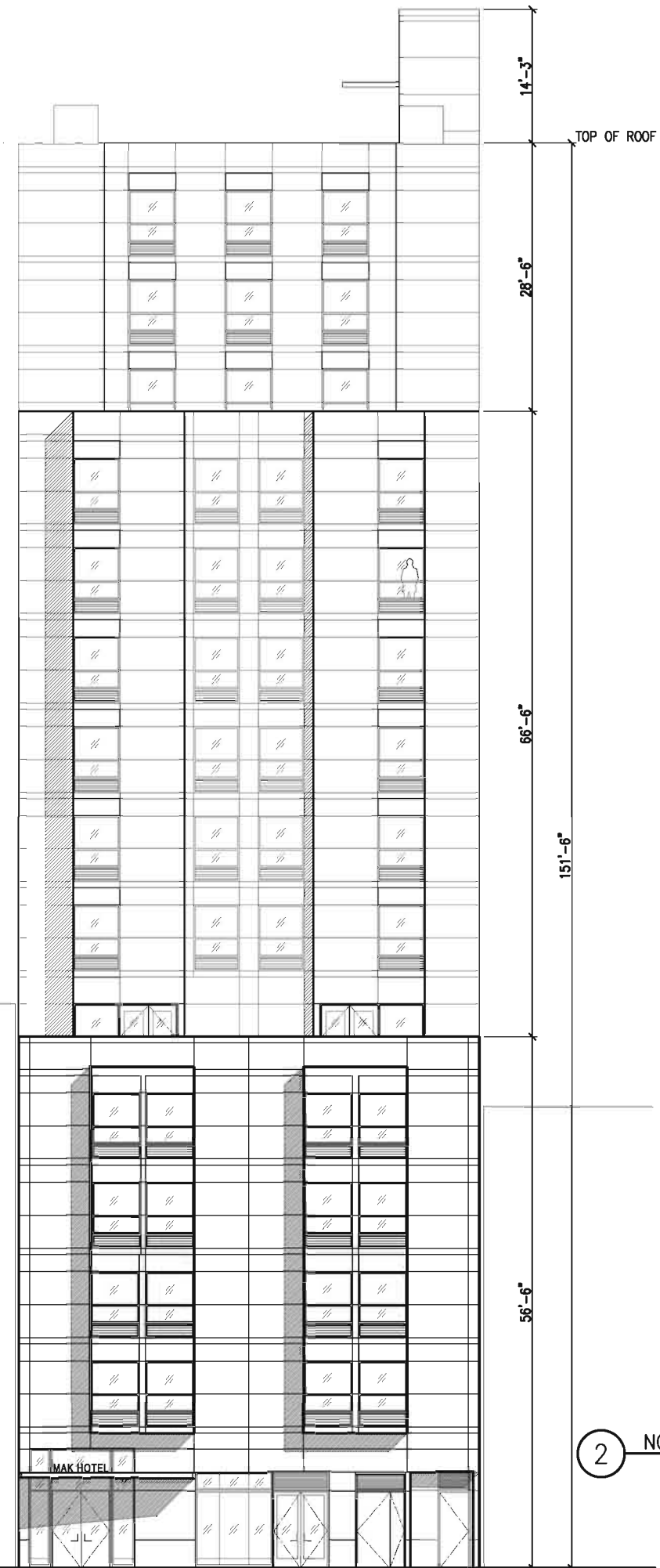
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010



1 SOUTH-EAST (MISSION STREET) ELEV.



2 NORTH-WEST (JESSIE STREET) ELEV.



MINT DEVELOPMENT, LLC.

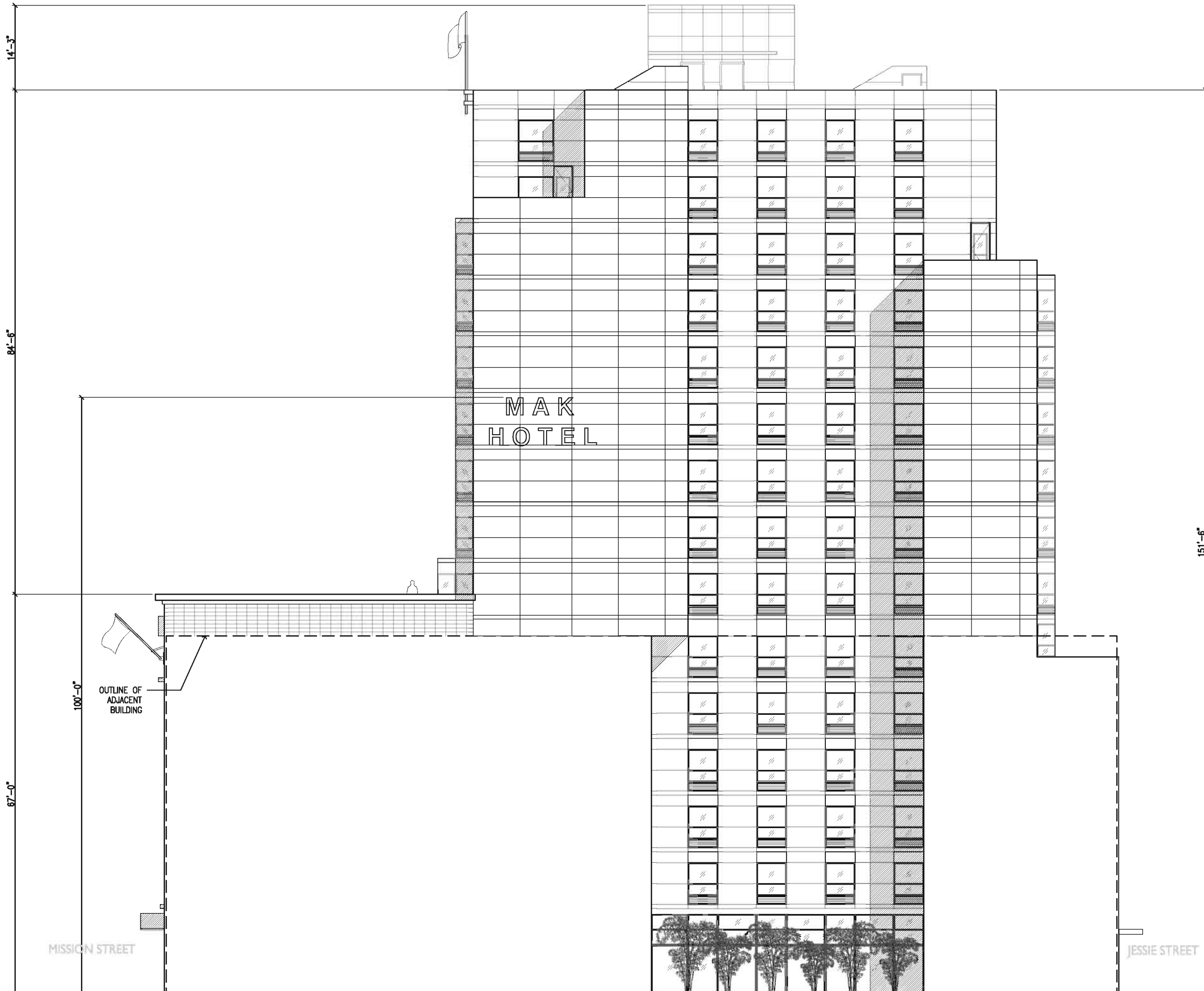
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942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

