



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
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San Francisco, CA 94105
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Please find attached documents relating to the applications for Case No. 2002.0133EZMRKXV for 555 Washington Street. **We are providing new and replacement documents but ask that you keep the exhibit graphics we sent as well as the plans and materials from the Sponsor that were delivered to you earlier.**

Replacement Documents:

The following documents are provided to replace similar documents you received earlier. They have been revised to include a statement on CEQA findings and to update the hearing date:

EIR Certification Motion
Executive Summary
Section 295 Shadow Analysis Executive Summary
Resolution to Raise Shadow Limits
Motion Regarding Shadow Impacts and Allocation
Zoning and General Plan Amendment Resolution
Section 309 Motion

New Documents:

The following are additional documents that were not provided to you previously:

CEQA Findings Motion
General Plan Referral Resolution, Mark Twain Alley
General Plan Referral Resolution, Redwood Park



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: February 11, 2010

Hearing Date: February 11, 2010
Case No.: **2002.0133E**
Project Address: **555 Washington Street (aka 545 Sansome Street)**
Zoning: C-3-O (Downtown Office)
120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH WOULD DEMOLISH TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCT A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT WOULD RENOVATE AND DEDICATE REDWOOD PARK AS A PUBLIC PARK.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning

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Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On February 11, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments

and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report [and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report]:
 - A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of February 11, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: [Date]



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

HEARING DATE: JANUARY 21, 2010

Date: January 14, 2010
Case No.: **2002.0133EZMRKXV**
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
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Staff Contact: Rick Crawford – (415) 558-6358
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The parcels located at 545 Sansome Street, 501-505 Washington Street and 517 Washington Street will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 217 parking spaces plus 2 car share spaces. These spaces will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park (currently a private area not required to be made available to the public) would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project this area would serve as public open space for the Project. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more cohesive pedestrian oriented space for the users of the Project and the surrounding neighborhoods.

SITE DESCRIPTION AND PRESENT USE

The Project site consists of approximately 36,830 square-feet at the southwest corner of Sansome Street and Washington Street. The Project site is on the same block as, but does not include, the Transamerica Pyramid. The site is currently occupied by a vacant lot at 517 Washington (with one subsurface capped

basement), a single-story retail building at 501-505 Washington Street and a 9-story office over ground floor retail building located at 545 Sansome Street. All structures would be demolished as part of the Project. The site also includes Redwood Park, currently a private open area, and Mark Twain Alley (formerly Merchant Street). The Project site is in the C-3-O (Downtown Office) Zoning District and the 200-S Height and Bulk District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is located within downtown San Francisco in the Financial District, which is dominated by high-rise office buildings including the 48-story (853 foot) Transamerica Pyramid and the 20-story (242 foot) 505 Sansome Street building, which are both located on the Project block. Within a five block radius, there is the 45-story (560 foot) Embarcadero One, the 31-story (413 foot) Embarcadero Two, the 31-story (413 foot) Embarcadero Three, the 45-story (571 foot) Embarcadero Four, the 27-story (396 foot) Alcoa Building, and the 48-story (695 foot) 345 California Building. Land uses in the Financial District consist of a variety of office and ground floor retail uses, as well as hotel and residential uses. To the east of the Project site, across Sansome Street, is Fire Station 13, and southeast, across Sansome and Clay Streets, is an office building with retail on the ground floor. To the south of the Project site, across Clay Street is an office building with subsurface parking. Southwest of the Project site, across the Montgomery and Clay Street intersection, and west of the Project site across Montgomery Street are a variety of office buildings (one with a residential component in the upper stories). Northwest of the Project site is a triangular retail structure (due to the intersection of Columbus Avenue and the Project block) and across Columbus Avenue to the northwest is a religious institution. North of the Project block, across Washington Street is the Jackson Square Historic District, which includes relatively low-rise structures and some mid-rise buildings that include various office and retail uses. Northeast of the Project site across Washington Street and Sansome Street are US government offices, which include the 6-story US customs building and other office and retail buildings. The Project site is within about two blocks of the densely developed Chinatown neighborhood with most buildings consisting of two to four-stories, generally with retail below and either residences or office uses above. The properties surrounding the Project site are in the C-3-O (Downtown Office) District with the exception of the area north of Washington Street which is in a C-2 (Community Business) District and the Jackson Square Special Use District.

ENVIRONMENTAL REVIEW

On March 25, 2009 the Department determined that the proposed Project could have a significant effect on the environment and published a Draft Environmental Impact Report (DEIR) in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code. The Planning Commission held a hearing and took public comment on the DEIR on May 7, 2009. The Planning Commission will hear the certification of the Final Environmental Impact Report on February 11, 2010.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 1, 2010	January 1, 2010	20 days
Posted Notice	20 days	January 1, 2010	December 31, 2009	21 days
Mailed Notice	10 days	January 11, 2010	December 28, 2009	23 days

PUBLIC COMMENT

- The Department has received a number of calls, letters and e-mails both opposed and in support of the Project. Supporters appreciate the tall slender design of the building and the dedication of Redwood Park. Opponents are concerned with the height of the building, shadowing of existing parks, wind comfort exceedances not eliminated, or created by, the Project, and consider the Zoning amendment to be spot zoning.

ISSUES AND OTHER CONSIDERATIONS

- Central to the Project is a request for Amendment of the Height and Bulk Map HT101 to change the Height and Bulk district for the property from 200-S to 400-S and a request for Amendments to the General Plan to be consistent with the proposed height district. The amendments are necessary to allow the Project to compress square footage into a taller more slender tower that would maximize separation from the Transamerica Pyramid create more sunlight and open space in and around the Project site.
- The Project includes a request under Planning Code Section 295 for a determination that new shadow cast by the project would not have an adverse impact on Maritime Plaza and Sue Berman Park. The Project attempts to mitigate any shadow cast on existing parks by improving private Redwood Park at the base of the Transamerica Building and dedicating the reconstructed park to the public. On May 7, 2009, the Planning Commission and the Recreation and Park Commission held a joint meeting to consider a number of actions related to the shadow impacts of the proposed project on Sue Bierman Plaza and Maritime Park. The Commissions received testimony from staff and heard public comment. However, the Commissions deferred final action on these items because a Final Environmental Impact Report was not available for certification at that time.

Staff has prepared a separate Executive Summary, draft resolution, and draft motion specific to the shadow impacts of the proposed project. These documents are included as an attachment to this Executive Summary.

- The Project requires findings that the vacation of Mark Twain Alley and the conveyance of Redwood Park, on balance, are in conformity with the General Plan and Priority Policies of the Planning Code. By acquiring and vacating Mark Twain Alley, and by expanding, renovating, improving and subsequently dedicating Redwood Park to the City, the Project would increase the neighborhood's vitality and pedestrian use of the area and would create a more usable street level environment for all users.

- The Project requires an exception from Section 148, Reduction of Ground Level Wind Currents. The Project does not result in any additional exceedances of the wind comfort criteria, although the Project would exceed the comfort criteria in different locations than under the existing conditions. The Project would eliminate three existing exceedances – two locations on the north side of Redwood Park along Washington Street, and one location along Sansome Street in the Jackson Square Historic District. The Project would not cause any wind hazard violations in the Jackson Square Historic District or in Redwood Park, and Chinatown would not be affected by local winds caused by the Project. While the Project would cause two new violations of the wind hazard criterion, a one-hour violation at the northeast corner of Washington and Sansome Street and a one hour violation along the west side of Sansome Street, the Project would reduce the hours per year, from seven hours to four hours, that the wind hazard standard is exceeded at location 16, and would overall reduce the total number of hours subject to wind hazards from seven to six hours, thus slightly improving hazardous wind conditions in the Project area.
- The Project requires an exception from Section 151.1, Off-Street Parking for parking at a ratio of 0.86 spaces per dwelling unit. The project is located in an area of high traffic volumes and excellent transit availability across Sansome Street from Fire Station 13. Access to all parking is by means of two automobile elevators and at afternoon peak hours of traffic it is likely that cars queuing to enter the parking garage will back up onto the public street impeding vehicle, pedestrian and transit movements. Were the congestion to be great enough it could interfere with the operations of emergency vehicles departing the fire station. Accessory parking at a ratio of 0.75 stalls per dwelling unit, plus two stalls for retail uses and two stalls for car share, would allow 186 parking stalls for residential uses and a total of 190 parking stalls for the Project.
- The Project requires an exception from Section 152.1, Off Street Loading, because it eliminates the existing loading space for 505 Sansome. The Project would include a 25-foot by 10-foot wide by 12-foot high loading space (located within the first floor of the Project) and would have two additional van-sized loading spaces in the first subsurface level of the garage. The Project does not replace the lost loading space on Mark Twain Alley and thus seeks an exception from the requirements of Section 152.1. Granting this exception is essential to the vacation and sale of Mark Twain Alley to the sponsor and development of that space as a pedestrian amenity.
- The Project requires an exception from Section 263.9 Upper Tower Extensions (architectural roof screening). The occupied area of the Project extends to a maximum height of approximately 390 feet, however, certain unoccupied areas of the building extend to a maximum height of approximately 430 feet. The additional height of the architectural extension is less than 40' above the proposed 400' height limit and the volume of the upper tower is reduced by at least 10% from the start of the 25th floor to the top of the architectural screen. The Project's slanted design significantly reduces the volume of the tower creating a tall slender form. The tall slender form of the Project as designed offers a delicate and sensitive addition to the skyline while the Project's height and design maximizes the separation from the Transamerica Pyramid to create more sunlight and open space for Redwood Park and the surrounding areas. The impact of the Project will not add significant shadows to public open spaces.

- The Project requires a Variance from the Usable Open Space requirement for dwelling units. The location of the Project, adjacent to Redwood Park and Mark Twain Alley, combined with a building design that tapers as it rises, mitigates the impact of the reduction in rear yard on light and air to residential windows. The usable open space for the Project is on balconies and a roof deck. The reduction of 3 feet in the depth of the rear yard will not impact light and air to these spaces.
- The project provides no on-site affordable housing but complies with Section 315 by means of payment of an in-lieu fee.
- The project includes the dedication of an improved and renovated Redwood Park to the City. In addition the sponsor will contribute funds sufficient to provide for the future maintenance of the park by the City. The City will not receive complete title to the property but will be conveyed only the surface rights of the property with some subsurface and air rights sufficient for the health and maintenance of the redwood trees in the park.
- The project FAR includes the land areas of both Redwood Park and Mark Twain Alley. The proximity of the park is used in part as justification for the requested usable open space variance and exceptions relating to rear yard and upper tower extensions.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must recommend approval of an amendment of the Height and Bulk Map HT101 to change the Height and Bulk district for the property from 200-S to 400-S and of amendments to the General Plan to be consistent with the proposed height district, to the Board of Supervisors; determine, under Planning Code Section 295 that new shadow cast by the project would not have an adverse impact on Maritime Plaza and Sue Berman Park; find the vacation of Mark Twain Alley and the conveyance of Redwood Park to be, on balance, in conformity with the General Plan and the Priority Policies of the Planning Code, approve a request under Planning Code Section 309 (Permit Review in C-3 Districts) for consideration of a downtown project with exceptions from: Section 148, Reduction of Ground Level Wind Currents, Section 151.1, Off-Street Parking, Section 152.1, Off Street Loading, and Section 263.9 Upper Tower Extensions (architectural roof screening). The action should be conditioned upon the granting of a Variance from the Usable Open Space requirement for dwelling units; renovation, expansion and conveyance to the City of Redwood Park; and the vacation of Mark Twain Alley and its sale to the Project Sponsor.

BASIS FOR RECOMMENDATION

The Department recommends approval of the Project with Conditions and modifications limiting the number of driveways to one total and limiting the number of parking spaces in the building to .75 parking spaces per dwelling unit (186) plus two spaces for retail uses and two car share spaces for a total of 190 parking spaces for the following reasons:

- The Project provides up to 248 units of necessary housing in an area well served by transit and will contribute funds in the form of an in-lieu fee for the development of affordable housing elsewhere in the City.

- The proposed Project meets all applicable requirements of the Planning Code or seeks exceptions or variances there from.
- The Project will result in the dedication of an improved and renovated Redwood Park to the City. In addition the sponsor will contribute funds sufficient to provide for the future maintenance of the park by the City. The vacation of Mark Twain Alley and the conveyance of Redwood Park are, on balance in conformity with the General Plan and the Priority Policies of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachments:

CEQA Findings Draft Motion
Planning Code Section 295 Shadows, Executive Summary
Resolution to Raise Cumulative Shadow Limit
Allocation of New Shadow Draft Motion
General Plan Consistency, Mark Twain Alley, Draft Motion
General Plan Consistency, Redwood Park, Draft Motion
Zoning Map and General Plan Amendments Resolution
Planning Code 309 Draft Motion
Block Book Map
Sanborn Map
Zoning Map
Aerial Photograph
Context Photograph
Site Photograph
Reduced Plans

Attachment Checklist

- | | | | |
|-------------------------------------|-----------------------------|-------------------------------------|--------------------------------------|
| X | Executive Summary | <input checked="" type="checkbox"/> | Project sponsor submittal |
| X | Draft Motion | | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> | Environmental Determination | <input checked="" type="checkbox"/> | Check for legibility |
| X | Zoning District Map | | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> | Height & Bulk Map | X | |
| X | Parcel Map | <input type="checkbox"/> | Health Dept. review of RF levels |
| X | Sanborn Map | <input type="checkbox"/> | RF Report |
| X | Aerial Photo | <input type="checkbox"/> | Community Meeting Notice |
| X | Context Photos | | |
| X | Site Photos | | |

Exhibits above marked with an "X" are included in this packet

RC _____
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Draft Motion CEQA Findings

HEARING DATE: FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133E ZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. (“CEQA Guidelines”), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the “Project”) pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. (“CEQA”), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. (“Guidelines”), and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco’s Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on February 11, 2010 in Motion No. [_____].

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.

2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for 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 adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, February 11, 2010.

Linda D. Avery

Commission Secretary

AYES:

NOES:

Motion
February 11, 2010

CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

ABSENT:

ADOPTED:

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
<i>Cultural and Paleontological Resources Mitigation Measures</i>				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or 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 archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological 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 archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing</p>	<p>Project sponsor</p>	<p>Prior to and during construction</p>	<p>The ERO to review and approve the Final Archeological Resources Report</p>	<p>The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.</p>

<p>program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archaeological 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 archaeological consultant shall determine what project activities shall be archaeologically 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 archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be 				
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<p>present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</p> <ul style="list-style-type: none"> ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by</p>				
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<p>the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains, and 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. This shall include 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 archaeological 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 (<i>CEQA Guidelines</i>, 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 associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the</p>				
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<p>ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p>Mitigation Measure 2 <i>(a) Documentation.</i> In consultation with a Planning Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives.</p>	<p>Project sponsor</p>	<p>Prior to and during construction</p>	<p>Planning Department</p>	<p>Considered complete upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished</p>

<p>Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable.</p> <p>Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description:</p> <p>Readily Reproducible: Clean copy for Xeroxing.</p> <p>Durable: Archival bond required.</p> <p>Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) <i>Commemoration.</i> If the affected historical resource is to be demolished, the individual project applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.</p>				
<p>Biological Resources Mitigation Measures</p>				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the</p>	<p>Project sponsor</p>	<p>Prior to demolition and during construction</p>	<p>Department of Public Works and Department of Recreation and Park</p>	<p>Considered complete upon completion of construction</p>

<p>equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p> <p>In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.</p>				
<p>Hazards and Hazardous Materials Mitigation Measures</p>				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p>	<p>Project sponsor</p>	<p>Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon DPH approval of Closure / Certification Report</p>

<p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p>				
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<p>(e) Hauling and Disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5 The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	<p>Project sponsor</p>	<p>Prior to demolition</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon approval of project</p>
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET- The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures.</p>				
<p>Improvement Measure 1: Construction Traffic Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would</p>				

<p>coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive “pedestrian scramble” phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a “pedestrian scramble” phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p> <p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p>				

<p>Install “watch for oncoming traffic” sign for pedestrians crossing the southbound channelized left turn, and “yield to pedestrians” signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive “pedestrian scramble” phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a “pedestrian scramble” phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install “yield to pedestrians” sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental “yield to pedestrians” signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p>				

<p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts; ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to</p>				

adjacent buildings.				
Improvement Measure 7: Queuing for Parking Garage The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.				