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 942 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

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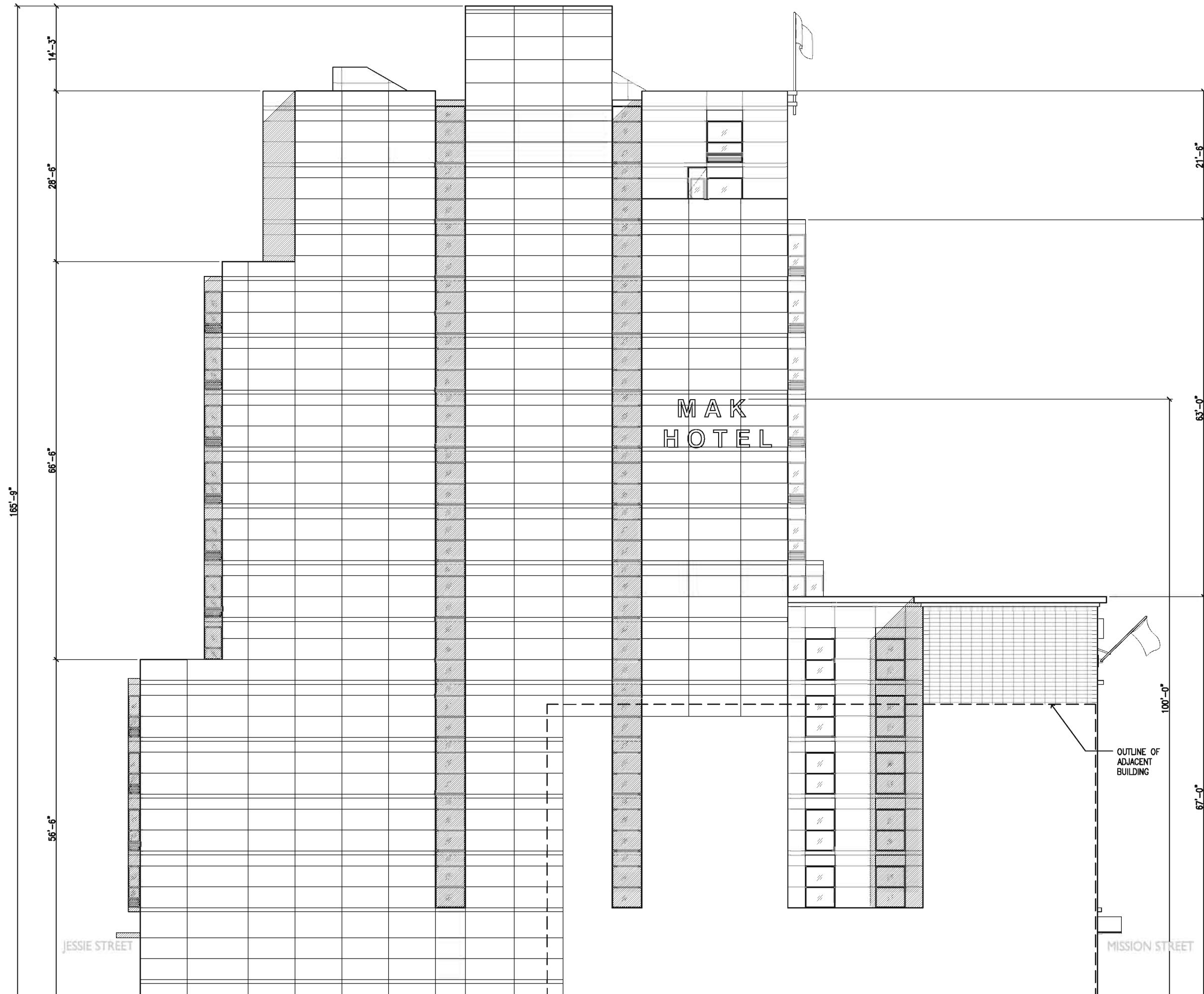
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NORTH-EAST ELEVATION

A8



14'-3"  
28'-6"  
66'-6"  
56'-6"

21'-6"  
63'-0"  
100'-0"  
67'-0"

MAK  
HOTEL

OUTLINE OF  
ADJACENT  
BUILDING

JESSIE STREET

MISSION STREET



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LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO,  
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010

NOTE: ELEVATION DRAWINGS ARE FOR THE PURPOSE OF SHOWING COLOR SCHEME. FOR UP-TO-DATE ELEVATION DRAWINGS, SEE SHEETS A7, A8, AND A9



① JESSIE STREET VIEW



② SIDE VIEW



③ MISSION STREET VIEW



④ SIDE VIEW

MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

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CONDITIONAL USE HEARING  
07 DECEMBER, 2010



- INDIVIDUAL BACKLIT SILHOUETTE METAL LETTERS  
(NOTE: THE NAME "MAK HOTEL" IS A PLACEHOLDER AND NOT ANTICIPATED TO BE THE HOTEL'S OPERATING NAME)
- MANUFACTURED STONE CORNICE
- PROJECTING MANUFACTURED STONE CANOPY
- PROJECTING FLAG POLES
- MANUFACTURED STONE STRING COURSE
- KYNAR FINISHED ALUMINUM PANEL TO MATCH METAL PANELS ON TOWER ABOVE
- TERRA COTTA
- KYNAR FINISHED ALUMINUM WINDOWS TO MATCH ALUMINUM WINDOWS ON TOWER ABOVE
- KYNAR FINISHED FIXED ALUMINUM LOUVER INTEGRAL TO WINDOW FRAME
- MANUFACTURED STONE STRING COURSE
- CANTILEVERED MANUFACTURED STONE CANOPY
- PROJECTING STONE PORTAL AT ENTRY DOOR
- FRAMELESS GLASS STOREFRONT AT HOTEL ENTRANCE
- HONED STONE BASE

MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

STANTON ARCHITECTURE

255 DE HARO, SUITE 200  
SAN FRANCISCO, CALIFORNIA  
94107-2881

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07 DECEMBER, 2010

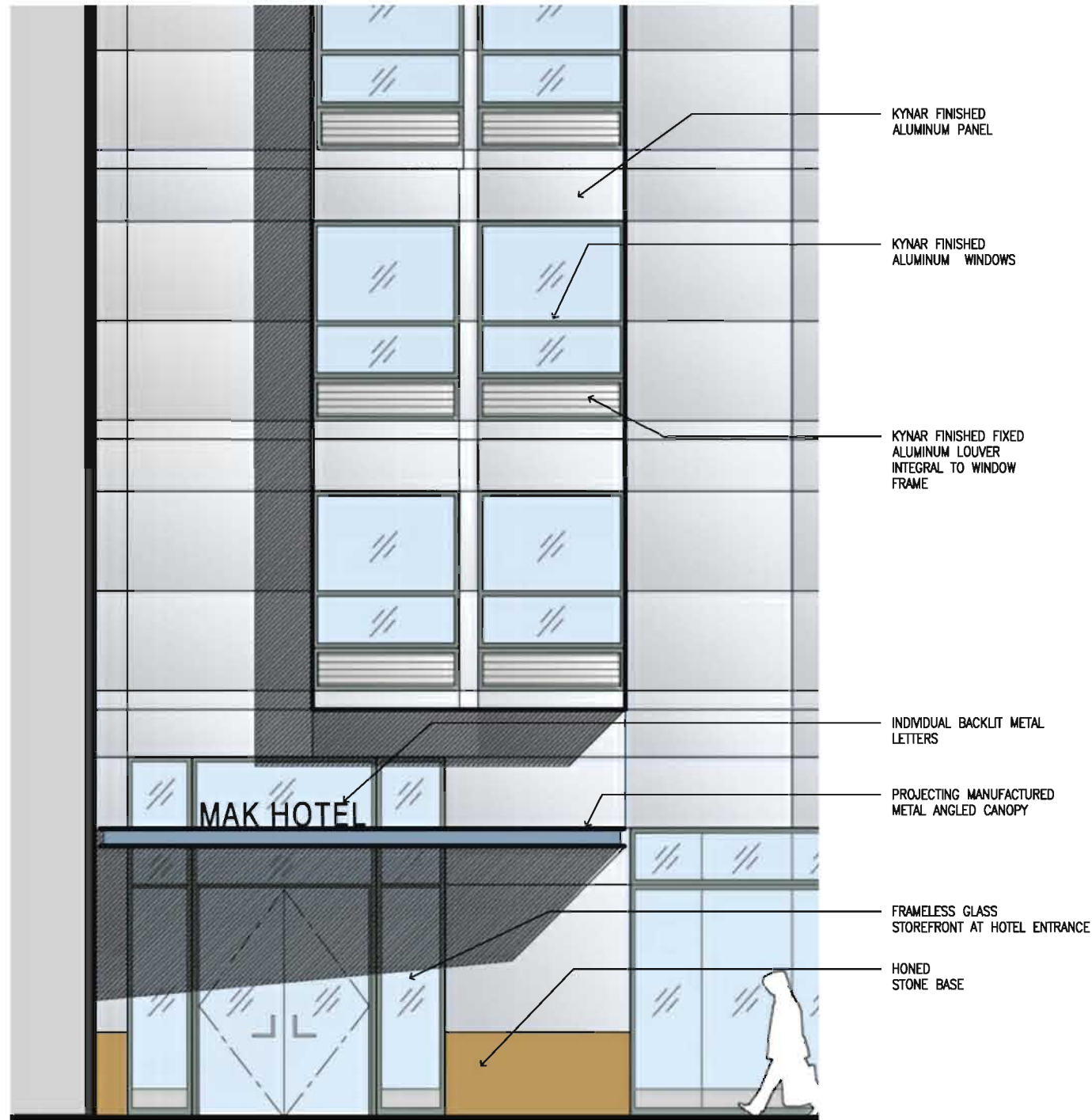
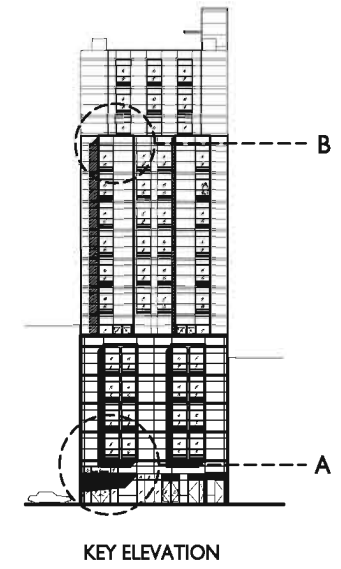
1 ENLARGED - SOUTH-EAST (MISSION STREET) ELEV.