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Section 295

HEARING DATE: FEBRUARY 11, 2010

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

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Planning
Information:
415.558.6377

Date: February 5, 2010
Case No.: 2009.0302K (Maritime Plaza and Sue Bierman Park)
2002.0133K (555 Washington Street)
Project Address: **Maritime Plaza:**
- (bounded by Washington, Davis, Clay, and Battery Streets)
Sue Bierman Park:
- (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
555 Washington Street (between Montgomery and Sansome Streets)
Zoning: **Maritime Plaza:**
- C-3-O (Downtown Office) District
- 200-S/300-S Height and Bulk Districts
Sue Bierman Park:
- P (Public)
- OS Height and Bulk District
555 Washington:
- C-3-O (Downtown Office) District
- 200-S Height and Bulk District
Block/Lot: **Maritime Plaza:**
- 0204/020-022
Sue Bierman Park:
- 0202/006, 015, 018, 020; 0203/013-014
555 Washington:
- 0207/033, 035, 036
Project Sponsor: Andrew Segal
Lowe Enterprise Real Estate Group-West, Inc.
455 Market Street
San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: **Approval**

PROJECT DESCRIPTION

The proposal is to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the architectural screen would reach a

height of approximately 430 feet. The building would cast shadow on Maritime Plaza, which has been allocated no new allowable shadow under criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989.

The building would also cast shadow on Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration (see discussion under "Issues and Other Considerations below").

The project sponsor is therefore requesting that the Planning Commission and the Recreation and Park Commission act jointly to raise the allowable shadow limit for Maritime Plaza, set an absolute cumulative shadow limit for Sue Bierman Park that would accommodate the new shadows from the project, find that the new shadow cast on Maritime Plaza and Sue Bierman Park would not be adverse to the use of these spaces, and allocate this shadow to the proposed project.

SITE DESCRIPTION AND PRESENT USE

The project site is located at 555 Washington Street, between Montgomery and Sansome Streets, Block 0207, Lots 033, 035, and 036, within the C-3-O (Downtown Office) District, and the 200-S Height and Bulk District. The site measures 36,831 square feet, and is currently developed with a nine-story office building and one-story retail building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. The site is located within the at the northerly edge of the Financial District, an area characterized primarily by high-intensity urban development including office and hotel uses. Retail uses are found on the ground floor of many buildings.

The scale of development varies greatly in the vicinity of the project site. Taller high-rise buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront.

Maritime Plaza is located two blocks to the east of the project site. The Plaza is elevated above the surrounding sidewalks, located on a podium over a parking garage. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours

Sue Bierman Park is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets, beginning three blocks to the east of the project site. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

ENVIRONMENTAL REVIEW

On March 25, 2009, the Planning Department published a Draft Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The Draft EIR analyzes potential environmental impacts of the proposed development, and proposes specific mitigation and improvement measures to avoid potentially significant environmental effects. Copies of the Draft EIR were routed to the members of the Planning Commission at the time of publication. Following the close of the public review and comment period on May 18, 2009, the Department prepared a revised Draft EIR, including written responses to the submitted oral and written comments.

HEARING NOTIFICATION

Planning Code Section 295 does not specify notification procedures for the actions under consideration. Public notice for the overall development project has been provided in accordance with the requirements of the Planning Code, including an on-site poster, mailing to adjacent property owners, a published advertisement, and a published agenda.

PUBLIC COMMENT

An overview of the public comments on the project is included in the Executive Summary for the other project entitlements.

ISSUES AND OTHER CONSIDERATIONS

- In 1989, the Planning Commission and the Recreation and Park Commission adopted standards and guidelines for allowing additional shadows on parks in the City. Small parks or parks that are heavily shaded were granted no new allowable shadows, including Maritime Plaza.
- Sue Bierman Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.
- On an annual basis, the total potential sunlight available to Sue Bierman Park (disregarding the shading from existing buildings) is approximately 705,110,821 square-foot-hours of sunlight. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 annual square-foot-hours of sunlight are available to the park, approximately 58.2 percent of the potential sunlight. Throughout the course of the year, the project would cast an additional 43,682 square-foot hours of shadow on Sue Bierman Park. This is approximately 0.0062 percent of the theoretically potential sunlight, or 0.011 percent of the existing available sunlight.
- On an annual basis, the total potential sunlight available to Maritime Plaza is approximately 320,030,092 square-foot-hours of sunlight. Existing structures in the area cast shadows on the plaza, so that approximately 112,224,916 annual square-foot-hours of sunlight are available to the

plaza, approximately 35 percent of the potential sunlight. Throughout the course of the year, the project would cast an additional 2,822,513 square-foot hours of shadow on Maritime Plaza. This is approximately 0.88 percent of the theoretically potential sunlight, or 2.52 percent of the existing available sunlight.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Planning Commission must, upon recommendation of the General Manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, adopt a resolution to raise the absolute cumulative limit for additional shadow on Maritime Plaza by 0.88 percent of the potential annual sunlight, and to establish an absolute cumulative limit for additional shadow on Sue Bierman Park at 0.0062 percent of the potential annual sunlight. The Planning Commission must also, upon recommendation of the General Manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, adopt a motion to find that the additional shadow cast by the project on Maritime Plaza and Sue Bierman Park would not be adverse to the use of these spaces, and to allocate the additional allowable shadow to the project.

An overview of the required approvals (unrelated to shadow impacts) for the project is included in the Executive Summary for the other project entitlements.

BASIS FOR RECOMMENDATION

- The new shadow would be cast on during the late afternoon and early evening hours, when usage of both Maritime Plaza and Sue Bierman Park is relatively low.
- The presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight on Maritime Plaza in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza.
- At the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park. The area to be shaded is limited to a narrow strip along the northern edge of the park in areas adjacent to the sidewalk.
- The Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

RECOMMENDATION: Approval
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Attachments:

- Draft Resolution re: Case No. 2009.0302K
- Draft Motion re: Case No. 2002.0133K
- Shadow Memorandum

KMG: G:\Projects\Shadow Studies\555 Washington\Jan 2010 Hearing\2002.0133K - 555 Washington - Exec Summary 2-11-2010 Hearing.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Resolution No. xxxxx

HEARING DATE: FEBRUARY 11, 2010

Date: February 5, 2010

Case No.: **2009.0302K (Maritime Plaza and Sue Bierman Park)**

Project Address: **Maritime Plaza:**
- (bounded by Washington, Davis, Clay, and Battery Streets)
Sue Bierman Park:
- (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
555 Washington Street (between Montgomery and Sansome Streets)

Zoning: Maritime Plaza:
 - C-3-O (Downtown Office) District
 - 200-S/300-S Height and Bulk Districts
 Sue Bierman Park:
 - P (Public)
 - OS Height and Bulk District
 555 Washington:
 - C-3-O (Downtown Office) District
 - 200-S Height and Bulk District

Block/Lot: Maritime Plaza:
 - 0204/020-022
 Sue Bierman Park:
 - 0202/006, 015, 018, 020; 0203/013-014
 555 Washington:
 - 0207/033, 035, 036

Project Sponsor: Andrew Segal
 Lowe Enterprise Real Estate Group-West, Inc.
 455 Market Street
 San Francisco, CA 94105

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

Recommendation: **Approval**

RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON MARITIME PLAZA AND TO ESTABLISH AN ABSOLUTE CUMULATIVE SHADOW LIMIT ON SUE BIERMAN PARK IN ORDER TO ALLOW THE PROPOSED PROJECT AT 555 WASHINGTON STREET.

RECITALS

1. The people of the City and County of San Francisco, in June 1984, adopted an initiative ordinance, commonly known as Proposition K, codified as Section 295 of the Planning Code.
2. Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure that will cast shadow on property under the jurisdiction of the Recreation and Park Department, unless it is determined that the shadow would not be significant or adverse. The Planning Commission and the Recreation and Park Commission must adopt criteria for the implementation of that ordinance.
3. Section 295 is implemented by analyzing park properties that could be shadowed by new construction, including the current patterns of use of such properties, how such properties might be used in the future, and assessing the amount of shadowing, its duration, times of day, and times of year of occurrence. The Commissions may also consider the overriding social or public benefits of a project casting shadow.
4. Pursuant to Planning Code Section 295, the Planning Commission and the Recreation and Park Commission, on February 7, 1989, adopted standards for allowing additional shadows on the greater downtown parks (Resolution No. 11595). The quantitative standard that was established for Maritime Plaza ("Plaza") was zero percent or no net new shadow.
5. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.
6. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are

generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight. The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

7. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
8. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.79 percent of the existing available annual square foot-hours of sunlight on the Plaza.
9. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight. At that time, the Final Environmental Impact Report had not been completed and was not

available for certification, therefore, the Commissions were not able to take final action on the item.

11. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on February 11, 2010 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight.
12. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
13. The Planning Commission and the Recreation and Park Commission have heard and considered the testimony presented at the public hearing and have further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

Therefore, the Commission hereby resolves:

FINDINGS

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Planning Commission adopted California Environmental Quality Act findings in its Motion No. _____, which findings are incorporated by this reference thereto as if fully set forth in this Resolution.
3. The additional shadow cast by the Project would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

4. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
5. The staff of both the Planning Department and the Recreation and Park Department have recommended increasing the limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, or 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza, equivalent to 2,822,513 square-foot hours of shadow on the Plaza.
6. The staff of both the Planning Department and the Recreation and Park Department have recommended establishing a limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park, or 0.011 percent of the existing available annual square foot-hours of sunlight on the Park, equivalent to 43,682 square-foot hours of shadow on the Park.
7. A determination by the Planning Commission and the Recreation and Park Commission to raise the absolute cumulative shadow limit for the park in an amount that would accommodate the additional shadow that would be cast by the Project does not constitute a Project approval.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby ADOPTS, under Shadow Analysis Application No. 2009.0302K, the proposal to raise the absolute cumulative limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, and to establish an absolute cumulative limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on February 11, 2010.

Linda Avery
Commission Secretary

**Resolution XXXXX
February 11, 2010**

**CASE NO. 2009.0302K
Maritime Plaza and Sue Bierman Park**

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. xxxxx

HEARING DATE: FEBRUARY 11, 2010

Date: February 5, 2010

Case No.: 2002.0133K (555 Washington Street)

Project Address: **Maritime Plaza:**
- (bounded by Washington, Davis, Clay, and Battery Streets)
Sue Bierman Park:
- (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
555 Washington Street (between Montgomery and Sansome Streets)

Zoning: Maritime Plaza:
- C-3-O (Downtown Office) District
- 200-S/300-S Height and Bulk Districts
Sue Bierman Park:
- P (Public)
- OS Height and Bulk District
555 Washington:
- C-3-O (Downtown Office) District
- 200-S Height and Bulk District

Block/Lot: Maritime Plaza:
- 0204/020-022
Sue Bierman Park:
- 0202/006, 015, 018, 020; 0203/013-014
555 Washington:
- 0207/033, 035, 036

Project Sponsor: Andrew Segal
Lowe Enterprise Real Estate Group-West, Inc.
455 Market Street
San Francisco, CA 94105

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

Recommendation: **Approval**

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON MARITIME PLAZA AND SUE BIERMAN PARK BY THE PROPOSED PROJECT AT 555 WASHINGTON STREET (ASSESSOR'S BLOCK 0207, LOTS 033, 035, AND 036) WOULD NOT BE ADVERSE, AND ALLOCATE NET NEW SHADOW ON MARITIME PLAZA AND SUE BIERMAN PARK TO THE PROPOSED PROJECT.

RECITALS

1. Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.
2. February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco (Planning Commission Resolution No. 11595).
3. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 83,936 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.

4. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight.

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

5. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
6. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
7. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
8. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 regarding Application No. 2002.0133K. At that time, the Final Environmental Impact Report had not been completed and was not available for certification, therefore, the Commissions were not able to take final action on the item.
9. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on February 11, 2010 and adopted Resolution No _____ to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of potential sunlight on the Plaza (Case No. 2009.0302K), and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at 0.011 percent of the potential sunlight on the Park.

10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on February 11, 2010 regarding Application No. 2002.0133K, at which time the Commissions reviewed and discussed the findings prepared for its review by Planning Department staff.
11. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
12. The Planning Commission and the Recreation and Park Commission have heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

FINDINGS

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

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Planning Commission adopted California Environmental Quality Act findings in its Motion No. _____, which findings are incorporated by this reference thereto as if fully set forth in this Motion.
3. The additional shadow cast by the Project would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
4. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the

project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

5. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
6. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 43,682 square-foot hours of shadow on Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
7. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project. The Project would be subject to future approvals by the Planning Commission in association with the other applications related to the 555 Washington Street project (Application No. 2002.0133EZMRKXV).

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. **2002.0133K**, that the net new shadow cast by the Project on Maritime Plaza and Sue Bierman Park will not be adverse, and ALLOCATES to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza and up to 43,682 square-foot hours of shadow on Sue Bierman Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on February 11, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

Motion XXXXX
February 11, 2010

CASE NO. 2002.0133K
555 Washington Street

ABSENT:

ADOPTED: February 11, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

Mark Twain Alley

HEARING DATE: FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
455 Market Street, Suite 640
San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
rick.crawford@sfgov.org

ADOPTING FINDINGS OF GENERAL PLAN CONSISTENCY PURSUANT TO SAN FRANCISCO CHARTER § 4.105 AND SAN FRANCISCO ADMINISTRATIVE CODE § 2A.53 AND MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE CONSISTENCY OF THE VACATION OF MARK TWAIN ALLEY AND RELATED PROJECT DOCUMENTS AND ACTIONS WITH THE GENERAL PLAN OF THE CITY AND COUNTY OF SAN FRANCISCO AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

Preamble

1. On February 6, 2002, the Project Sponsor filed with the City and County of San Francisco Planning Department ("Department") Environmental Evaluation Application No. 2002.0133E, for the Project ("Environmental Evaluation Application").
2. On May 26, 2006, the Environmental Evaluation Application was amended by that certain letter from Rachel B. Horsch from Pillsbury Winthrop Shaw Pittman LLP dated May 26, 2006.
3. On May 26, 2006, Project Sponsor submitted an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application 2002.0133X) with requested exceptions under Sections 309(a)(1), 309(a)(4), 309(a)(5) and 309(a)(9), and an application for an Amendment

to the Zoning Map of the City Planning Code (application no. 2002.0133Z) to rezone the Project Site from a 200-S Height and Bulk District to a 300-S Height and Bulk District.

4. On May 30, 2006, Project Sponsor filed a Review of Shadow Impacts on Public Park (application no. 2002.0133K) with the Department.
5. On May 31, 2006, Project Sponsor filed an application for a Variance (application no. 2002.0133V) with the Department for a Variance from Section 135 to would allow 3,400 square feet of common usable open space for dwellings where 9,408 square feet are required.
6. The Department determined that an Environmental Impact Report ("EIR") was required and the Department printed and circulated a Notice of Preparation on November 27, 2007 that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through February 4, 2008. Subsequently, the Department published the Draft EIR on March 25, 2009, on which comments were accepted from March 25 to May 18, 2009. A public hearing on the Draft EIR was held on May 7, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.
7. On January 8, 2010 Project Sponsor filed an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application no. 2002.0133X); an amended and restated Variance Application (application no. 2002.0133V); an amended and restated Amendment to Zoning Map of the City Planning Code (application no. 2002.0133Z); and an application to amend the General Plan (application no. 2002.0133K).
8. On January 19, 2010 Project Sponsor filed an application for a Finding of General Plan Compliance for the conveyance of Redwood Park and the vacation of Mark Twain Alley.
9. On February 11, 2010, the Planning Commission (hereinafter "Commission") certified the final EIR (FEIR) for the Project. The Project's FEIR identifies a Project specific unavoidable significant impact on the 545 Sansome Street building resulting from its demolition. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact. .
10. On February 11, 2010, the Recreation and Park Commission consulted with the General Manager of the Recreation and Park Department regarding the impact of the Project's shadow on Maritime Plaza and Sue Bierman Park and advised the General Manager to comment to the Planning Commission that the new shadow cast by the Project would not have an adverse impact on the use of the parks under the jurisdiction of the Recreation and Park Commission is insignificant.
11. The Planning Commission adopted CEQA findings in its Motion No. ----, which findings are incorporated by this reference thereto as if fully set forth in this Resolution.
12. In evaluating the Project's Application No. 2002.0133R, the Commission has reviewed the General Plan and considered studies, letters, plans, and other materials pertaining to the Project

in the Department's case files and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby finds that pursuant to San Francisco Charter § 4.105 and San Francisco Administrative Code § 2a.53 the vacation of Mark Twain Alley is consistent with the adopted General Plan for the City and County of San Francisco, as amended, as requested in Application No. 2002.0133EZRMKXV, subject to the conditions contained in "EXHIBIT A" of this Motion, based on the following findings:

FINDINGS

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

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

Project Description. The Project consists of the development of a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 217 parking spaces plus 2 car share spaces. These spaces will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street.

As part of the larger project at 555 Washington Street, Redwood Park (currently a private area not required to be made available to the public) would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped, and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

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

RECREATION & OPEN SPACE:

Objectives and Policies

OBJECTIVE 2: DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1: Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Policy 2.3: Preserve sunlight in public open spaces.

Policy 2.7: Acquire additional open space for public use.

Policy 2.9: Maintain and expand the urban forest.

Mark Twain Alley will be landscaped, vacated and made more enjoyable for use by the public and renovated to provide approximately 4,365 square feet of pedestrian open space. In addition, the City will receive a fair market value purchase price for the alley and a part of Mark Twain Alley will be given back to the City as part of the newly expanded, renovated and improved Redwood Park at no cost to the City. Any future building or construction within Mark Twain Alley will be prohibited and it would continue to be accessible and available to the public.

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

Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

The Project proposes to maximize open space and other public areas on the Project Site. Through the expansion, improvement and subsequent conveyance to the City of Redwood Park, as a new public park, and through the vacation and landscaping of Mark Twain Alley, to be accessibly by members of the public, the Project both enhances and improves the existing open spaces and public areas around the Project Site and in the Downtown Core. In addition, by leaving a portion of the Project site open, the Project enhances the visual connection of the Downtown Core's to Jackson Square, easing the transition to adjacent neighborhoods. The Project further complements the neighborhood environment by providing a high quality design that will create an environmentally sustainable "Green Island" of responsible development located in the heart of the City by, among other items, incorporating a rainwater capture system into the existing buildings and the Project to offset (or eliminate) irrigation requirements for the new public park,

and incorporating cutting edge storm water run-off management techniques in Redwood Park and Mark Twain Alley to minimize impact on the City's sewer system.

DOWNTOWN PLAN:

Objectives and Policies

OBJECTIVE 9: PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

Policy 9.5: Improve the usefulness of publicly owned rights-of-way as open space.

Mark Twain Alley also will be vacated, acquired and landscaped to create a lively pedestrian portal into Redwood Park.

OBJECTIVE 10: ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

Policy 10.1: Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.

Policy 10.2: Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

Policy 10.3: Keep open space facilities available to the public.

Policy 10.4: Provide open spaces that are clearly visible and easily reached from the street or pedestrian way.

Policy 10.5: Address the need for human comfort in the design of open spaces by minimizing wind and maximizing sunshine.

By vacating Mark Twain Alley, and by expanding, renovating, improving and subsequently dedicating Redwood Park to the City, the Project would substantially increase the neighborhood's vitality and pedestrian use of the area and would create an inviting street level environment for all users. Redwood Park would be available to the public seven days a week and, in addition to its great utility as a downtown public park, Redwood Park will also serve the highly underserved population of Chinatown. Redwood Park will substantially increase the available sunlight on the City's parks, and included in this new sunshine is a considerable amount of sunlit area during the noon hour when Redwood Park is frequented by nearby office workers and residents for lunch.

OBJECTIVE 16: CREATE AND MAINTAIN ATTRACTIVE URBAN LANDSCAPES

Policy 16.1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 16.4: Use designs and materials and include activities on the ground floor to create pedestrian interest.

The acquisition, vacation and landscaping of Mark Twain Alley will create visual and pedestrian interest and overall enhance the sense of liveliness of the block and streetscape.

OBJECTIVE 22: IMPLEMENT A DOWNTOWN STREETScape PLAN TO IMPROVE THE DOWNTOWN PEDESTRIAN CIRCULATION SYSTEM, ESPECIALLY WITHIN THE CORE, TO PROVIDE FOR EFFICIENT, COMFORTABLE, AND SAFE MOVEMENT.

Policy 22.5: Improve the ambience of the pedestrian environment.

The Project itself would revitalize the block and substantially improve the ambience of the pedestrian environment. Mark Twain Alley would be landscaped and would provide comfortable and accessible environment where pedestrians could gather, rest, and enjoy the retail shops fronting Mark Twain Alley.

3. **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 proposal and vacate an alley and would not impact neighborhood-serving retail.

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

The proposal vacate an alley and will not directly impact housing, however pedestrian improvements to the alley would enhance the residential environment in the area.

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

No housing is removed for this Project.

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

The vacation of Mark Twain Alley will eliminate a loading space for the building at 505 Sansome Street. The Project Sponsor has made arrangements with the owner of that building to provide loading in the new building at 555 Washington Street.

- 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 will not displace any service or industry establishment.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

No existing buildings at the site are designated landmark or rated historic buildings and the site is not located within an historic district. While the final EIR concluded that 545 Sansome Street is eligible for inclusion in the California Register of Historical Resources for its association with the San Francisco's printing and publishing industry, and thus a historic resource under CEQA, neither 545 Sansome, nor the existing buildings at the site are rated historic under the Planning Code. The existing buildings at 501-505 Washington and 545 Sansome that will be demolished as part of the Project have no architectural merit and, although the demolition of 545 Sansome is deemed to result in a significant and unavoidable impact for purposes of CEQA, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project Site.

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

The project will have no negative impact on existing parks and open spaces. The Project increases the amount of public park land in the Downtown.

4. The Commission hereby finds that approval of the vacation of Mark Twain Alley 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 finds **Application No. 2002.0133EZRMKXV** for the vacation of Mark Twain Alley to be consistent with the General Plan.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 11, 2010.

Linda D. Avery
Commission Secretary

Motion
February 11, 2010

CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion Redwood Park

HEARING DATE: FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
455 Market Street, Suite 640
San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
rick.crawford@sfgov.org

ADOPTING FINDINGS OF GENERAL PLAN CONSISTENCY PURSUANT TO SAN FRANCISCO CHARTER § 4.105 AND SAN FRANCISCO ADMINISTRATIVE CODE § 2A.53 AND MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE CONSISTENCY OF THE CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO AND RELATED PROJECT DOCUMENTS AND ACTIONS WITH THE GENERAL PLAN OF THE CITY AND COUNTY OF SAN FRANCISCO AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

Preamble

1. On February 6, 2002, the Project Sponsor filed with the City and County of San Francisco Planning Department ("Department") Environmental Evaluation Application No. 2002.0133E, for the Project ("Environmental Evaluation Application").
2. On May 26, 2006, the Environmental Evaluation Application was amended by that certain letter from Rachel B. Horsch from Pillsbury Winthrop Shaw Pittman LLP dated May 26, 2006.

3. On May 26, 2006, Project Sponsor submitted an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application 2002.0133X) with requested exceptions under Sections 309(a)(1), 309(a)(4), 309(a)(5) and 309(a)(9), and an application for an Amendment to the Zoning Map of the City Planning Code (application no. 2002.0133Z) to rezone the Project Site from a 200-S Height and Bulk District to a 300-S Height and Bulk District.
4. On May 30, 2006, Project Sponsor filed a Review of Shadow Impacts on Public Park (application no. 2002.0133K) with the Department.
5. On May 31, 2006, Project Sponsor filed an application for a Variance (application no. 2002.0133V) with the Department for a Variance from Section 135 to would allow 3,400 square feet of common usable open space for dwellings where 9,408 square feet are required.
6. The Department determined that an Environmental Impact Report (“EIR”) was required and the Department printed and circulated a Notice of Preparation on November 27, 2007 that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through February 4, 2008. Subsequently, the Department published the Draft EIR on March 25, 2009, on which comments were accepted from March 25 to May 18, 2009. A public hearing on the Draft EIR was held on May 7, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.
7. On January 8, 2010 Project Sponsor filed an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application no. 2002.0133X); an amended and restated Variance Application (application no. 2002.0133V); an amended and restated Amendment to Zoning Map of the City Planning Code (application no. 2002.0133Z); and an application to amend the General Plan (application no. 2002.0133K).
8. On January 19, 2010 Project Sponsor filed an application for a Finding of General Plan Compliance for the conveyance of Redwood Park and the vacation of Mark Twain Alley.
9. On February 11, 2010, the Planning Commission (hereinafter “Commission”) certified the final EIR (FEIR) for the Project. The Project’s FEIR identifies a Project specific unavoidable significant impact on the 545 Sansome Street building resulting from its demolition. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact. .
10. On February 11, 2010, the Recreation and Park Commission consulted with the General Manager of the Recreation and Park Department regarding the impact of the Project’s shadow on Maritime Plaza and Sue Bierman Park and advised the General Manager to comment to the Planning Commission that the new shadow cast by the Project would not have an adverse impact on the use of the parks under the jurisdiction of the Recreation and Park Commission is insignificant.
11. The Planning Commission adopted CEQA findings in its Motion No. ----, which findings are incorporated by this reference thereto as if fully set forth in this Resolution.

12. In evaluating the Project's Application No. 2002.0133R, the Commission has reviewed the General Plan and considered studies, letters, plans, and other materials pertaining to the Project in the Department's case files and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby finds that pursuant to San Francisco Charter § 4.105 and San Francisco Administrative Code § 2a.53 the conveyance of Redwood Park to the City and County of San Francisco is consistent with the adopted General Plan for the City and County of San Francisco, as amended, as requested in Application No. 2002.0133EZRMKXV, subject to the conditions contained in "EXHIBIT A" of this Motion, based on the following findings:

FINDINGS

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

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

Project Description. The Project consists of the development of a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 217 parking spaces plus 2 car share spaces. These spaces will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street.

As part of the larger project at 555 Washington Street, Redwood Park (currently a private area not required to be made available to the public) would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped, and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

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

RECREATION & OPEN SPACE:

Objectives and Policies

OBJECTIVE 2: DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1: Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Policy 2.3: Preserve sunlight in public open spaces.

Policy 2.7: Acquire additional open space for public use.

Policy 2.9: Maintain and expand the urban forest.

The Project will not only create more public open space, but it will also make the existing public space more functional and usable. Redwood Park, currently, a private open area, would be expanded, renovated and subsequently conveyed to the City to create a permanent downtown park. The expansion and renovation of Redwood Park would increase the available sunlight on Redwood Park, and would further enhance the neighborhood's appeal by creating an inviting street-level environment for visitors and residents. As part of the renovation Redwood Park will be carefully landscaped with the priority of protecting the redwood trees of the park.

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

Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

The Project proposes to maximize open space and other public areas on the Project Site. Through the expansion, improvement and subsequent conveyance to the City of Redwood Park, as a new public park, , to be accessible by members of the public, the Project both enhances and improves the existing open spaces and public areas around the Project Site and in the Downtown Core. In addition, by leaving a portion of the Project site open, the Project enhances the visual connection of the Downtown Core's to Jackson Square, easing the transition to adjacent neighborhoods. The Project further complements the neighborhood environment by providing a high quality design that will create an environmentally sustainable "Green Island" of responsible development located in the heart of the City by, among other items, incorporating a rainwater capture system into the existing buildings and the Project to offset (or eliminate) irrigation

requirements for the new public park, and incorporating cutting edge storm water run-off management techniques in Redwood Park and Mark Twain Alley to minimize impact on the City's sewer system.

DOWNTOWN PLAN:

Objectives and Policies

OBJECTIVE 9: PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

Policy 9.5: Improve the usefulness of publicly owned rights-of-way as open space.

By improving, expanding and subsequently dedicating Redwood Park, currently a private open space, to the City as a new public park, the Project would cover over 26,000 square feet of open space. The new public park will be accessible to the public seven days a week and would offer an inviting environment for residents, downtown workers and visitors to the area. As part of the Project, Mark Twain Alley also will be vacated, acquired and landscaped to create a lively pedestrian portal into Redwood Park.

OBJECTIVE 10: ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

Policy 10.1: Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.

Policy 10.2: Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

Policy 10.3: Keep open space facilities available to the public.

Policy 10.4: Provide open spaces that are clearly visible and easily reached from the street or pedestrian way.

Policy 10.5: Address the need for human comfort in the design of open spaces by minimizing wind and maximizing sunshine.

By expanding, renovating, improving and subsequently dedicating Redwood Park to the City, the Project would substantially increase the neighborhood's vitality and pedestrian use of the area and would create an inviting street level environment for all users. Redwood Park would be available to the public seven days a week and, in addition to its great utility as a downtown public park, Redwood Park will also serve the highly underserved population of Chinatown. Redwood Park will substantially increase the available sunlight on the City's parks, and included in this new sunshine is a considerable amount of sunlit area during the noon hour when Redwood Park is frequented by nearby office workers and residents for lunch.

OBJECTIVE 14: CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.

Policy 14.1: Promote building forms that will maximize sun access to open spaces and other public areas.

The Project has been designed to maximize sun access to open space. The conveyance and expansion of Redwood Park by approximately 40% will add over 18,500,000 sunlight square foot hours to the City's public parks. In addition, by compressing square footage into a tall slender form, the slender building maximizes the separation from the Transamerica Pyramid creating more sunlight and open space for Redwood Park and surrounding streets thereby creating an inviting pedestrian environment.

OBJECTIVE 16: CREATE AND MAINTAIN ATTRACTIVE URBAN LANDSCAPES

Policy 16.1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 16.4: Use designs and materials and include activities on the ground floor to create pedestrian interest.

The expansion, renovation and improvement of Redwood Park will create visual and pedestrian interest and overall enhance the sense of liveliness of the block and streetscape.

OBJECTIVE 22: IMPLEMENT A DOWNTOWN STREETScape PLAN TO IMPROVE THE DOWNTOWN PEDESTRIAN CIRCULATION SYSTEM, ESPECIALLY WITHIN THE CORE, TO PROVIDE FOR EFFICIENT, COMFORTABLE, AND SAFE MOVEMENT.

Policy 22.5: Improve the ambience of the pedestrian environment.

The Project itself would revitalize the block and substantially improve the ambience of the pedestrian environment. Redwood Park would be landscaped and would provide comfortable and accessible environment where pedestrians could gather, rest, and enjoy the park and the retail shops fronting Mark Twain Alley.

3. **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 proposal would dedicate a park to the public and would not impact neighborhood-serving retail.

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

The proposal would dedicate a park to the public and will not directly impact housing, however the new park and pedestrian improvements to the alley would enhance the residential environment in the area.

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

No housing is removed for this Project.

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

The dedication of the park will have no impact on traffic, transit or parking.

- 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 will not displace any service or industry establishment.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

No existing buildings at the site are designated landmark or rated historic buildings and the site is not located within an historic district. While the final EIR concluded that 545 Sansome Street is eligible for inclusion in the California Register of Historical Resources for its association with the San Francisco's printing and publishing industry, and thus a historic resource under CEQA, neither 545 Sansome, nor the existing buildings at the site are rated historic under the Planning Code. The existing buildings at 501-505 Washington and 545 Sansome that will be demolished as part of the Project have no architectural merit and, although the demolition of 545 Sansome is deemed to result in a significant and unavoidable impact for purposes of CEQA, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project Site.

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

The project will have no negative impact on existing parks and open spaces. The Project increases the amount of public park land in the Downtown.

4. The Commission hereby finds that approval of the dedication of Redwood Park to the public and the vacation of Mark Twain Alley 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 finds **Application No. 2002.0133EZRMKXV** for the conveyance of Redwood Park to the public to be consistent with the General Plan.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 11, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution Zoning Map And General Plan Amendments

HEARING DATE FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
455 Market Street, Suite 640
San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
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Information:
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RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND THE OFFICIAL ZONING MAPS OF THE CITY AND COUNTY OF SAN FRANCISCO IN PARTICULAR HEIGHT AND BULK MAP HT101 BY RECLASSIFYING THE ZONING OF PROPERTY ON WASHINGTON STREET, ASSESSOR'S BLOCK 0207, LOTS, 35 AND 36, FROM A 200-S HEIGHT AND BULK DISTRICT TO A 400-S HEIGHT AND BULK DISTRICT; AND AMEND THE SAN FRANCISCO GENERAL PLAN TO INCREASE THE HEIGHT AT THE PROJECT SITE TO 400 FEET.

WHEREAS, On May 31, 2006 the Project Sponsor filed with the City and County of San Francisco Planning Department ("Department") an application for Amendment to Zoning Map of the City Planning Code (application no. 2000.0133Z) particularly Height and Bulk Map HT101 to rezone the Project Site from a 200-S Height and Bulk District to a 300-S Height and Bulk District; and

On January 8, 2010, Project Sponsor filed an amended and restated application for Amendment to Zoning Map of the City Planning Code (application no. 200.0133Z) to amend the Height and Bulk Map HT101 from a 200-S Height and Bulk District to a 400-S Height and Bulk District, and amend the San Francisco General Plan (the "General Plan") to increase the height at the Project site to 400 feet (as amended and restated, the "Zoning Application"); and

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Zoning Application on February 11, 2010; and

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

The Project Sponsor proposes to construct a new approximately 390-foot tall residential tower with a mechanical penthouse reaching to a height of approximately 410 feet and an architectural screen reaching to a maximum height of approximately 430 feet, containing 248 housing units, 4,635 square feet of retail space and providing 217 parking spaces plus 2 care share spaces (the "Project"). This use would be consistent with the existing housing, office, retail and institutional space in the immediate project vicinity; and

The subject Project site is approximately 36,830 square feet, and is located at 555 Washington Street at the southwest corner of the Washington/Sansome Street intersection and includes the private open area commonly known as Redwood Park, which is located in the middle of the block between Montgomery and Sansome Streets, and Mark Twain Alley (formerly Merchant Street). The Project site is on the same block as, but does not include, the Transamerica Pyramid office building; and

The Project site contains the following: a vacant lot at 517 Washington Street, with one subsurface, concrete capped level; a single-story retail building at 501-505 Washington Street; a 9-story office building over ground-floor retail at 545 Sansome Street; Mark Twain Alley (formerly Merchant Street); and Redwood Park, located at 535 Washington Street, that extends through the block to Clay Street; and

The Project site is located within downtown San Francisco, in the Financial District which is dominated by high-rise buildings, including the 48-story (853 foot) Transamerica Pyramid and the 20-story (242 foot) 505 Sansome Street building, both on the Project block, and within a five block radius, the 45-story (560 foot) Embarcadero One, the 31-story (413 foot) Embarcadero Two, the 31-story (413 foot) Embarcadero Three, the 45-story (571 foot) Embarcadero Four, the 27-story (396 foot) Alcoa Building, and the 48-story (695 foot) 345 California Building; and

The land use in the Project vicinity is primarily devoted to low-, mid-, and high-rise office/banking buildings with ground floor retail including, banking, low-rise residential or office uses above retail space, hotels, high-rise residential above retail space, open space and public uses; and

With a tall, slender tower, less than half the height of the adjacent Transamerica Pyramid, the proposed project would enhance the transition between the Downtown core and the Downtown edge; and

The public necessity, convenience and general welfare requires the Zoning Map amendment as well as the General Plan amendment because they are consistent with the Project's proposed use and surrounding land uses since the construction of a taller building will help avoid the "benching effect" and also offer a transition between the Downtown core and the Downtown edge; and

Under Section 302 of the Planning Code, upon recommendation of the Planning Commission, the Board of Supervisors may amend the Planning Code when required by the public necessity, convenience, and general welfare; and

The Planning Commission adopted CEQA findings in its Motion No. ----, which findings are

incorporated by this reference thereto as if fully set forth in this Resolution.