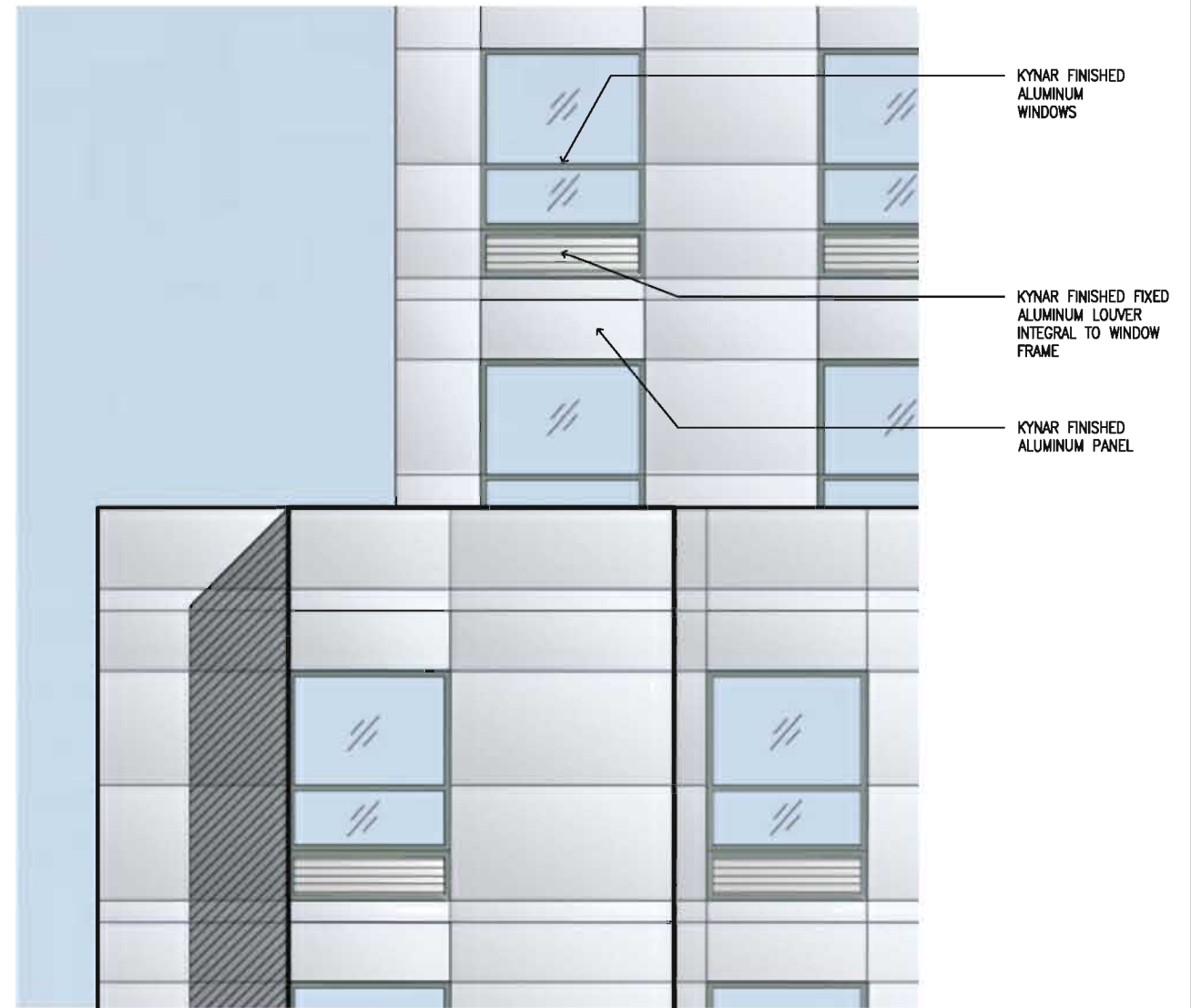
ENLARGED SOUTH-EAST ELEVATION A11

MINT DEVELOPMENT,  
LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO,  
CALIFORNIA



A



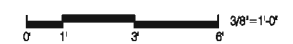
B



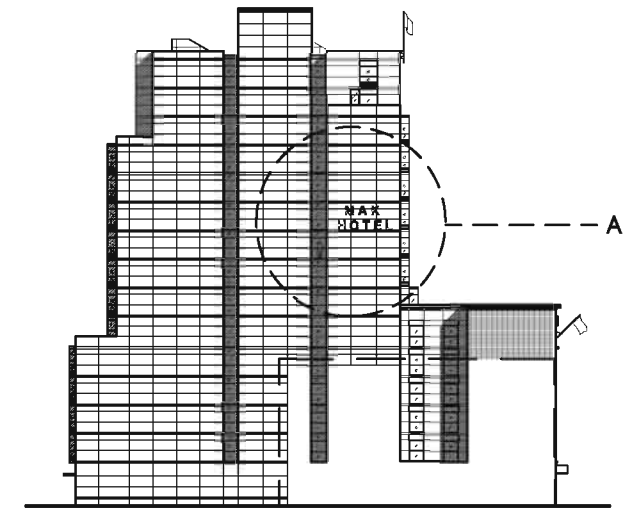
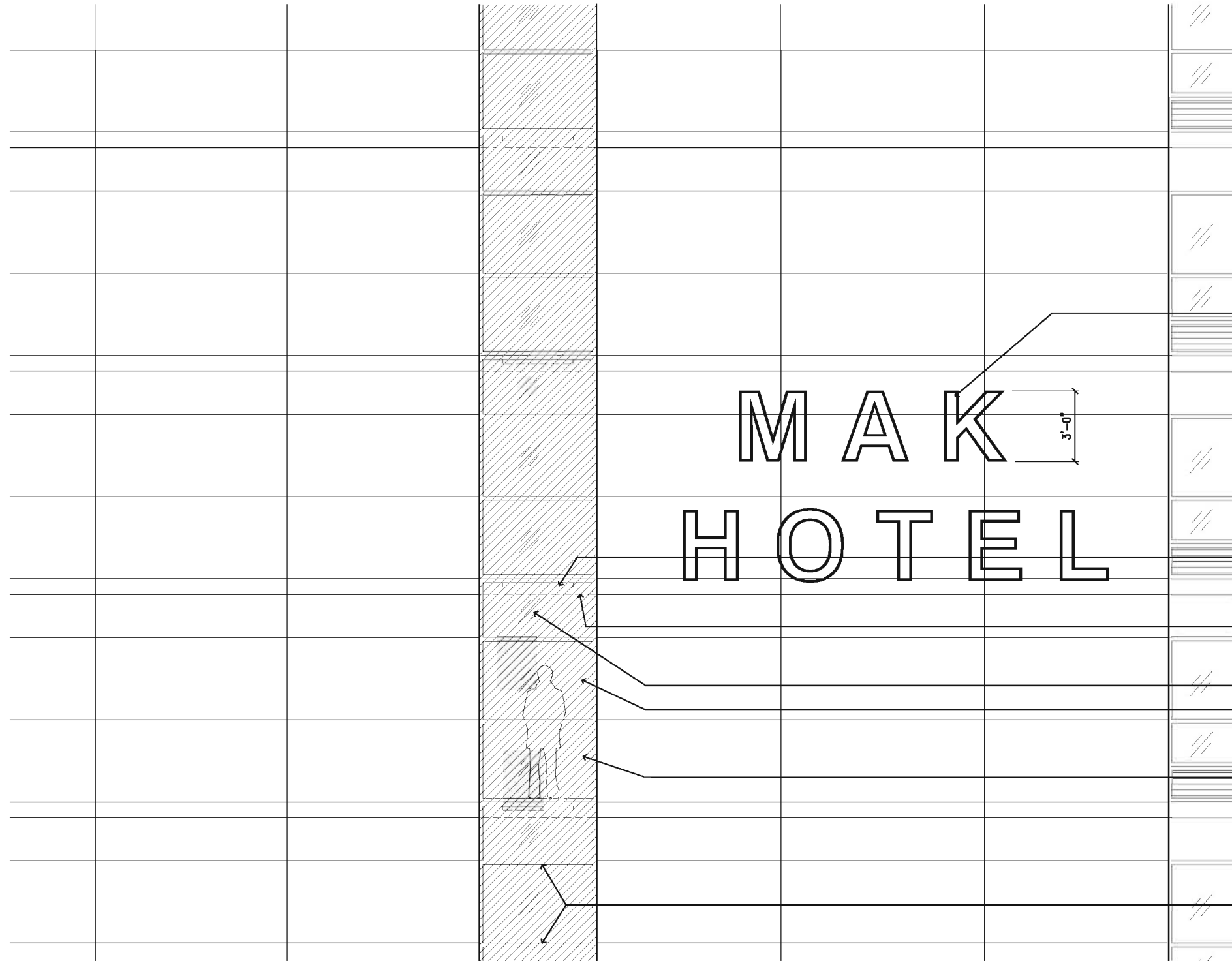
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010







KEY ELEVATION

INDIVIDUAL BACKLIT SILHOUETTE METAL LETTERS  
 (NOTE: THE NAME "MAK HOTEL" IS A PLACEHOLDER AND NOT ANTICIPATED TO BE THE HOTEL'S OPERATING NAME)

NEON TUB LIGHTING BEHIND OBSCURE GLASS AT STRUCTURAL FLOOR LINE

LINE OF FLOOR STRUCTURE - BEYOND

OBSCURE GLASS

LOW E VISION GLASS

OBSCURE GLASS

KYNAR FINISHED ALUMINUM WINDOWS

TYPICAL FOR EACH FLOOR OF SOUTH WEST FACADE

A



MINT DEVELOPMENT, LLC.