Pursuant to San Francisco Charter Section 4.105 and under Section 302 of the Planning Code, upon recommendation of the Planning Commission, the Board of Supervisors may amend the General Plan when required by the public necessity, convenience, and general welfare; and

Changing the zoning classification and increasing the height under the General Plan of the subject property would promote the construction of new housing units providing necessary housing in the City; and

The proposed reclassification meets the priority policies of Planning Code Section 101.1(b) in that:

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

The change in zoning classification will not directly affect any neighborhood serving retail, but would allow the development of modern retail space for the area and the revitalization of Redwood Park, which will attract daytime users to the area businesses. The residential component of the Project will also provide opportunities for local businesses to attract evening and weekend users to the new modern retail spaces as well as attracting new and varied retail uses.

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

The change in zoning classification will not affect existing housing but would provide for the development of new housing, which will be attractive to urban families. The Project's uses would also be consistent with the neighborhood character, and the new dwelling units constructed on the lot would attract new people to the neighborhood, benefiting the existing neighborhood and retail uses.

(3) That the City's supply of affordable housing be preserved and enhanced.

The change in zoning classification will increase the amount of affordable housing as the Project will comply with the applicable laws regarding the provision of affordable housing by providing an in lieu fee to be dedicated to the building and development of additional affordable housing units.

(4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The change in zoning classification for the property, and the future development of the site, will have minimal impact on traffic and parking in the area as the Project is well served by public transit and residents of the Project will be within steps of their jobs in the Downtown Core with ready access to South of Market and other commercial areas of the City.

(5) 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 change in zoning classification would allow development that is neighborhood serving commercial and residential in nature and which will not directly affect industrial and service sector businesses, but instead will provide for opportunities for resident employment and ownership. The Project does not contain a commercial office component and would provide opportunity for resident employment in terms of management and maintenance positions and in the retail space. Initial construction of the Project will also create a large number of construction jobs and ongoing opportunities for the building trades as retail and residential occupants maintain and upgrade their units.

(6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The change in zoning classification would provide for development of a new residential tower that will employ state-of-the-art structural and seismic design, which will meet all aspects of the most up-to-date building, fire, accessibility and life safety codes.

(7) That landmarks and historic buildings be preserved.

While the Project site does not qualify as a proposed or designated historic or conservation district, the 545 Sansome building was determined to be a historical resource for purposes of CEQA, and as concluded in the Project's Environmental Impact Report, the demolition of this historical resource would result in an unavoidable significant impact under CEQA. However, the change in the zoning classification would be specific to the Project site and would further not affect landmarks or historic districts as classified under the San Francisco Planning Code. Rather the change in zoning classification would permit the construction of a new building with a design that respects the character of its neighboring building and neighboring Jackson Square Historic District. The base of the building has been redesigned to better relate and be sympathetic to the smaller buildings in the Jackson Square Historic District.

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

The change in zoning classification will not affect sunlight to, or vistas from, any park or recreational open space areas. Instead, in lieu of constructing a code-conforming building, the Project would compress square footage into a tall slender tower that would maximize separation from the Transamerica Pyramid creating more sunlight and open space in and around the Project site. The Project would cast a de-minimus new shadow on Maritime Plaza and Sue Bierman Park in the late afternoon/early evening hours for only certain portions of the year. However, the Project would substantially increase the amount of sunlight on public parks in downtown by conveying the existing private Redwood Park open area to the City for a public park. The conveyance of Redwood Park

would result in an increase of over 18.5 million square foot hours of new sun on public parks, which would more than offset the minimal shadow impacts of the Project.

On February 11, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing on Case No. 2002.0133EZMKXV. At that hearing, the Commission certified the final EIR (FEIR) for the Project as to its accuracy, objectiveness and completeness. The Project's FEIR identifies a Project specific unavoidable significant environmental impact resulting from the demolition of the 545 Sansome Street building. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact. In accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code, Attachment A, including Exhibit C, to the Section 309 Motion [_____] (Case No. 2002.0133EKVXZ), in the independent judgment of the Commission, constitutes the findings of the Commission, as though fully set forth herein.

In evaluating the Project's Application No. 2002.0133MZ, the Commission has reviewed and considered studies, letters, plans, and other materials pertaining to the Project in the Department's case files and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project; and

Therefore, the Commission determines that both the proposal to change the zoning classification from a 200-S Height and Bulk District to a 400-S Height and Bulk District and the proposal to amend the General Plan to increase the height of the Project Site to 400 feet are consistent with and will promote the following relevant objectives and policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1: MANAGE ECONOMIC GROWTH TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The change in zoning classification would allow the development of 248 new dwelling units and would also permit the development of additional affordable housing units in the City. The ground floor retail component of the Project will provide benefits in the form of job creation and efficient use of retail space. The Project will revitalize the neighborhood by linking Jackson Square with the Financial District increasing the amount of foot traffic and customers to Chinatown, North Beach, Jackson Square and the surrounding areas and by substantively activating the Transamerica block seven days a week. The Project will result in increased tax revenue and will increase retail activity in the immediate neighborhood by helping revitalize the urban street experience. Moreover, the building's small footprint combined with its other design features will literally increase the site's pedestrian capacity. In addition, the Project will create

an inviting street level environment for visitors and residents of the neighborhood by: (a) incorporating ground floor retail uses; (b) removing cars and trucks from Mark Twain Alley and creating a lively pedestrian portal into Redwood Park; (c) Removing two existing "outbuildings" from Redwood Park to enhance sight lines to Jackson Square; and (d) renovating, improving, expanding and subsequently dedicating Redwood Park to the City as a public park to further enhance the neighborhood's appeal, all of which will provide benefits to the surrounding neighborhoods.

The change in zoning classification would further enhances the transition from the Downtown Core to Jackson Square and Chinatown by the creation of a building that will provide much needed housing within the Downtown Core.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1: TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.

Policy 1.7 Encourage and support the construction of quality, new family housing.

Changing the zoning classification will allow the development of 248 residential units on the property, which will have a density of one unit per 149 square feet of lot area. The units will be a mixture of both one bedroom and two bedroom units, which will encourage family occupancy and will provide a convenient housing option for the densely populated Chinatown District. The Project Sponsor will also provide affordable housing as required under the Planning Code through payment of an in-lieu fee for use by the Mayor's Office of Housing for the construction of affordable housing units. Overall, the existing project site, occupied by a single story retail building and a nine-story office/retail building, is underutilized in relation to the surrounding properties and given the housing shortage within the Financial District, the Project, enabled by the change in zoning, provides an excellent opportunity for a much needed housing development within the Downtown Core.

OBJECTIVE 4: SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY

The change in zoning classification will increase the capacity of the site for housing and will promote the construction of affordable housing through payment of an in lieu fee to the Mayor's Office of Housing.

OBJECTIVE 11: IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO

MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.1 Promote the construction of well-designed housing that enhances existing neighborhood character.

The change in zoning classification will increase the supply of housing by permitting the development of 248 dwelling units on the property and would increase the supply of affordable housing units through payment of an in lieu fee to the Mayor's Office of Housing. The development of the property with a tall slender tower will maximize open space on the Project site, which will re-vitalize the urban street experience and enhance the existing livability of the neighborhood.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1: EMPHASIZE OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND MEANS OF ORIENTATION.

Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7: Recognize the natural boundaries of districts, and promote connections between districts.

The change in zoning classification would permit the Project to be consistent in height with the surrounding buildings and the Project's tall and slender design would be compatible with neighboring buildings, both in scale, size and design, all the while respecting the iconic Transamerica Pyramid. The new residential building would also be taller than its Sansome Street neighbors and thereby avoid the "benching effect" discouraged under the General Plan. The height would in essence enhance the transition from the tall buildings located in the Downtown Core to the adjacent low-rise neighborhoods and serve as a transitional link between the commercial Downtown Core and Chinatown, Jackson Square and North Beach. Furthermore, by providing housing at the western edge of the Downtown Core, the Project recognizes the boundaries between neighborhoods and promotes smooth transition and connections between them.

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.2: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

In lieu of constructing a less expensive, code-conforming building, the change in zoning classification would permit the Project to compress square footage into a tall slender form, offering a delicate and sensitive addition to the skyline. With a slender, twisting design, the tower complements the Transamerica Pyramid and harmonizes with the neighborhood aesthetics. The new residential building is taller than its Sansome Street neighbors and thereby avoids the "benching effect" discouraged under the General Plan. Also, by leaving a portion of the Project site open, the Project enhances the Downtown Core's visual connection to Jackson Square, easing the transition to adjacent neighborhoods. Finally, the Project's design will create an environmentally sustainable development located in the heart of the City by, among other items, incorporating a rainwater capture system into the existing buildings and the Project to offset (or eliminate) irrigation requirements for the new public park, and incorporating cutting edge storm water run-off management techniques in Redwood Park and Mark Twain Alley to minimize impact on the City's sewer system.

RECREATION & OPEN SPACE

Objectives and Policies

OBJECTIVE 2: DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.3: Preserve sunlight in public open spaces.

The zoning change would permit the compression of square footage and the bulk of a code-conforming building into a tall slender building. The slenderness will not only offer a delicate and sensitive addition to the skyline, but it will maximize separation from the Transamerica Pyramid to preserve and create more sunlight and open space for Redwood Park and the surrounding streets.

DOWNTOWN PLAN

Objectives and Policies

OBJECTIVE 7: EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1: Promote the inclusion of housing in downtown commercial Projects

Policy 7.2: Facilitate conversion of unused industrial and commercial areas to residential use.

The change in zoning classification would promote and expand the inclusion of housing in the Downtown core by permitting a residential building with 248 dwelling units with a mix of one and two bedroom units. In addition, the Project site is currently underutilized and the residential building with ground floor retail use will add vitality to an area that currently lacks interest and activity at night and on weekends.

OBJECTIVE 12: CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.3: Design new buildings to respect the character of older developments nearby.

With a slender, twisting design, the Project appropriately respects and complements the iconic Transamerica Pyramid and harmonizes with neighborhood aesthetics. The proposed height allowed by the change in zoning classification would enhance the transition in height from the Transamerica Pyramid and the adjacent neighborhoods.

OBJECTIVE 13: CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

Policy 13.1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 13.2: Foster sculpting of building form to create less overpower buildings and more interesting building tops, particularly tops of towers.

The Project's height even with the change in the zoning classification would be approximately half of that of the neighboring Transamerica Pyramid. The Project as designed would offer a delicate and sensitive addition to the City's skyline, enhance the transition between the Downtown Core and the outer edges and avoid the "benching effect" that is discouraged under the General Plan. While the Project would require a change in zoning classification, the proposed height of the Project is within the range of heights currently found in the vicinity. The Projects is also designed to incorporate a visually pleasing architectural screen atop of the building that is carefully designed to slope upward to the south and the City's Downtown Core.

OBJECTIVE 14: CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.

Policy 14.1: Promote building forms that will maximize sun access to open spaces and other public areas.

Policy 14.2: Promote building forms that will minimize the creation of surface winds near the base of buildings.

By compressing square footage into a tall slender form, the Project maximizes the separation from the Transamerica Pyramid, creating more sunlight and open space for Redwood Park and surrounding streets. In addition to maximizing sunlight and open space, the Project serves to minimize the creation of surface

winds and serves to reduce the total number of hours that are subject to wind hazard exceedances at the Project site, thereby creating and maintaining a comfortable pedestrian environment.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 20: GIVE FIRST PRIORITY TO IMPROVING TRANSIT SERVICE THROUGHOUT THE CITY, PROVIDING A CONVENIENT AND EFFICIENT SYSTEM AS A PREFERABLE ALTERNATIVE TO AUTOMOBILE USE.

Policy 20.2: Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

The Project is conveniently located to a variety of accessible and nearby transit lines. The proximity of transit promotes transit use over automobile use and allows residents and business employees and customers to access the property without adding to traffic and parking congestion.

RESOLVED that the Commission hereby finds that the requested amendment to the General Plan to increase the Project site's height from 200 feet to 400 feet is consistent with the objectives of the City's General Plan and is required by the public necessity, convenience, and general welfare, and hereby approves such amendment to the General Plan as set forth in the Zoning Application as described in this Resolution; and

FURTHER RESOLVED that the Commission hereby finds that the requested change in zoning classification from a 200-S Height and Bulk District to a 400-S Height and Bulk District is consistent with the objectives of the City's General Plan and is required by the public necessity, convenience, and general welfare, and hereby approves the Zoning Application as described in this Resolution; and

FURTHER RESOLVED, that the Commission hereby recommends that the Board ADOPT an ordinance approving the amendment to the General Plan as set forth in the Zoning Application and an ordinance approving the Zoning Application as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 11, 2010.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

X Inclusionary Housing (Sec. 315)

Jobs Housing Linkage Program (Sec. 313)

Downtown Park Fee (Sec. 139)

First Source Hiring (Admin. Code 83)

Child Care Requirement (Sec. 314)

Other

Planning Commission Draft Motion SECTION 309

HEARING DATE: FEBRUARY 11, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West, Inc.
for AEGON USA Realty Advisors, Inc.
455 Market Street, Suite 640
San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
rick.crawford@sfgov.org

ADOPTING FINDINGS AUTHORIZING A DETERMINATION OF COMPLIANCE AND THE GRANTING OF EXCEPTIONS PURSUANT TO SECTION 309 (FROM THE REQUIREMENTS SET FORTH IN THE PLANNING CODE SECTIONS 148 "GROUND LEVEL WIND CURRENTS", 151.1(e) "ACCESSORY PARKING", 152.1, OFF STREET LOADING, 134 REAR YARDS AND 263.9 "UPPER TOWER EXTENSIONS"), FOR A PROPOSED PROJECT (1) TO DEMOLISH AN EXISTING SINGLE-STORY STRUCTURE AT 501-505 WASHINGTON; (2) TO DEMOLISH AN EXISTING NINE-STORY OFFICE/RETAIL BUILDING AT 545 SANSOME; (3) TO VACATE, ACQUIRE AND LANDSCAPE MARK TWAIN ALLEY; (4) TO EXPAND, RENOVATE, IMPROVE AND SUBSEQUENTLY DEDICATE REDWOOD PARK TO THE CITY; AND (4) TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 217 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON

ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

RECITALS

1. On February 6, 2002, the Project Sponsor filed with the City and County of San Francisco Planning Department ("Department") Environmental Evaluation Application No. 2002.0133E, for the Project ("Environmental Evaluation Application").
2. On May 26, 2006, the Environmental Evaluation Application was amended by that certain letter from Rachel B. Horsch from Pillsbury Winthrop Shaw Pittman LLP dated May 26, 2006.
3. On May 26, 2006, Project Sponsor submitted an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application 2002.0133X) with requested exceptions under Sections 309(a)(1), 309(a)(4), 309(a)(5) and 309(a)(9), and an application for an Amendment to the Zoning Map of the City Planning Code (application no. 2002.0133Z) to rezone the Project Site from a 200-S Height and Bulk District to a 300-S Height and Bulk District.
4. On May 30, 2006, Project Sponsor filed a Review of Shadow Impacts on Public Park (application no. 2002.0133K) with the Department.
5. On May 31, 2006, Project Sponsor filed an application for a Variance (application no. 2002.0133V) with the Department for a Variance from Section 135 to would allow 3,400 square feet of common usable open space for dwellings where 9,408 square feet are required.
6. The Department determined that an Environmental Impact Report ("EIR") was required and the Department printed and circulated a Notice of Preparation on November 27, 2007 that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through February 4, 2008. Subsequently, the Department published the Draft EIR on March 25, 2009, on which comments were accepted from March 25 to May 18, 2009. A public hearing on the Draft EIR was held on May 7, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.
7. On January 8, 2010 Project Sponsor filed an amended and restated application for Review of a C-3 Downtown Project under Section 309 (application no. 2002.0133X); an amended and restated Variance Application (application no. 2002.0133V); an amended and restated Amendment to Zoning Map of the City Planning Code (application no. 2002.0133Z); and an application to amend the General Plan (application no. 2002.0133K).
8. On February 11, 2010, the Planning Commission (hereinafter "Commission") certified the final EIR (FEIR) for the Project. The Project's FEIR identifies a Project specific unavoidable significant impact on the 545 Sansome Street building resulting from its demolition. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact. Attachment A to this Motion, including Exhibit C attached hereto, sets

forth the necessary California Environmental Quality Act (CEQA) findings, including a statement of overriding considerations, and said Attachment A is hereby incorporated in this Motion by reference as if set forth in full.

9. On February 11, 2010, the Recreation and Park Commission consulted with the General Manager of the Recreation and Park Department regarding the impact of the Project's shadow on Maritime Plaza and Sue Bierman Park and advised the General Manager to comment to the Planning Commission that the new shadow cast by the Project would not have an adverse impact on the use of the parks under the jurisdiction of the Recreation and Park Commission is insignificant.
10. In evaluating the Project's Application No. 2002.0133X, the Commission has reviewed and considered studies, letters, plans, and other materials pertaining to the Project in the Department's case files and has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby authorizes the Determination of Compliance and exceptions to Section 309 requested in Application No. 2002.0133EZMKXV, subject to the conditions contained in "EXHIBIT A" of this Motion, based on the following findings:

FINDINGS

Having reviewed all the materials identified in the recitals 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 Project site consists of approximately 36,830 square-feet at the southwest corner of Sansome Street and Washington Street. The Project site is on the same block as, but does not include, the Transamerica Pyramid. The site is currently occupied by a vacant lot at 517 Washington (with one subsurface capped basement), a single-story retail building at 501-505 Washington Street and a 9-story office over ground floor retail building located at 545 Sansome Street. All structures would be demolished as part of the Project. The site also includes Redwood Park, currently a private open area, and Mark Twain Alley (formerly Merchant Street). The Project site is in the C-3-O (Downtown Office) Zoning District and the 200-S Height and Bulk District.
3. **Surrounding Properties and Neighborhood.** The Project site is located within downtown San Francisco in the Financial District, which is dominated by high-rise office buildings, including the 48-story (853 foot) Transamerica Pyramid and the 20-story (242 foot) 505 Sansome Street building, which are both located on the Project block. Within a five block radius, there is the 45-story (560 foot) Embarcadero One, the 31-story (413 foot) Embarcadero Two, the 31-story (413 foot) Embarcadero Three, the 45-story (571 foot) Embarcadero Four, the 27-story (396 foot) Alcoa Building, and the 48-story (695 foot) 345 California Building. Land uses in the Financial District consist of a variety of office and ground floor retail uses, as well as hotel and residential uses. To the east of the Project site, across Sansome Street, is Fire Station 13, and southeast, across

Sansome and Clay Streets, is an office building with retail on the ground floor. To the south of the Project site, across Clay Street is an office building with subsurface parking. Southwest of the Project site, across the Montgomery and Clay Street intersection, and west of the Project site across Montgomery Street are a variety of office buildings (one with a residential component in the upper stories). Northwest of the Project site is a triangular retail structure (due to the intersection of Columbus Avenue and the Project block) and across Columbus Avenue to the northwest is a religious institution. North of the Project block, across Washington Street is the Jackson Square Historic District, which includes relatively low-rise structures and some mid-rise buildings that include various office and retail uses. Northeast of the Project site across Washington Street and Sansome Street are US government offices, which include the 6-story US customs building and other office and retail buildings. The Project site is within about two blocks from the densely developed Chinatown neighborhood with most buildings consisting of two to four-stories, generally with retail below and either residences or office uses above. The properties surrounding the Project site are in the C-3-O (Downtown Office) District with the exception of the area north of Washington Street which is in a C-2 (Community Business) District and the Jackson Square Special Use District.

4. **Project Description.** 545 Sansome Street, 501-505 Washington Street and 517 Washington Street will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 217 parking spaces plus 2 car share spaces. These spaces will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park (currently a private area not required to be made available to the public) would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.
5. **Findings under the California Environmental Quality Act (CEQA).** In accordance with the provisions of CEQA, the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code, Attachment A, including Exhibit C attached hereto, in the independent judgment of the Commission, constitutes the findings of the Commission, as though fully set forth herein. The Department and the Commission have further reviewed and considered the information contained in the FEIR and all information pertaining to the Project in the Department's case file. Any and all documents referenced in this Motion are either attached to this Motion or may be found in the files of the Planning Department, as the custodian of records,

at 1650 Mission Street in San Francisco. The proposed Project as reflected in Application No. 2002.0133EZMKXV is consistent with the Project as described in the FEIR and would not result in any significant impacts not identified in the FEIR nor cause the significant effects identified in the FEIR to be substantially more severe.

6. **Public Comment.** The Department has received a number of calls, letters and e-mails both opposed and in support of the Project. Supporters appreciate the tall slender design of the building and the dedication of Redwood Park. Opponents are concerned with the height of the building, shadowing of existing parks, wind comfort exceedances not eliminated, or created by, the Project, and consider the Zoning amendment to be spot zoning.
7. **Compliance with C-3 District Code Requirements – Section 309.** Section 309 of the San Francisco Planning Code provides that substantial alterations and new construction located in a C-3 District is subject to Commission review with respect to the Project's compliance with applicable Planning Code requirements. Because the Project proposes new construction in a C-3-O District, it is subject to Commission review under Section 309. In determining if the Project would comply with applicable Planning Code Sections, the Commission has reviewed the Project in reference to the Code Sections listed below, and the Commission hereby finds as follows:

- A. **Floor Area Ratio (Sections 123 and 124):** In the C-3-O district, a basic Floor Area Ratio ("FAR") of 9:1 and a maximum FAR of 18:1 are allowable, subject to height and building bulk limitations.

The Project site area consists of 36,831 square-feet and a gross floor area of 331,636 gross square feet including the land areas of both Redwood Park and Mark Twain Alley. With the inclusion of the Park and Alley lands, the Project would have a floor area ratio (FAR) of approximately 9 to 1, which would comply with the basic Floor Area Ratio for the C-3-O district.

- B. **Separation of Towers (Section 132.1):** Pursuant to Section 132.1(c)(1) all structures in the S Bulk District must be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley. The setback must be a minimum of 15 horizontal feet measured from an interior property line or the center of a public right-of-way, as the case may be, beginning at a height that is 1.25 times the width of the principal street on which the building face and increasing to the widths indicated in Chart A as the building increases in height.

In accordance with Section 132.1(c), the Project is required to provide the requisite separation from the western side (Washington Street) of the Project Site. The western side of the Project site complies with the separation of towers requirements set forth in Section 132.1(c)(1).

- C. **Rear Yards (Section 134):** Section 134(a)(1) requires the minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

Section 130(c) states that where a vacant lot abuts on two or more streets, any street line may be elected by the owner as the front line for purposes of the yard and setback requirements, and in general the lot line opposite and most nearly parallel thereto shall be the rear lot line. Because the lot on which the building is to be built abuts both Sansome Street and Washington Street, the lot line abutting Washington Street is the front lot line for purposes of Section 134, and thereby the rear lot line is the lot line abutting Mark Twain Alley. The depth of the Project site will be 131 feet, with a rear yard requirement of 34 feet. As designed, the Project abuts Mark Twain Alley which is proposed to be vacated for the Project. The width of the alley is only 31 feet where a rear yard of 34 feet would be required. The project requires an exception of 3 feet from the rear yard requirement.

- D. Usable Open Space for Dwelling Units (Section 135):** Section 135 requires projects that include dwelling units provide usable open space for the use of each dwelling unit. Usable open space is to be provided at a ratio of 48 square feet per unit for common open space or of 36 square feet per unit for private usable open space. In addition, to meet the requirements of Section 135, the open space must meet required dimension factors of at least a 6 feet horizontal dimension for private open spaces and at least 15 feet in every direction for common open space.

The Project will provide 52 of the 248 units with private open space meeting the Section 135 requirements. The open space for the remaining 196 units would be common. The Project provides 3,400 square feet of common open space on a roof deck with a deficit of approximately 5,908 square feet. The Project sponsor has applied for a Variance from the Section 135 open space requirement.

The Project provides approximately 1,200 square feet of common open space on the terraces however the plans are not sufficient to determine if all this space meets the dimensional requirements. In addition, 12 units will be provided private open space in the form of a balcony providing at least 36 square feet of open space, but due to the design of the Project, these balconies will not provide the required dimensions required under Section 135(f)(1). An additional 12 units will also be provided with private balconies, but such balconies will have less than 36 square feet of open space.

The Project is immediately adjacent to Redwood Park, a public park created as part of the Project which will provide a minimum of 22,022 square feet of open area; however, this open area will not be credited towards the open space requirements of Sections 135 and 138 and instead would be in addition to the private open space and common space provided by the Project. Accordingly, the Project sponsor is seeking a variance from Section 135 to provide less than the required common open space for the residential uses justified by the above facts.

- E. Open Space Requirements in C-3 Districts (Section 138):** Section 138b requires one square foot of open space for each 50 square feet of nonresidential use in a building within the C-3-O District.

The Project incorporates a total of 4,635 gross square feet of retail uses and is required to provide a minimum of 93 square feet of open space. As part of the Project, Mark Twain Alley would be vacated and landscaped and would serve as a pedestrian amenity open to the public. The

approximately 4,400 square feet of open space provided by Mark Twain Alley would be more than sufficient to provide the 93 square feet of open space required for the retail use component of the Project.

- F. Pedestrian Streetscape Improvements (Section 138.1)** Section 138.1 requires Project sponsors to make streetscape improvements where the proposed Project includes the construction of a new building, substantial alterations to an existing building, or the addition of floor area equal to 20 percent or more of an existing building.

The Project will comply with this provision by making public sidewalk improvements as required by the Planning Department and the Department of Public Works.

- G. Dwelling Unit Exposure (Section 140):** Section 140 requires that for dwelling units in any use district, the required windows shall face directly on an open area of a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, rear yard meeting the requirements of Section 134, or an open area meets dimensional requirements of the Code.

All proposed residential units would have at least one window (as defined by the Housing Code) that faces directly onto Washington Street, Sansome Street, Mark Twain Alley or Redwood Park, all meeting the minimum dimensional widths.

- H. Sunlight Access to Public Sidewalks in C-3 Districts (Section 146):** Section 146 requires new buildings and additions to existing buildings in C-3 Districts to be shaped to reduce substantial shadow impacts on public sidewalks in C-3 Districts, if it can be done without creating an unattractive design and without unduly restricting the developmental potential of the site.

Due to the narrow streets within Jackson Square, the Project would cast a minimal addition of shadow on public sidewalks in the Jackson Square area. In lieu of constructing a less-expensive, code-conforming building, the Project compresses square footage into a tall slender form thereby maximizing separation from the Transamerica Pyramid to create more sunlight and open space for Redwood Park and the surrounding streets. In addition to maximizing sunlight and open space, the Project would also add considerable public park sun hours by expanding, improving, renovating and subsequently conveying Redwood Park to the City for public park use. The Project complies with Section 146 because as designed, any new shadows would not be substantial, and could not be further reduced without unduly restricting the development potential of the Project site.

- I. Shadows on Certain Publicly Accessible Open Spaces (Section 147):** Section 147 requires new buildings and additions to existing buildings in C-3 Districts where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

The Project would cast minimal new net shadow on Sydney G. Walton Square, a privately owned park accessible to the public, and on Redwood Park, currently a privately owned area that the

owner makes accessible to the public during the daytime five days a week, although the owner has no obligation to do so. The Project would cast minimal new net shadow on Sydney G. Walton Square in the mid-afternoon (about 3:00 p.m.) during the winter only. New net shadow from the Project would not reach Sydney G. Walton Square at any time of the day during the spring, summer and autumn. The Project would cast minimal new shadow on Maritime Plaza and Sue Bierman Park in the late afternoon/early evening hours for certain portions of the year. The Project would cast little or no shadow on the private open area known as of Redwood Park during the winter, spring and autumn. During the late spring and summer, the Project would cast net new shadow on Redwood Park from early morning until early afternoon (from about 8:00 a.m. until after 12:00 p.m.). As described above, the Project compresses square footage into a tall slender form thereby maximizing separation from the Transamerica Pyramid to create more sunlight and open space for Redwood Park and the surrounding streets, and, in addition to maximizing sunlight and open space the Project would add considerable public park sun hours by expanding, improving, renovating and subsequently conveying Redwood Park to the City for public park use. Thus, the Project complies with Section 147 because as designed, any new shadows on publicly accessible open space would not be substantial, and could not be further reduced without unduly restricting the development potential of the Project site.

- J. Public Art (Section 149):** In the case of a new addition of floor area in excess of 25,000 gross square feet to an existing building in a C-3 District, works of art costing an amount equal to one percent of the construction cost of the addition shall be installed and maintained.

The requirements of Section 149 will be met with one or more commissioned art pieces, some of which would be incorporated into the redesigned Redwood Park.

- K. Off-Street Parking (Sections 151.1):** Section 151 provides that no minimum amount of off-street parking is required for residential uses in the C-3 district. The maximum amount of accessory parking permitted as of right for residential uses is one car per four dwelling units. For nonresidential uses in the C-3 Districts the permitted accessory parking cannot exceed 7% of the gross floor area of such uses.

With 115 two-bedroom units and with 133 one-bedroom units, the Project would be permitted under Section 151.1 to have a total of 62 accessory parking spaces as of right for the residential units. The Project proposes to develop a total of 215 residential accessory parking spaces. Additional accessory residential parking is permitted as an exception under Section 309 subject to the criteria of Section 151.1(e) upon approval by the Planning Commission.

In addition to the residential uses, the Project is also designed to incorporate approximately 4,215 square feet of restaurant uses and another 420 square feet of other retail use for a total gross floor area of 4,635 square feet. Permitted accessory parking for 4,635 square feet of nonresidential use is 7% of the floor area, that being 324 square feet or approximately 2 parking spaces. The Project includes one parking stacker with two parking spaces for the retail component. Therefore, the Project's accessory parking for nonresidential uses is in compliance with the limits set forth in Section 151.1.

- L. **Bicycle Parking (Section 155.5):** Section 155.5 requires that projects with over 50 dwelling units, provide 25 Class 1 bicycle spaces plus one space for every four dwelling units over 50.

The Project provides 75 total bicycle parking spaces, which comply with the requirements of Section 155.

- M. **Protected Pedestrian and Transit-Oriented Street Frontages (Section 155(r)):** Section 155(r) requires that in, C-3 Districts, no curb cuts accessing off-street parking or loading may be created or utilized on street frontages identified along any Neighborhood Commercial Street as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes where an alternative frontage is available.

The Project proposes curb cuts on both Sansome Street and Washington Streets to provide driveway access. Washington Street is designated as a City bicycle route however, the bicycle lane is located on the opposite side of the street from the Project. Since the Project is opposite the bike lane, the curb cut restriction set forth in Section 155(r) does not apply to the curb cut on Washington Street. Sansome Street is designated as a Neighborhood Commercial Street on the General Plan and is also designated as a City bicycle route, with the bicycle lane located along the same side of Sansome Street as the Project. The restriction on curb cuts set forth in Section 155(r) does apply to curb cuts on Sansome Street and, while a curb cut on Sansome Street does not create a new curb cut on this street, it would interfere with the bike lane and disrupts pedestrian movements. The curb cut proposed by the sponsor on Sansome Street would not comply with Section 155(r).

- N. **Car Sharing (Section 166):** Section 166 requires that 2 car share spaces be provided for buildings containing over 201 residential units plus 1 car share space for every 200 residential units over 200.

The Project will provide 2 car share spaces within the parking garage in compliance with Section 166.

- O. **Dwelling Density (Section 215):** Section 215 provides that the maximum density ratio in a C-3 District shall be no less than 1 dwelling unit for each 125 square-feet of lot area.

The Project's dwelling unit density is one unit for each 149 square-feet of lot area, well within the maximum dwelling unit density allowed by Section 215.

- P. **Bulk Limits (Section 270):** Section 270(d) sets forth the following applicable bulk limits for projects within the "S" Bulk District:

Lower Tower Dimensions. Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B referenced in Section 270(d). For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, an average floor size of 17,000 square feet, and a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

Upper Tower Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet. The upper tower bulk controls apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and exclude the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

Upper Tower Volume Reduction. When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

The Project's base as well as the lower and upper towers of the Project are well within the requirements of Sections 270(d)(1), 270(d)(2) and 270(d)(3). In addition, the Project's upper tower complies with the volume reduction requirements set forth in Section 270(d)(3)(B) and Chart C of the Code, which requires the Project's upper tower to meet a volume reduction of at least 9%. The Project complies with the upper tower volume reduction requirement of 9%, and, thus, the Project complies with the bulk limits set forth in Section 270.