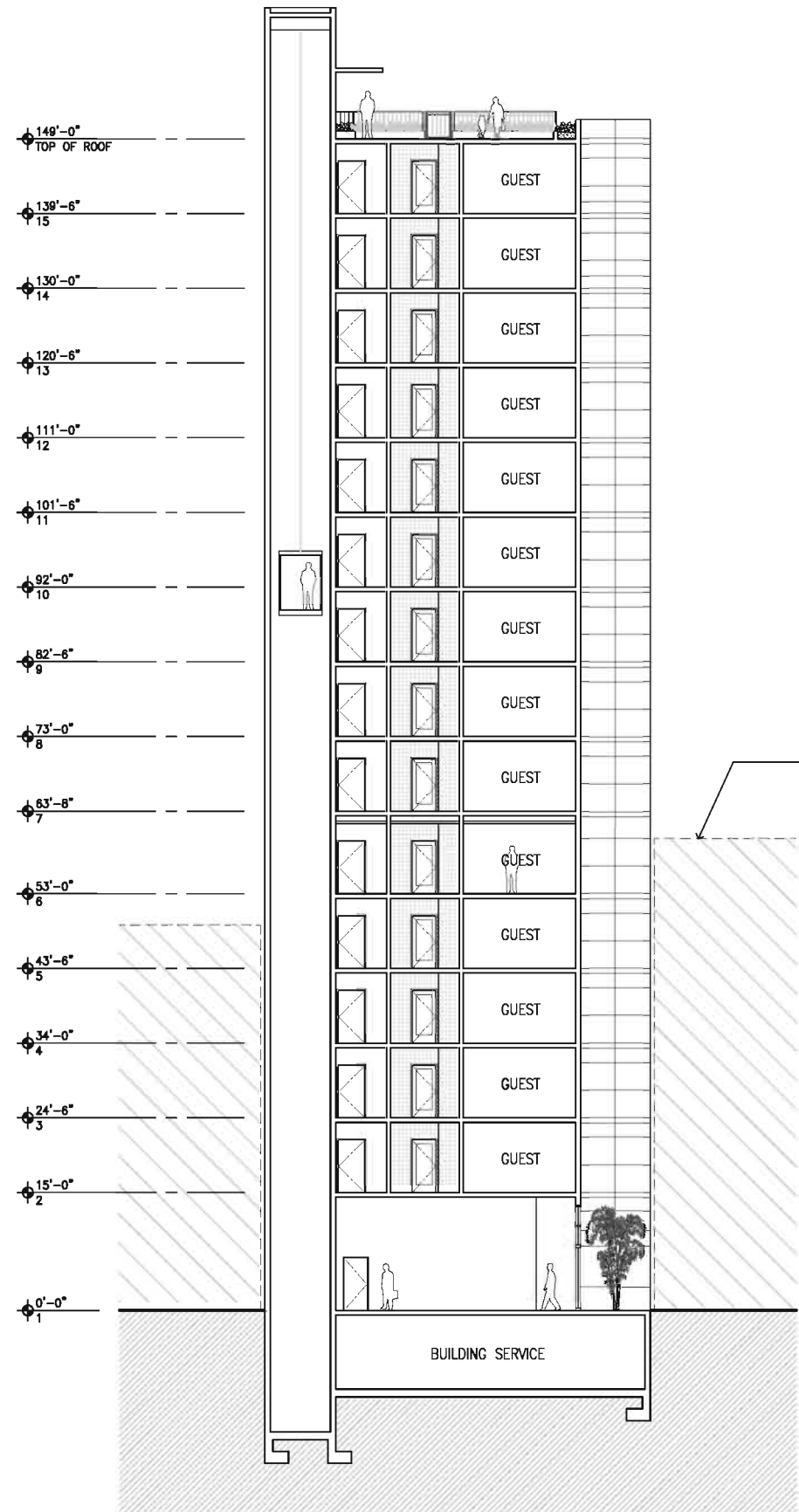
942 HOTEL  
 942 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

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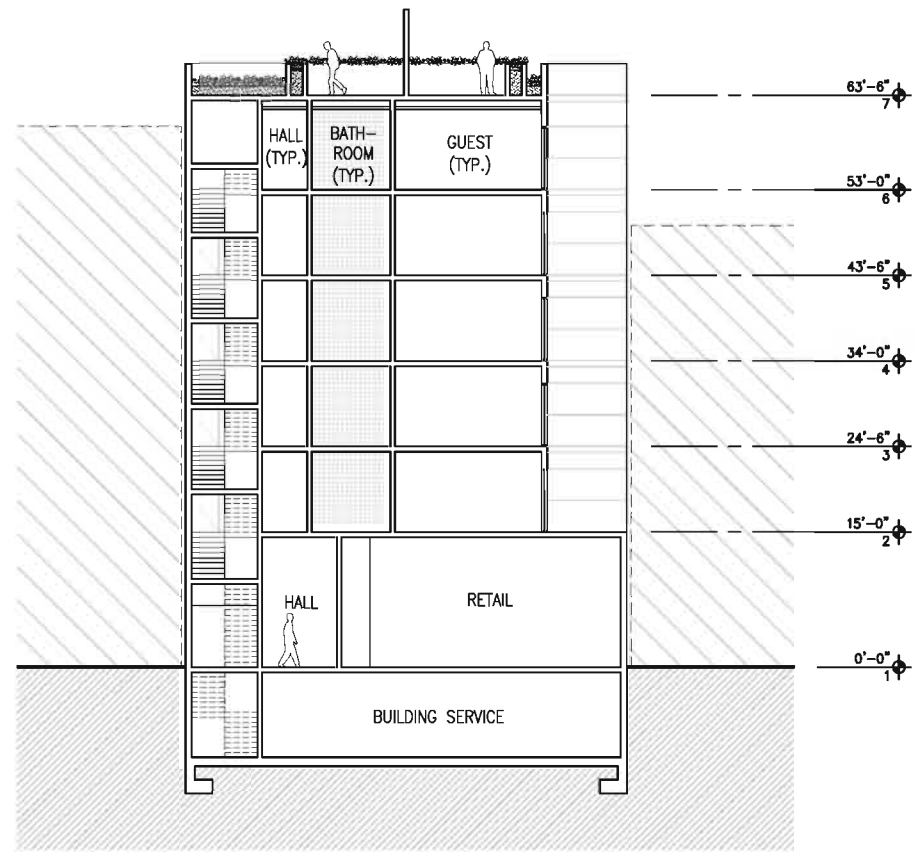
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 CONDITIONAL USE HEARING  
 07 DECEMBER, 2010