- Q. Residential Inclusionary Affordable Housing Program (Section 315):** Sections 315.1 through 315.9 set forth requirements for the Residential Inclusionary Affordable Housing Program for new residential projects, wherein Section 315.6 permits an applicant to pay an in lieu-fee to satisfy the requirements.

The Project would comply with the provisions of the Residential Inclusionary Affordable Housing Program through payment of an in-lieu fee for use by the Mayor's Office of Housing for construction of affordable housing units at an alternate site.

8. **Exceptions Requested Pursuant to Section 309.** The proposed Project is required to meet all applicable Code requirements or request exceptions as permitted by Section 309(a) (1)-(9). The

Project Sponsor is seeking exceptions from Section 148 requirements for Ground Level Wind Currents, Section 151.1 for Accessory Residential Parking, Section 152.1 for Off-Street Loading, and Section 263.9 for Upper Tower Extensions.

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

The Planning Code Section 148 wind comfort criterion is currently exceeded by the existing conditions at 13 of 30 test locations around the Project Site. Of the existing exceedances, two of these are on the west side of Sansome Street north of Washington Street and one is within Redwood Park. In addition, the wind hazard standard is currently exceeded at location 16, on the south side of Washington Street mid-block between Sansome and Battery Streets. In general, the lowest wind speeds are within Redwood Park and on the west side of Sansome Street between Clay and Merchant Streets, and the highest wind speeds are found along Sansome and Washington Streets north and east of the Project site.

The Project does not result in any additional exceedances of the wind comfort criteria, although the Project would exceed the comfort criteria in different locations than under the existing conditions. The Project would eliminate three existing exceedances – two locations on the north side of Redwood Park along Washington Street, and one location along Sansome Street in the Jackson Square Historic District. The Project would not cause any wind hazard violations in the Jackson Square Historic District or in Redwood Park, and Chinatown would not be affected by local winds caused by the Project. While the Project would cause two new violations of the wind hazard criterion, a one hour violation at the northeast corner of Washington and Sansome Street and a one hour violation along the west side of Sansome Street, the Project would reduce the hours per year, from seven hours to four hours, that the wind hazard standard is exceeded at location 16, and would overall reduce the total number of hours subject to wind hazards from seven to six hours, thus slightly improving hazardous wind conditions in the Project area.

As the proposed Project would not eliminate all exceedances of the wind comfort criterion and the wind hazard criterion as required by Planning Code Section 148, the Project sponsor seeks an exception to the requirements of Section 148.

The Project meets the required findings of Section 148, that 1) the Project cannot be shaped to meet the Section 148 requirements, and 2) the limited amount of comfort exceedances are insubstantial. The analysis of wind effects shows that there will be a greater number of hours subject to wind hazards without this Project than with it. The Project seeks an exception under Section 309(a)(2) of the Planning Code, because it does not eliminate the comfort or hazard level exceedances at the Project site. Wind tunnel testing for the Project identified 13 locations where the comfort level is exceeded. With the Project, the comfort level exceedances remain at 13 locations and no additional comfort exceedances are produced by the Project. Additionally, the Project would reduce the total number of hours subject to wind hazards from seven to six hours

per year. Compared to the existing site, and the alternatives designs analyzed in the EIR, the Project is the only design alternative that would result in a reduction in the total number of hours subject to wind hazard exceedances.

B. Off-Street Parking (Sections 151.1): No minimum amount of off-street parking is required for residential uses in the C-3 district. The maximum amount of accessory parking permitted as of right for residential uses is one car per four dwelling units. In a C-3 District, any request for residential accessory parking in excess of what is permitted as of right must be reviewed on a case-by-case basis by the Commission subject to the procedures set forth in Section 151.1(e) and in Section 309. In addition to the criteria elsewhere in the Planning Code, exceptions for accessory parking for residential uses in the C-3 district must meet the criteria in Section 151.1(e).

1. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands. The Planning Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking space above the maximums in Table 151.1;

All of the residential accessory parking shall be located in a subsurface parking garage and will be stored and accessed by vehicle elevators and mechanical stackers operated by valets. As a result the use of underground space is efficiently maximized and all of the parking (both that permitted as of right under 151.1 and that allowed pursuant to 151.1(e)) is located completely underground with minimal space on the ground floor for access.

2. For any project with residential accessory parking in excess of 0.375 parking spaces for each dwelling unit, the project complies with the housing requirements of Sections 315 through 315.9 of this Code except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2) shall apply to the project.

The Project will comply with the affordable housing requirements that apply to projects seeking conditional use authorizations as set forth in Section 315. The Project Sponsor will pay an in-lieu fee to comply with this requirement.

3. The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied.

- a. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

Vehicle movement on or around the Project site could be degraded with the development of excess accessory parking. The project is located in an area of high traffic volumes and in proximity to Fire Station 13 with excellent transit availability. Access to all parking is by means of two automobile elevators and at afternoon peak hours of traffic it is likely that cars queuing to enter the parking garage will back up onto the public street impeding vehicle, pedestrian and transit movements. Were the congestion to be great enough it could interfere with the operations of emergency vehicles departing the fire Station. Accessory parking at a ratio of 0.75 stalls per dwelling unit, plus two stalls for retail uses and two stalls for car share, would allow 186 parking stalls for residential uses and a total of 190 parking stalls for the Project.

- b. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

The overall urban design quality of the Project will be completely unaffected by the accessory parking as it will all be located below grade. The above grade design for a project would be the same with only parking permitted as of right. The design for all parking, is intended to minimize the visibility of any vehicle related features through use of will vehicle elevators and other mechanisms.

- c. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

The viability of the streetscape could be degraded with the development of excess accessory parking. Access to all parking is by means of two automobile elevators and at afternoon peak hours of traffic it is likely that cars queuing to enter the parking garage will back up across the sidewalk and onto the public street impeding pedestrian movements. All parking will accessed by ingress and egress on Washington Street which will allow minimum intrusion of vehicular features into the streetscape.

4. All parking meets the active use and architectural screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

No parking will be located on the ground floor of the Project and the Project Sponsor is not requesting any exceptions or variances relating to the active use and architectural screening requirements of Sections 155(s)(1)(B), 155(s)(1)(C) or elsewhere in the Code.

- C. Off-Street Loading (Section 152.1):** Section 152.1 would require the Project to provide two off-street loading spaces for the residential uses. Since the proposed Project would result in less than 10,000 square feet of commercial space, no retail loading spaces would

be required. The Project also eliminates an existing off-street loading area on Mark Twain Alley for 505 Sansome.

The Project would include a 25-foot by 10-foot wide by 12-foot high loading space (located within the first floor of the Project) and would have two additional van-sized loading spaces in the first subsurface level of the garage. The Project does not replace the lost loading space on Mark Twain Alley and thus seeks an exception from the requirements of Section 152.1. Granting this exception is essential to the vacation and sale of Mark Twain Alley to the sponsor and development of that space as a pedestrian amenity.

- D. Height Limits: Special Exceptions for Upper Tower Extensions in S Districts (Section 263.9):** Section 263.9 provides that in S Bulk Districts, additional height up to 10 percent of the height limit reflected in the Zoning Map may be allowed as an extension of the upper tower provided that the volume of the upper tower so extended is reduced by the percentages in Chart C of Section 271. This height is only allowed pursuant to Section 309 to the extent it is determined that the upper tower volume is distributed in a way that will add significantly to the sense of slenderness of the building and to the visual interest of the termination of the building, and the added height will improve the appearance of the sky-line when viewed from a distance, will not adversely affect light and air to adjacent properties, and will not add significant shadows to open spaces.

The occupied area of the Project extends to a maximum height of approximately 390 feet, however, certain unoccupied areas of the building extend to a maximum height of approximately 430 feet. Based on the Project's average square footage of the lower tower (floors 8 through 24), the volume of the upper tower as extended must be reduced by at least 10% to meet the requirements of Section 263.9. The additional height of the architectural extension is less than 40' above the 400' height limit and the volume of the upper tower is reduced by at least 10% from the start of the 25th floor to the top of the architectural screen. The additional height of the roof elements that exceed the 400' height limit meets the requirements of Section 263.9(a). In addition, the Project's slanted design significantly reduces the volume of the tower creating a tall slender form. The tall slender form of the Project as designed offers a delicate and sensitive addition to the skyline while the Project's height and design maximizes the separation from the Transamerica Pyramid to create more sunlight and open space for Redwood Park and the surrounding areas. The impact of the Project will not add significant shadows to public open spaces.

- E. Rear Yards (Section 134):** Section 134(a)(1) requires the minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Section 134(d) provides that an exception from this requirement may be granted for property in C-3 Districts provided that the building location and configuration assure adequate light and air to the windows within residential units and to usable open space provided.

The proposed rear yard for the Project is 31 feet where 34 feet are required under Section 134, the lot line abutting Washington Street is the front lot line for purposes of Section 134, and thereby the rear lot line is the lot line abutting Mark Twain Alley. The depth of the Project site will be 131 feet, with a rear yard requirement of 34 feet. As designed, the Project abuts Mark Twain Alley which is proposed

to be vacated for the Project. The width of the alley is only 31 feet where a rear yard of 34 feet would be required. The Project requires an exception of 3 feet from the rear yard requirement.

The location of the Project, adjacent to Redwood Park and Mark Twain Alley, combined with a building design that tapers as it rises, mitigates the impact of the reduction in rear yard from the required 34 feet to 31 feet on light and air to residential windows. The usable open space for the Project is on balconies and a roof deck. The reduction of 3 feet in the depth of the rear yard will not impact light and air to these spaces.

9. **Priority Planning Policies.** Section 101.1(b) (1)-(8) establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies.

The Commission finds that the Project is consistent with the eight priority policies, for the reasons set forth below.

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced:

The Project will require demolition of the existing single story retail building at 501-505 Washington Street and the existing 9-story office building at 545 Sansome Street. The existing buildings contain a total of 4,300 square feet of retail uses. The approximately 4,635 square feet of restaurant and retail space proposed as part of the Project will increase neighborhood serving retail uses at the site by approximately 8% and will more than offset the loss of the existing retail space. The Project will develop modern restaurant and retail space for the area and the revitalized park setting will attract daytime users to the area businesses, providing opportunities for resident employment and ownership of such businesses.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood:

The Project is located within the core downtown and immediately adjacent to the Jackson Square and North Beach residential districts. The Project proposes a mix of one and two-bedroom units in a variety of configurations, sizes and prices which will be attractive to urban families. The two-bedroom units will be approximately 46% of the total units and will encourage family occupancy.

- (3) That the City's supply of affordable housing be preserved and enhanced:

There is currently no housing on the Project Site. The Project proposes approximately 248 units of new housing and will enhance the City's supply of affordable housing by providing an in-lieu fee for the development of new affordable housing units pursuant to the City's Inclusionary Affordable Housing Program.

- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking:

The Project will not result in commuter traffic that will impede Muni transit or over burden streets because the Project Site is well served by public transit. Muni busses and BART are within walking distance, as are the Muni Metro, ferry terminals and Transbay Terminal. Residents of the Project will be within steps of jobs in the Downtown Core with ready access via public transit, walking or bicycling to South of Market and other commercial areas of the City. 217 parking spaces, plus 2 shared parking spaces, as well as 75 secure bicycle spaces will be provided in the Project's below grade garage, so the Project will not overburden neighborhood parking.

- (5) 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 is located in the Downtown Core financial district and will not displace industrial uses. Opportunity for resident employment in the building in terms of management and maintenance positions and in the restaurant and retail space is anticipated. In addition, initial construction of the Project will create a large number of construction jobs and ongoing opportunities for the building trades as retail and residential occupants maintain and upgrade their units.

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake:

The building will employ state-of-the-art structural and seismic design, which will meet all aspects of the most up to date building, fire, accessibility, and life safety codes.

- (7) That landmarks and historic buildings be preserved:

No existing buildings at the site are designated landmark or rated historic buildings and the site is not located within an historic district. While the final EIR concluded that 545 Sansome Street is eligible for inclusion in the California Register of Historical Resources for its association with the San Francisco's printing and publishing industry, and thus a historic resource under CEQA, neither 545 Sansome, nor the existing buildings at the site are rated historic under the Planning Code. The existing buildings at 501-505 Washington and 545 Sansome that will be demolished as part of the Project have no architectural merit and, although the demolition of 545 Sansome is deemed to result in a significant and unavoidable impact for purposes of CEQA, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project Site.

- (8) That our parks and open space and their access to sunlight and vistas be protected from development:

The Project would cast minimal new shadow on Maritime Plaza and Sue Bierman Park in the late afternoon/early evening hours for certain portions of the year. The Project would substantially increase the amount of sunlight on public parks in downtown by conveying the existing private Redwood Park open space to the City for a public park. The expansion, renovation and conveyance of Redwood Park to the City for public park purposes in perpetuity would result in an increase of over

18.5 million square foot hours of new sun on public parks, which would more than offset the minimal shadow impacts.

10. **General Plan Compliance.** The Commission hereby finds that the Project would affirmatively promote the following Objectives and Policies of the General Plan:

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1: TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.7: Encourage and support the construction of quality, new family housing.

The Project would consist of 248 new housing units located in a C-3-O District. The units will be a mixture of one-bedroom and two-bedroom units, which could encourage family occupancy and will provide a convenient housing option for the densely populated Chinatown District. The Project sponsor will also provide affordable housing as required under the Planning Code through payment of an in-lieu fee for use by the Mayor's Office of Housing for the construction of affordable housing units.

OBJECTIVE 4: SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY

Policy 4.2: Include affordable housing units in larger housing Projects.

The Project will provide in lieu-funds for off-site affordable housing in compliance with Planning Code Section 315 and will affirmatively support this policy.

OBJECTIVE 11: IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACEMAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS

Policy 11.1: Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.2: Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.5: Promote the construction of well-designed housing that enhances existing neighborhood character.

Policy 11.10: Include energy-efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

The Project will replace two office/retail buildings with a new residential building incorporating ground floor retail uses that will create a sense of neighborhood currently absent at the site and will be consistent in design with the urban character of the area. The Project will include a mix of housing unit sizes and provide modern residential amenities including security service and common open spaces. The Project also will provide a quality living environment that compliments and revitalizes the surrounding neighborhood and will create a vibrant urban pedestrian environment benefiting Chinatown, North Beach and Jackson Square.

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 1: MANAGE ECONOMIC GROWTH TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The ground floor retail component of the Project will provide benefits in the form of job creation and efficient use of retail space. The Project also will revitalize the neighborhood by linking Jackson Square with the Financial District, increasing the amount of foot traffic and customers to Chinatown, North Beach, Jackson Square and the surrounding areas and by substantively activating the Transamerica block seven days a week. The Project will result in increased tax revenue and retail activity in the immediate neighborhood by helping revitalize the urban street experience. Moreover, the building's small footprint combined with its other design features will increase the site's pedestrian capacity. Overall, the Project will create an inviting street level environment for visitors and residents of the neighborhood by: (a) incorporating ground floor retail uses; (b) removing cars and trucks from Mark Twain Alley and creating a lively pedestrian portal into Redwood Park; (c) removing two existing "outbuildings" from Redwood Park to enhance sight lines to Jackson Square; and (d) renovating, improving, expanding and subsequently dedicating Redwood Park to the City as a public park to further enhance the neighborhood's appeal.

Finally, the Project will provide much needed housing within the Downtown Core and will compensate for the loss of the existing retail by incorporating retail uses on the ground floor. All of this will encourage and create new blue-collar jobs in the fields of retail, cleaning, maintenance and security. The initial construction will also create a large number of construction jobs and ongoing opportunities for the building trades as retail and residential occupants maintain and upgrade their units.

COMMUNITY SAFETY:

Objectives and Policies

OBJECTIVE 2: REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.

Policy 2.1: Assure that new construction meets current structural and life safety standards.

The Project will employ state-of-the-art structural and seismic design, which will meet all aspects of the City's building, fire, accessible and life safety codes.

RECREATION & OPEN SPACE:

Objectives and Policies

OBJECTIVE 2: DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1: Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Policy 2.3: Preserve sunlight in public open spaces.

Policy 2.7: Acquire additional open space for public use.

Policy 2.9: Maintain and expand the urban forest.

The Project will not only create more public open space, but it will also make the existing public space more functional and usable. Redwood Park, currently, a private open area, would be expanded, renovated and subsequently conveyed to the City to create a permanent downtown park. The expansion and renovation of Redwood Park would increase the available sunlight on Redwood Park, and would further enhance the neighborhood's appeal by creating an inviting street-level environment for visitors and residents. As part of the renovation of Redwood Park will be carefully landscaped with the priority of protecting the redwood trees of Redwood Park. The Project also includes the acquisition of Mark Twain Alley and removal of all vehicular traffic from that area.

TRANSPORTATION ELEMENT:

Objectives and Policies

OBJECTIVE 20: GIVE FIRST PRIORITY TO IMPROVING TRANSIT SERVICE THROUGHOUT THE CITY, PROVIDING A CONVENIENT AND EFFICIENT SYSTEM AS A PREFERABLE ALTERNATIVE TO AUTOMOBILE USE.

Policy 20.2: Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

The Project is conveniently located to a variety of accessible and nearby transit lines, and the Project would have a less than significant contribution to cumulative traffic congestion. To further allow traffic to proceed efficiently, the Project is limiting curb cuts and is merely using and relocating the existing curb cut on Sansome Street.

OBJECTIVE 23: IMPROVE THE CITY'S PEDESTRIAN CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENT, PLEASANT, AND SAFE MOVEMENT.

Policy 23.5: Minimize obstructions to through pedestrian movement on sidewalks by maintaining an unobstructed width that allows for passage of people, strollers and wheelchairs.

Although the Project would generate new pedestrian traffic in the area, none of the existing conditions in the Project vicinity would lead to congested conditions for pedestrians. The addition of Redwood Park to the public realm would provide an island of respite in this otherwise hectic area.

URBAN DESIGN ELEMENT:

Objectives and Policies

OBJECTIVE 1: EMPHASIZE OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND MEANS OF ORIENTATION.

Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.7: Recognize the natural boundaries of districts, and promote connections between districts.

With a tall slender design, the new tower would offer a delicate and sensitive addition to the skyline. The Project also would be compatible with neighboring buildings, both in scale, size and design, all the while respecting the iconic Transamerica Pyramid. The Project would enhance the transitional link between the commercial Downtown Core and Chinatown, Jackson Square and North Beach. By providing housing at the western edge of the Downtown Core, the Project recognizes the boundaries between neighborhoods and promotes smooth transition, and connections between them.

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.2: Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

With a tall slender design, the tower complements the Transamerica Pyramid and harmonizes with the neighborhood aesthetics. In lieu of constructing a less expensive, code-conforming building, the Project compresses square footage into a tall slender form, offering a delicate and sensitive addition to the skyline. The new residential building is taller than its Sansome Street Neighbors and thereby avoids the “benching effect” discouraged under the General Plan. Also, by leaving a portion of the Project site open, the Project enhances the visual connection of the Downtown Core’s to Jackson Square, easing the transition to adjacent neighborhoods. The Project complements the neighborhood environment by providing a high quality design that will create an environmentally sustainable “Green Island” of responsible development located in the heart of the City by, among other items, incorporating a rainwater capture system into the existing buildings and the Project to offset (or eliminate) irrigation requirements for the new public park, and incorporating cutting edge storm water run-off management techniques in Redwood Park and Mark Twain Alley to minimize impact on the City’s sewer system.

DOWNTOWN PLAN:

Objectives and Policies

OBJECTIVE 7: EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1: Promote the inclusion of housing in downtown commercial Projects

Policy 7.2: Facilitate conversion of unused industrial and commercial areas to residential use.

The Project will provide much needed housing that will serve the Downtown Core and surrounding neighborhoods, including Chinatown, and will add vitality to an area that lacks interest and activity at night and on weekends. The Project will provide 248 units of new housing on an underutilized site without significant displacement of commercial activity and will result in a more efficient and productive use of the property.

OBJECTIVE 9: PROVIDE QUALITY OPEN SPACE IN SUFFICIENT QUANTITY AND VARIETY TO MEET THE NEEDS OF DOWNTOWN WORKERS, RESIDENTS, AND VISITORS.

Policy 9.5: Improve the usefulness of publicly owned rights-of-way as open space.

By improving, expanding and subsequently dedicating Redwood Park, currently a private open space, to the City as a new public park, the Project would provide at a minimum approximately 22,000 square feet of open space. The new public park will be accessible to the public 7 days a week and would offer an inviting environment for residents, downtown workers and visitors to the area. As part of the Project, Mark Twain Alley will be vacated, acquired and improved to create a lively pedestrian portal into Redwood Park.

OBJECTIVE 10: ASSURE THAT OPEN SPACES ARE ACCESSIBLE AND USABLE.

Policy 10.1: Develop an open space system that gives every person living and working downtown access to a sizable sunlit open space within convenient walking distance.

Policy 10.2: Encourage the creation of new open spaces that become a part of an interconnected pedestrian network.

Policy 10.3: Keep open space facilities available to the public.

Policy 10.4: Provide open spaces that are clearly visible and easily reached from the street or pedestrian way.

Policy 10.5: Address the need for human comfort in the design of open spaces by minimizing wind and maximizing sunshine.

By acquiring and vacating Mark Twain Alley, and by expanding, renovating, improving and subsequently dedicating Redwood Park to the City, the Project would substantially increase the neighborhood's vitality and pedestrian use of the area and would create an inviting street level environment for all users. Redwood Park would be available to the public seven days a week and, in addition to its great utility as a downtown public park, Redwood Park will also serve the highly underserved population of Chinatown. Redwood Park will substantially increase the available sunlight on the City's parks, and included in this new sunshine is a considerable amount of sunlit area during the noon hour when Redwood Park is frequented by nearby office workers and residents for lunch.

OBJECTIVE 12: CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past developments.

Policy 12.3: Design new buildings to respect the character of older developments nearby.

Reaching to approximately half the height of the neighboring Transamerica Pyramid, the Project's design appropriately respects and complements the Transamerica Pyramid and in harmony with the surrounding neighborhood aesthetics. Moreover, the Project has been carefully designed to enhance the Downtown Core's visual connection to Jackson Square and ease the transition to adjacent low-rise neighborhoods.

OBJECTIVE 13: CREATE AN URBAN FORM FOR DOWNTOWN THAT ENHANCES SAN FRANCISCO'S STATURE AS ONE OF THE WORLD'S MOST VISUALLY ATTRACTIVE CITIES.

Policy 13.1: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.

Policy 13.2: Foster sculpting of building form to create less overpowering buildings and more interesting building tops, particularly tops of towers.

The Project is designed to complement its surroundings and to relate appropriately to the height of the neighboring buildings and to the Transamerica Pyramid. The Project's slender design and quality materials would add a distinctive and desirable new element to the downtown skyline that would serve to enhance the transition between the Downtown Core and the outer edges. The Project would have a visually pleasing architectural screen atop the building that is carefully designed to slope upward to the south and the City's Downtown Core and has been designed to be compatible and appropriately contrast with the surrounding neighborhoods. Thus, as designed, the Project would appropriately relate to the height of its surroundings, and with a slender tower combined with quality materials, the Project would offer a delicate and desirable new element to the skyline.

OBJECTIVE 14: CREATE AND MAINTAIN A COMFORTABLE PEDESTRIAN ENVIRONMENT.

Policy 14.1: Promote building forms that will maximize sun access to open spaces and other public areas.

Policy 14.2: Promote building forms that will minimize the creation of surface winds near the base of buildings.

By compressing square footage into a tall slender form, the slender building maximizes the separation from the Transamerica Pyramid creating more sunlight and open space for Redwood Park and surrounding streets thereby creating an inviting pedestrian environment. In addition to increasing sunlight and open space, the Project serves to minimize the creation of surface winds and serves to reduce the total number of hours that are subject to wind hazard exceedances around the Project Site, thereby further maintaining a comfortable pedestrian environment.

OBJECTIVE 16: CREATE AND MAINTAIN ATTRACTIVE URBAN LANDSCAPES

Policy 16.1: Conserve the traditional street to building relationship that characterizes downtown San Francisco.

Policy 16.4: Use designs and materials and include activities on the ground floor to create pedestrian interest.

The Project will construct a ground floor environment at a height sufficient to define the street space. The Project includes the expansion and renovation of Redwood Park, the acquisition and vacation of Mark Twain Alley and the inclusion of retail use on the ground floor, creating visual and pedestrian interest and overall enhancing the sense of liveliness of the block and streetscape.

OBJECTIVE 22: IMPLEMENT A DOWNTOWN STREETScape PLAN TO IMPROVE THE DOWNTOWN PEDESTRIAN CIRCULATION SYSTEM, ESPECIALLY WITHIN THE CORE, TO PROVIDE FOR EFFICIENT, COMFORTABLE, AND SAFE MOVEMENT.

Policy 22.5: Improve the ambience of the pedestrian environment.

The Project itself would revitalize the block and substantially improve the ambience of the pedestrian environment. Both Mark Twain Alley and Redwood Park would be landscaped and would provide comfortable and accessible environment where pedestrians could gather, rest, and enjoy the park and the retail shops fronting Mark Twain Alley.

OBJECTIVE 23: REDUCE HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE AND ECONOMIC DISLOCATION RESULTING FROM FUTURE EARTHQUAKES.

Policy 23.2: Initiate orderly abatement of hazards from existing buildings and structures, while preserving the architectural design character of important buildings.

The Project itself will employ state-of-the-art structural and seismic design, which will meet all aspects of the City's building, fire, accessible and life safety codes.

CHINATOWN PLAN:

Objectives and Policies

OBJECTIVE 1: PRESERVE THE DISTINCTIVE URBAN CHARACTER, PHYSICAL ENVIRONMENT AND CULTURAL HERITAGE OF CHINATOWN.

Policy 1.3: Retain Chinatown's sunny, wind-free environment.

Policy 1.4: Protect the historic and aesthetic resources of Chinatown.

The Project would not create any wind comfort level exceedances or any wind hazard level exceedances in Chinatown. Nor would the Project cast any shadow on the open spaces or parks that exist in Chinatown. Rather, the historic and aesthetic resources of Chinatown would be preserved and the Project would provide an accessible public park, open seven days a week, to the underserved Chinatown residents.

Motion No.
February 11, 2010

CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

DECISION

Therefore, the Commission, after carefully balancing the competing public and private interests, both environmental and otherwise, hereby approves Application No. 2002.0133EZMKXV and the Mitigation Monitoring and Reporting Program attached as conditions of approval in Exhibit A to Attachment A, and determines that the Project and the Driveway Alternative, as described in the FEIR, each comply with the standards of Section 309 and grants exceptions to Sections 148, 151.1 and 263.9 pursuant to Section 309 subject to the following conditions attached hereto as Exhibit A (Conditions of Approval) which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and on file in Case Docket No. 2002.0133EZMKXV.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 11, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

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.

The authorization contained herein is a Determination of Compliance pursuant to Section 309 and exceptions under the Planning Code (Section 148: reduction of ground-level wind currents, Section 151.1: residential accessory parking, Section 152.1, off street loading, Section 134 rear yards and Section 263.9: special exception for upper tower extension) for the (i) demolition of the existing one-story retail building located at 501-505 Washington Street; (ii) demolition the existing 9-story office/retail building located at 545 Sansome Street; (iii) vacation, acquisition and landscaping of Mark Twain Alley; (iii) expansion, improvement and renovation of Redwood Park and subsequent conveyance of Redwood Park to the City; and (iv) construction of a new 38-story, approximately 390-ft tall building plus a mechanical penthouse reaching to height of approximately 410 ft and an architectural screen reaching in height to approximately 430 ft, containing 248 residential units above approximately 4,635 gross square feet of retail use on the ground floor and providing 188 parking spaces plus 2 car share spaces with vehicle access only to Washington Street, all within a C-3-O (Downtown, Office) District and the 200-S Height and Bulk District, in general conformity with the plans identified as Exhibit B, and reviewed by the Commission on February 11, 2010.

1. CONDITIONS TO EFFECTIVENESS OF THIS APPROVAL

- A. General Plan Amendment. It shall be a condition precedent to the effectiveness of this approval that the General Plan is amended to increase the height of the Project site to 400 feet and this approval shall not be effective until such an amendment has been approved by the Board of Supervisors, has become effective and any appeal or referendum period has run, or if appealed, the amendment has been upheld.
- B. Zoning Map Amendment. It shall be a condition precedent to the effectiveness of this approval the Zoning Map is amended to change the Project area height and bulk designation from a 200-S to a 400-S and this approval shall not be effective until such an amendment has been approved by the Board of Supervisors, has become effective and any appeal or referendum period has run, or if appealed, the amendment has been upheld.
- C. Variance. It shall be a condition precedent to the effectiveness of this approval that the Project receives approval of a variance pursuant to Sections 305 to allow modifications to the open space requirements of Section 135, and any appeal period has run, or if appealed, the variance has been upheld.
- D. Conveyance of Redwood Park. It shall be a condition precedent to the effectiveness of this

approval that the City accepts the conveyance of Redwood Park and this approval shall not be effective until the Board of Supervisors has resolved to accept such conveyance, such resolution has become effective and any appeal or referendum period has run, or if appealed, the resolution has been upheld.

- E. Vacation and Sale of Mark Twain Alley. It shall be a condition precedent to the effectiveness of this approval that the vacation of Mark Twain Alley and its sale to the Project Sponsor has been approved by the Board of Supervisors, has become effective and any appeal or referendum period has run, or if appealed, the vacation and sale has been upheld.

2. GENERAL CONDITIONS

- A. This decision conveys no right to construct, or to receive or apply for a building permit. The Project shall be subject to, and the Project Sponsor shall implement and otherwise comply with, the Conditions set forth in this Exhibit A. If these conditions conflict with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
- B. Mitigation Measures. Measures within the Commission's jurisdiction proposed as part of the Project, as outlined in Exhibit C – Mitigation Monitoring and Reporting Program (MMRP) shall be a condition of approval and is accepted by the Project Sponsor or its successor in interest. If said measures are less restrictive than the other conditions herein, the more restrictive and protective control as determined by the Zoning Administrator, shall govern.
- 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 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. Community Liaison. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. Prior to the commencement of construction activities, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the Project site written notice of the name, business address, and telephone number of the community liaison.
- E. Should implementation of this Project result in complaints from neighborhood residents or business owners and tenants, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174 and Section 309 of the Code to consider

revocation of the approvals.

- F. Reporting. The Project Sponsor shall submit 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.
- G. Performance
- (1) A site permit or building permit for the herein-authorized Project shall be obtained within three (3) years of the date this approval is effective, and construction, once commenced, shall be thenceforth pursued diligently to completion. If the Project has not commenced or pursued according with the foregoing, the said authorization shall be subject to revocation per section H below.
 - (2) This authorization may be extended at the discretion of the Zoning Administrator if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s) or by any legal challenge.
- H. Revocation. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been issued within three (3) years of the date this approval is effective. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued thenceforth diligently to completion. The Planning Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the effectiveness of this approval. This authorization may be extended at the discretion of the Zoning Administrator if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is caused by a delay by a City, state or federal agency or by any appeal of the issuance of such a permit(s) or by any legal challenge.
- I. Failure to comply with any of the Conditions of Approval shall constitute a violation of the Planning Code, enforceable by the Zoning Administrator. Should the monitoring of the Conditions of Approval be required, the Applicant or successors shall pay fees as established in Planning Code Section 351(f) (2).
- J. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Code Section 176.
- K. 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 remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Planning Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

- L. All residential parking spaces shall be unbundled from sale or rental of the dwelling units in compliance with Planning Code Section 167.
- M. The following operational characteristics will be implemented with respect to the parking facilities within the Project:
 - The parking facilities will not be operated as a public garage made available to members of the public at hourly or daily rates.
 - The valet service operating the parking facilities will alter the operations for short periods of time, if necessary to prevent queuing on Washington Street by requiring that motorists remain in the vehicles upon entering the driveway and drive into the elevators themselves under the direction of an attendant and the transfer of vehicles from motorist to valet be accommodated within the lower-floor parking levels.

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

- A. Except as otherwise provided in this Motion, the Project shall be completed in compliance with all applicable City Codes and standards, and in general conformity with the plans labeled "Exhibit B" on file in Case Docket 2002.0133EZMKXV.
- B. Below Market Rate Units (BMR Units)
 - 1. Requirement. Pursuant to Planning Code 315.6, the Project Sponsor has elected to pay a fee in-lieu of providing seventeen percent (17%) off-site affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement.
 - 2. Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Housing Ordinance"). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
http://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf.
 - a. The in-lieu fee must be paid in full sum prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI).
 - b. Prior to the issuance of the first site or building permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that

records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).

- c. If project applicant fails to comply with the Inclusionary Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF ARCHITECTURAL ADDENDUM

- A. No general advertising signs shall be permitted anywhere on the building.
- B. The Project shall include the open space, both private and common, as described generally on the Project plans as identified as Exhibit B on file with the Department. Prior to the issuance of the architectural addendum to the building permit for the Project, the final common open space design shall be submitted for review by, and shall be satisfactory to the Planning staff.
- C. The Project Sponsor shall submit a pedestrian streetscape improvement plan to be approved by Planning Staff, in consultation with the Department of Public Works.
- D. Design.
 1. Final detailed building plans shall be reviewed and approved by the Department. Detailed building plans shall include a final site plan, floor plans, elevations, sections, landscape plan, specification 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 Planning Director.
 3. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
 4. Per Code Section 141, rooftop mechanical equipment, if any, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
 5. The base of the building should be taller in proportion to the overall building height to avoid the appearance of a tall dynamic tower on a thin plinth. The base of the building should not have a low, literal relationship to the existing contextual buildings but should be taller.