1 NORTH-WEST SECTION



2 SOUTH-EAST SECTION



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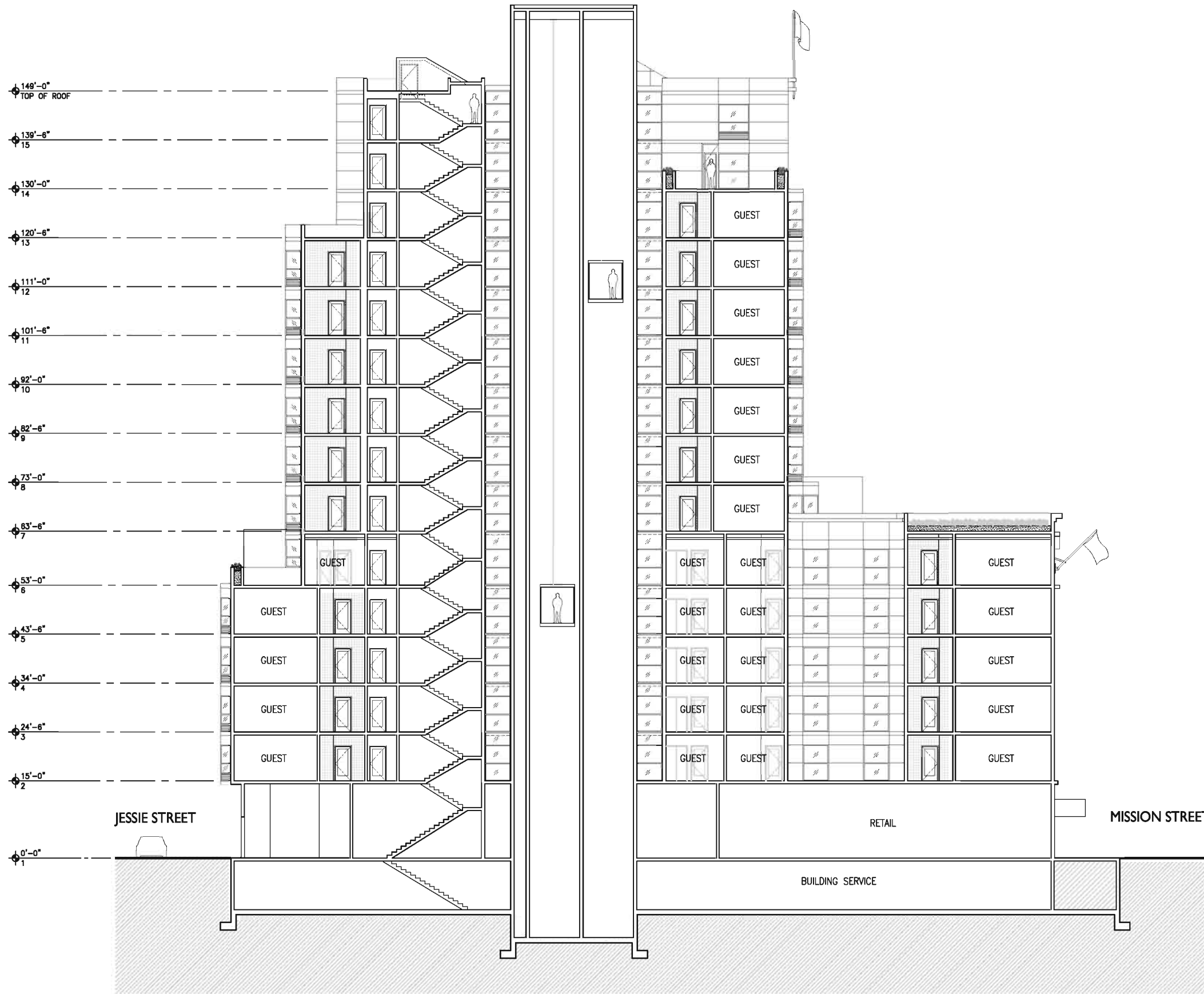
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07 DECEMBER, 2010



1 EAST-WEST SECTION 1

0 2 5 10 20 3/32" = 1'-0"

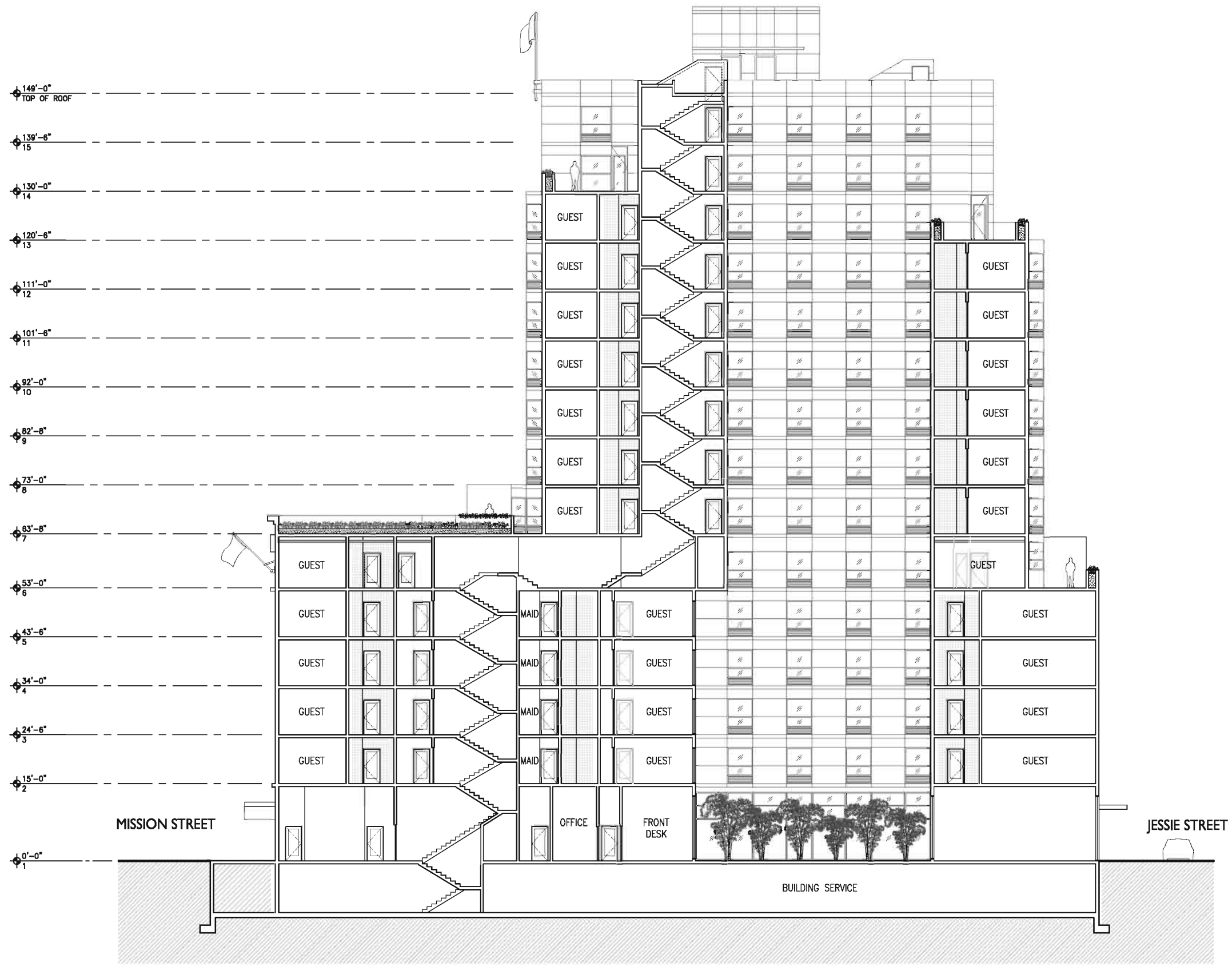
MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
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CONDITIONAL USE HEARING  
07 DECEMBER, 2010



149'-0"  
TOP OF ROOF  
 139'-6"  
15  
 130'-0"  
14  
 120'-6"  
13  
 111'-0"  
12  
 101'-6"  
11  
 92'-0"  
10  
 82'-6"  
9  
 73'-0"  
8  
 63'-6"  
7  
 53'-0"  
6  
 43'-6"  
5  
 34'-0"  
4  
 24'-6"  
3  
 15'-0"  
2  
 0'-0"  
1

MISSION STREET

OFFICE FRONT DESK

BUILDING SERVICE

JESSIE STREET

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

GUEST

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GUEST

1 EAST-WEST SECTION 2

0 2 5 10 20 3/32" = 1'-0"

MINT DEVELOPMENT, LLC.

942 HOTEL  
942 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

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PROJECT# 2712  
CONDITIONAL USE HEARING  
07 DECEMBER, 2010

# REUBEN & JUNIUS<sub>LLP</sub>

December 8, 2010

## VIA HAND DELIVERY

Mr. Ron Miguel, President  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**Re: 942 Mission Street Hotel Project**  
**Planning Department Case No. 2008.0197EXC**  
**Hearing Date: December 16, 2010**  
Our File No.: 6414.01

Dear President Miguel and Commissioners:

Our office represents Mint Development, L.P., the project sponsor for the proposed 15-story tourist hotel at 942 Mission Street ("Project").

The approvals required for this project are a conditional use authorization for the tourist hotel use, and a 309 (Downtown) review and determination of compliance, including a minor exception to the ground-level wind-current requirement. The Project's Preliminary Mitigated Negative Declaration was published on June 3, 2009, and appealed by 1) Local 2, 2) Deborah Jackman, General Manager for Nightgallery, LLC, and 3) Roger Patel, dba VJR Universal Chronicle Hotel. Local 2 has since withdrawn their appeal, and now support the Project. Thus only the latter two appellants' appeals remain.

A. **Benefits of the Project.** The benefits of the Project include:

- **Union Supported Project.** The project sponsor has worked closely with UNITE HERE (Hotel Employees and Restaurant Employees) Local 2, and is pleased to have their full support and endorsement for the Project.
- **Generation of Construction Jobs.** As a 15-story, approx. 79,000-sf new construction project, the Project will result in a significant number of construction jobs.
- **Project with Financing.** Approval of a project that has financing in place and will be able to start construction sooner thus benefiting the City.

- **Appropriate In-Fill Project.** The Project takes a currently vacant, underutilized two-story building on a mid-block Downtown site, and develops it into a 15-story building close to transit and other services consistent with the C-3-G zoning, and the 160-F height designation.
- **Transit Accessibility.** The Property is conveniently located approximately a block from BART and Muni Metro lines, as well as cable cars and the F-line on Market Street, and is close to other Muni lines (including 14-Mission, 26-Valencia, and 27-Bryant). Due to its transit-rich location, the Sponsor anticipates that many hotel patrons will utilize public transit, including the BART SFO Airport line.
- **Visitor Service Accessibility.** The Property is also exceptionally well located with respect to Downtown businesses, services and other attractions that hotel patrons are likely to frequent. The Moscone Center and Yerba Buena Gardens are approx. 2 blocks away, many Downtown and South of Market businesses are within a walking distance or a short transit ride, and many visitor/tourist/shopping attractions are within blocks or otherwise easily accessible.
- **Advancement of City's Transit First Policy.** Due to the Project's excellent location near many transit services, no parking is provided. The exclusion of on-site parking encourages use of pedestrian or transit services, consistent with the City's Transit First policies.
- **Increase in City's Property Tax Revenue.** The elimination of the existing 25,000-sf, vacant building and construction up to 72,000-sf of hotel uses with up to 172 hotel rooms and 3,240 sf of ground floor retail will result in a considerable increase to the City's property tax revenue.
- **Contribution to the City's Affordable Housing Supply.** The Project will comply with the City's Jobs-Housing Linkage Program requirements, by either payment of the JHLP fee, or by construction of the required BMR units at an off-site location. The Project is also subject to other impact fees, such as the Childcare Program fees.

**B. Project Description: Desirable In-Fill 172-room Hotel.**

The Project would demolish the existing 2-story-over-basement, 30-foot tall, 25,000-sf building, and construct a 15-story, 152-ft tall building with 72,000 sf of tourist hotel uses, including 172 rooms, and 3,240 sf of ground floor retail uses. Due to its location close to transit and other services as well as business and attractions frequented by hotel patrons, the Project provides a desirable use that is compatible with and beneficial to the neighborhood. The Project

provides a more appropriate use of the property than the currently vacant 30-foot tall building, and a development that better matches with the existing C-3-G zoning and the height designation that permits structures up to 160-foot height. In sum, the Project is an exemplary in-fill high-density project that provides compatible uses close to existing transit and other services.

The project sponsor is pleased to present the Commission with a design that is considerate and compatible with the neighborhood. The Project has been carefully designed so as to have an appropriate appearance and presence at the street façades. The Project has frontages on two streets: Mission and Jessie Streets. The first six floors will be built up to the Property lines, however at the seventh level, and above, significant setbacks are provided so that the “tower” is situated approximately 40 feet away from the Mission Street façade, and approx. 10 feet away from the Jessie Street façade. At the 13th level the Jessie Street setback is increased to 20 feet. These setbacks provide for a better transition to the adjacent buildings, especially on Mission Street, where the Project is flanked by four- and five-story buildings, and create an appearance of a six-story building at the street façade. This sensitive design, in addition to the use of different materials at the Mission façade between the building base and tower that further differentiates the building elements, ensures the Project’s design compatibility with the neighborhood.

No off-street parking is required by the Planning Code, and none is provided by the Project. Since no parking is provided, there is also no need for any curb cuts, and thus the Project improves and preserves pedestrian use of the sidewalks that front the building, and eliminates potential conflicts between pedestrians and vehicles. Moreover, in the absence of parking entrances and exits, the Project is able to maximize the use of the relatively narrow 50-foot wide street frontages for necessary pedestrian hotel access and retail opportunities.

**C. Requested Approvals: a Conditional Use Authorization and a 309 Determination.**

The Project requires a conditional use authorization under Section 303 and 216(b)(i) for a hotel use in a C-3-G District where all tourist hotel uses are subject to a conditional use authorization. The Project also is subject to the Section 309 Determination of Compliance, including a minor exception to the ground-level wind requirement under Section 309(a)(2).

The proposed hotel uses are desirable and necessary to meet the growing demand for tourist hotel uses at a time when many large tourist hotels are seeking to convert tourist hotel rooms into residential uses (which triggered the recent adoption of the Large Tourist Hotel Conversion Ordinance that regulates the number of tourist hotel rooms that can be eliminated from the City’s supply). The Project will positively impact the available tourist hotel room supply by adding up to 172 new hotel rooms at an ideal location. According to historical data compiled by PKF Consulting for the San Francisco Convention & Visitors Bureau on ADR (average daily rate) and occupancy for hotel rooms, the San Francisco hotel market substantially

and steadily increased between 1991 and 2000, followed by a sharper decrease in 2001 due to 9/11 and the general economic downturn, followed thereafter by a steady increase since 2003. By way of example, the average annual occupancy rate rose from 66.2% in 1991 to 81.7% in 2000, decreasing in 2001 to 67.7%, and further in 2002 to 65.4%, and thereafter increasing again from 68.1% in 2003 to 77.9% in 2007. The average daily room rate has experienced a similar trend, increasing from the 1991 low of \$111.55 to \$169.74 in 2000, declining for 2001 and 2002, and starting an increase from \$144.81 in 2003 to \$182.28 in 2007.

The Project is also compatible with the neighborhood based on the proposed hotel use as well as based on the Project design. As noted above, the Project has been carefully designed to provide for a development that fits into the neighborhood. The utilization of upper story setbacks, provision of ground level active retail uses, elimination of on-site parking, desire to provide for passenger and freight loading zones in front of both building façades, use of high-quality materials, and other features have been incorporated into the design to ensure compatibility with the neighborhood context as well as the zoning regulations. The hotel use is desirable in this neighborhood primarily due to the location. The existing neighborhood provides for a variety of uses ranging from residential to restaurants, offices, retail, parking and other uses. The C-3-G zoning designation was intended to provide for a variety of uses, including hotels.

The Planning Code requirements were carefully evaluated during Project's development to ensure maximum consistency and compliance with the Code. Except for a minor technical exception to the ground-level wind current requirements, the Project fully complies with all Planning Code requirements. The requested exception is very minor since the pedestrian wind conditions with the Project, as well as under cumulative conditions, would be quite similar to the existing conditions. The wind tunnel testing that was performed for the Project, found that based on the 39 test points, one comfort criterion exceedance would be eliminated, and two exceedances would be created, thus triggering the need for the Section 309 exception. However, the change in wind conditions with the Project is extremely minimal; first, the wind speeds at the two new exceedances increase only by 2 mph, and overall, the change in wind speeds at all 39 test locations was similar with minor increases (2 mph at 4 locations), some decreases (2 mph at 1 location), and mostly a change by 1 mph or less or unchanged conditions, at the remaining 34 locations. Under cumulative conditions, the change in wind conditions was found to be similarly insubstantial. In sum, the requested ground-level wind current exception is very limited in the amount, locations and time, and the overall change to wind conditions is quite insubstantial.

#### **D. CEQA Appeal.**

The Planning Department prepared and published an adequate Mitigated Negative Declaration ("MND") for the Project that satisfies all CEQA requirements. Under CEQA, an EIR is required only where there is a fair argument, based on substantial evidence, that a Project



Ron Miguel, President and Commissioners  
San Francisco Planning Commission  
December 8, 2010  
Page 5

could have a significant effect on the environment.<sup>1</sup> Unsubstantiated opinions, erroneous statements, or evidence of socioeconomic effects alone, are not considered substantial evidence under CEQA.<sup>2</sup> It MND for the Project adequately analyzes the potentially significant environmental impacts on the Project and concludes that all can be mitigated to a level of insignificance. We respectfully request that you deny the appeal.

The Planning Department has prepared its own thorough review and response to the Appeal in your packets. We agree with the Planning Department's analysis and conclusion that the MND should be upheld.

**E. Conclusion.**

We respectfully request that the Commission reject the appeal on the Project's environmental review, and approve the conditional use authorization and the Section 309 determination of compliance, with the ground-level wind-current exception.

Very truly yours,

REUBEN & JUNIUS, LLP



James A. Reuben

cc: Commissioner Michael Antonini  
Commissioner Gwyneth Borden  
Commissioner Rodney Fong  
Commissioner Kathrin Moore  
Commissioner Christina Olague  
Commissioner Hisashi Sugaya  
John Rahaim - Planning Director  
Linda Avery - Commission Secretary  
Rick Crawford - Project Planner  
Jay Singh, Mint Development, L.P.  
Michael Stanton, Stanton Architecture  
Tuija Catalano, Reuben & Junius, LLP

<sup>1</sup> *No Oil, Inc. v. City of Los Angeles* (1974), 13 Cal. 3d 68, 75.

<sup>2</sup> Cal. Pub. Resources Code Sec. 21082.2(c); CEQA Guidelines Sec. 15384.