6. The building tower should integrate with the base in a more organic and less stratified fashion with elements of the tower made part of the base. The transition from the base to the tower should be in a gradient rather than a defined, hard, horizontal boundary.
 7. The mix of slanted and plumb elements in the tower should be incorporated into the geometry of the base. The building should read as rising from the ground, through the base, to the tower in a dynamic, rather than a static, fashion.
- E. Public Artwork.
1. The Project shall include 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 artists shall consult with the Planning Department during design development regarding the height, size, type and location of the art. The final art concept and location shall be submitted for review by, and shall be satisfactory to the Director of the Department in consultation with the Planning 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 and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the Project. Such space shall be indicated on the building plans.
- G. Signage. The Applicant shall develop a signage program for the Project, which shall be subject to review and approval by Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.
- H. Lighting. The Applicant shall develop a lighting program for the Project, which shall be subject to review and approval by 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.
- I. Design of Redwood Park The final design for the park shall be approved by the Planning Department and the Department of Recreation and Parks prior to the conveyance of the park to the City. The design shall include by not be limited to the following improvements:

1. Continuous seat wall at the edge of the pavement areas which will help to protect the root system of the existing redwood trees and will, at the same time, create places for sitting under the trees.
 2. Replanting of the understory vegetation, replacing the ornamentals with a greater emphasis on plants commonly found in the redwood forest. Where opportunities present themselves, new redwoods and smaller associated trees, such as rhododendrons, will be planted.
 3. A major new fountain on axis with Mark Twain Alley and at the base of the Pyramid building that creates a focus within the heart of the park. The fountain would create an active water setting that emulates natural waterfalls with large stones and planted areas around it. The waterfalls would take advantage of and help to conceal the change in grade to the parking podium below the Pyramid and create a more engaging sensory experience. Further, the sound of falling water would lessen the intrusion of traffic noise within the park and in helping to create a world that is a part from the everyday activities of urban life, but at the same time closely tied to it.
 4. Regrading of the paved surfaces, including removal of existing site features, to create a more comfortable and accessible park environment and one which opens up activities to greater sun and light during the day.
 5. New paving which will unify the park and create a more attractive environment and which will punctuate the entry and threshold into the park from Mark Twain Alley. Permeable paving for improved storm water management in keeping with green design principles and also to the benefit of the growth and development of the existing trees. Further integration of sustainable design practices, including the use of rainwater harvesting and storage as a source of irrigation water.
 6. Improvements to the entries, creating a much broader entry into the park from Clay as well as an additional entry from Washington Street and incorporating the gates into the landscape to create an inviting appearance that encourages use and experience of the park.
 7. Removal of large randomly placed benches within the park and replacement with movable chairs and tables that can be more freely organized, allowing park visitors to move to locations of better sunlight, or greater privacy or, alternately, of companionship.
 8. Illumination to create an attractive and inviting appearance as well as a stronger park presence and visual amenity during the evening hours.
- 5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY**

- A. Street Trees. The Project Sponsor shall provide (and maintain existing) street trees as set forth in Code Section 143, and as determined appropriate by the Planning Department and 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 149(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. Garbage and Recycling. The Project Sponsor shall provide the garbage, recycling and composting areas as outlined above and contract for recycling and composting pickup.
- D. 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.
- E. Conveyance of Redwood Park. The Project sponsor shall have completed the improvements, renovations and expansion of Redwood Park pursuant to the documents contemplated by the approvals of the Recreation & Park Commission and the Board of Supervisors related to the acceptance of such property for public park use, and shall have conveyed the Redwood Park parcel to the City pursuant to the documents contemplated by the approvals of the Recreation & Park Commission and the Board of Supervisors, and shall have completed the improvements, renovations and expansion of Redwood Park pursuant to the terms therein.

ATTACHMENT A
555 WASHINGTON STREET PROJECT APPROVAL
FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.
- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.

- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on February 11, 2010 in Motion No. [_____].

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapter 4 of the FEIR. The Project Sponsor

has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMRKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.

4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.



SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT A to ATTACHMENT A Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
Cultural and Paleontological Resources Mitigation Measures				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or 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 archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological 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 archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical</p>	<p>Project sponsor</p>	<p>Prior to and during construction</p>	<p>The ERO to review and approve the Final Archeological Resources Report</p>	<p>The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.</p>

<p>resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archaeological 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 archaeological consultant shall determine what project activities shall be archaeologically 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 archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the 				
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<p>appropriate protocol in the event of apparent discovery of an archaeological resource;</p> <ul style="list-style-type: none"> ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data</p>				
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<p>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 archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><i>Human Remains, and 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. This shall include 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 archaeological 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 (<i>CEQA Guidelines</i>, 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>				
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<p>associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The 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 in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<p>Mitigation Measure 2</p> <p>(a) <i>Documentation.</i> In consultation with a Planning Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p>	<p>Project sponsor</p>	<p>Prior to and during construction</p>	<p>Planning Department</p>	<p>Considered complete upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished</p>

<p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10" Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) <i>Commemoration.</i> If the affected historical resource is to be demolished, the individual project applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.</p>				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall</p>	<p>Project sponsor</p>	<p>Prior to demolition and during construction</p>	<p>Department of Public Works and Department of Recreation and Park</p>	<p>Considered complete upon completion of construction</p>

<p>be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inches deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p> <p>In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.</p>				
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Hazards and Hazardous Materials Mitigation Measures

<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially</p>	<p>Project sponsor</p>	<p>Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon DPH approval of Closure / Certification Report</p>
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<p>hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other</p>				
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<p>suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report</p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5</p> <p>The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	<p>Project sponsor</p>	<p>Prior to demolition</p>	<p>Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction</p>	<p>Considered complete upon approval of project</p>
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET - The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures.</p>				
<p>Improvement Measure 1: Construction Traffic</p>				

<p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive “pedestrian scramble” phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a “pedestrian scramble” phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p> <p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p>				

<p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install “watch for oncoming traffic” sign for pedestrians crossing the southbound channelized left turn, and “yield to pedestrians” signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive “pedestrian scramble” phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a “pedestrian scramble” phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install “yield to pedestrians” sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental “yield to pedestrians” signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p>				

<p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor’s representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors’ claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of nearby buildings subject to pile driving impacts; ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise 				

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<p>shielding and muffling devices.</p> <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				



SAN FRANCISCO **PLANNING DEPARTMENT**



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January 8, 2010

The Honorable Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: 555 Washington Street – Project Approvals

Dear Commissioners:

This letter brief is submitted by Pillsbury Winthrop Shaw Pittman LLP on behalf of AEGON USA Realty Advisors, Inc. (the “Project Sponsor”) for the 555 Washington Street project (the “Project”).

I. EXECUTIVE SUMMARY

The Project is a slender 38-story residential tower adjacent to the Transamerica Pyramid that includes:

- Restoring, renovating and expanding the privately-owned Redwood Park by more than 40% and giving it to the City as a new public park (with a legally enforceable obligation to maintain it in perpetuity at no cost to the City);
- Creating an environmentally sustainable “Green Island” of responsible development that incorporates LEED certification of all of the buildings on the entire city block;
- Delivering approximately \$340 million in revenue to the City over the life of the Project; and
- Revitalizing Washington Street to create a vibrant urban pedestrian environment that will benefit Chinatown, North Beach and Jackson Square.

The Project will deliver substantial economic and social benefits to the City as a whole. At a time when the City is being forced to re-evaluate its fundamental fiscal structure, the

Project will provide important near-term revenue as well as a permanent increase in property taxes going forward. In addition to providing important economic benefits, the Project will deliver many important social benefits at a time when the City could use some good news (including providing a model for future environmentally responsible development).

Economic Benefits – Over \$345 million in one-time and recurring revenue to the City over the Project’s life.

<u>Benefit</u>	<u>555 Washington Project</u> (approximate values)
Proceeds from the sale of Mark Twain Alley (4,635 sq. ft of land area) at fair market value	\$1,975,000
New public park at no public expense	\$18,336,000
Land value (calculated as an open space easement)	\$6,933,000
Cost of renovations and park improvements	\$2,000,000
Present value of park maintenance in perpetuity	\$9,403,000
Works of public art located on the Project site	\$1,600,000
Affordable housing offsite units or in lieu fee	\$12,150,000
Permit fees	\$840,000
School facility impact fee	\$670,000
Payroll Taxes on Construction Payroll	\$700,000
Property & Transfer Taxes over the Project’s Life	\$310,000,000
<i>Total</i>	<i>\$346,121,000</i>

Social/Environmental Benefits

- The permanent establishment of more than one half acre of public park and other public open space in the Downtown Core, adjacent to neighborhoods sorely deficient in public open space (Chinatown; North Beach; Jackson Square).
- Development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes) close to an array of public transit alternatives in the Downtown Core and close to

offices and jobs, and thereby inherently satisfying a major tenet of current “green” sustainable development goals.

- The creation of new jobs totaling approximately 1.2 million union worker hours and over \$46 million in construction payroll costs.
- The revitalization of the neighborhood by linking Jackson Square with the Financial District, by increasing the amount of foot traffic and customers to Chinatown, North Beach, Jackson Square and the surrounding areas and by substantively activating the Transamerica block seven days a week.
- Since the Project Sponsor owns the entire Project block, through advanced green technology, the Project site as developed will further the responsible development of the Project block and also achieve the following:
 - LEED certification of all of the buildings on the entire block, including LEED Gold status for the Project (both 505 Sansome and the Transamerica Pyramid were recently awarded LEED Gold status);
 - Rainwater capture systems will be incorporated into the existing buildings and 555 Washington to offset (or eliminate) irrigation requirements for the new park; and
 - Redwood Park and Mark Twain Alley will incorporate cutting edge storm water run-off management techniques to minimize impact on the City’s sewer system.
- The Project itself will reflect the fundamental sustainable idea of building high-density housing near public transit, jobs, and amenities to reduce car trips and counteract urban sprawl.

II. PROJECT DESCRIPTION

A. The Project

The Project is located at 555 Washington Street, at the southwest corner of Washington and Sansome Streets and adjacent to the Transamerica Pyramid, which site includes land commonly known as Redwood Park and the to-be-acquired Mark Twain (Merchant) Alley (see Attachment C, Park Improvements and Expansion). The Project includes a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse and screen reaching in height to approximately 420 feet and an architectural screen reaching in height to approximately 430 feet, containing approximately 331,640 gross square feet, approximately 4,635 square feet of ground-floor retail space and approximately 3,825 square feet of mechanical space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark

Twain Alley, which will consist of 230 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress on Washington Street and, if Sansome vehicular traffic is permitted by the Metropolitan Transportation Agency, egress on Sansome Street, and otherwise by ingress/egress on and off of Washington Street.

As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded by over 40%, renovated and the surface area of the expanded park would be conveyed to the City on completion of the Project to create a new permanent downtown public park. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project.

Together, these elements reflect special care taken by architects Heller · Manus and ROMA Design Group in designing a Project that (a) honors the General Plan's goal to further the creation of new public open space and slender towers in the Downtown Core to maximize light and air; (b) revitalizes the urban street experience of the neighborhood; and (c) respects the iconic nature of the Transamerica Pyramid.

Attachment A includes Project depictions and renderings that show how the Project would look in the context of its location, from various perspectives.

General Plan Principles

The design furthers the objectives of the General Plan in sculpting the downtown core. With the increase in height limit, the Project's unit count and square footage can be produced into a slender, tapering tower with a smaller footprint than a building complying with the 200 foot height limit. The Project will have the same gross floor area as a building complying with the 200 foot height limit, but the slender design permitted by the increase in height will create more open space on the Project site and greater tower separation between the Project and the adjacent buildings (see Attachment B). Furthermore, by constructing a building that is approximately one-half the height of the Transamerica Pyramid, the Project enhances the Downtown Core's visual connection to Jackson Square, easing the transition to adjacent neighborhoods. The Project has been carefully designed to meet the City's long-term planning objectives and its consistency with the Downtown Plan has been endorsed by many individuals and organizations (some of which are attached as Attachment F), including George Williams, as set forth in the letter to Mr. John Rahaim, the Planning Director (see Attachment G).

Revitalize Urban Street Experience

Several features of the Project will help to re-vitalize the urban street experience. The building's small footprint combined with its other design features will literally increase the site's pedestrian capacity, as depicted on Attachment C. Using this new space, the Project will create an inviting street level environment for visitors and residents of the neighborhood by:

- Incorporating ground floor retail uses;
- Removing trucks and cars from Mark Twain Alley and creating a lively pedestrian portal into Redwood Park;
- Removing two existing “outbuildings” from Redwood Park to expand the park and enhance sight lines to Jackson Square; and
- Renovating, improving, expanding, and subsequently dedicating Redwood Park to the City as a public park to further enhance the neighborhood’s appeal.

These design features, combined with the addition of 248 residential households to the area, will revitalize this underutilized block of Washington Street.

Respect for Iconic Pyramid

With a slender, tapering design, the new tower, which is approximately one-half the height of the Transamerica Pyramid, appropriately complements the Transamerica Pyramid and harmonizes with neighborhood aesthetics. In lieu of constructing a less expensive, code-conforming building with a greater footprint on the ground and greater bulk, the Project compresses square footage into a tall slender form, offering a delicate and sensitive addition to the skyline. Its slenderness also maximizes separation from the Transamerica Pyramid to create more sunlight and open space for Redwood Park and surrounding streets.

To achieve the benefits, the Project will need a series of determinations and approvals from the Planning Commission as follows:

- **Proposition K:** The Commission will need to make a determination pursuant to Proposition K and resolve (after comment from the General Manager on behalf of the Recreation and Park Commission who will be meeting jointly with the Planning Commission on this issue) that the Project would not have a significant adverse impact on the use of the parks under the jurisdiction of the Recreation and Park Commission. Such determination will be made subject to the transfer of Redwood Park on terms mutually satisfactory. In order to make such determination, the Commissioners will need to address the implications of the regulations adopted in 1989 regarding shadow budgets for Maritime Plaza and Embarcadero Center One (a portion of what is now Sue Bierman Park).

- **Section 309 Approval:** The Commission will need to adopt findings authorizing a determination of compliance and the granting of exceptions pursuant to Section 309 (from the requirements set forth in the Planning Code Section 134 “Rear Yards”; Section 148 “Ground Level Wind Current”; Section 151.1(e) “Accessory Parking”; Section 152.1 “Off-Street Freight Loading and Service Vehicle Spaces in C-3”; and Section 263.9 “Upper Tower Extensions”).
- **Zoning Map and General Plan Amendment:** The Commission will need to adopt a resolution recommending that the Board of Supervisors (1) amend the official Zoning Map of the City by reclassifying the Project Site from a 200-S Height and Bulk District to a 400-S Height and Bulk District; and (2) amend the General Plan to increase the height at the Project site from 200 feet to 400 feet.

In addition to the above approvals, the Project will require a variance from the Zoning Administrator for reduction in private common open space required under Section 135 of the Planning Code; approval by the Board of Supervisors of (1) the vacation of Mark Twain Alley and its sale to the Project Sponsor at fair market value for incorporation into the Project site, (2) the amendment of the Zoning Map and the General Plan regarding height as described above, and (3) acceptance by the City of the expanded and improved Redwood Park as a new public park.

III. PUBLIC SUPPORT

The Project Sponsor has undertaken extensive community outreach efforts over the past several years and has received broad community support in the form of letters, petitions and endorsements from more than 2,000 community leaders, neighborhood merchants, individuals and numerous community organizations, including:

- Jackson Square Historical District Association;
- San Francisco Architectural Heritage;
- North Beach Neighbors;
- San Francisco Parks Trust;
- Twin Peaks Council & Open Space Conservancy;
- North Beach Chamber of Commerce;
- Bay Area Council;
- San Francisco Housing Action Coalition;
- San Francisco Chinese Club;
- Chinese Chess Association;

- RENEWSF;
- SPUR; and
- Neighborhood Parks Council.

Samples of several support letters from community organizations are attached hereto as Attachment F.

IV. PROJECT APPROVALS AND BENEFITS

A. Proposition K

The Project would not have a significant adverse impact on the use of the parks under the jurisdiction of the Recreation and Park Commission. As would any new project taller than nine stories, the Project will create a small amount of new shade during certain times of the year on Maritime Plaza and on Sue Bierman Park during the late afternoon and early evening hours (as more particularly shown in the Sun/Shadow Graph attached as Attachment D). To offset the small amount of new shade, the Project Sponsor proposes to:

- Expand Redwood Park by more than 40% through the removal of two structures;
- Restore, improve and renovate the area, preserving the redwood trees and bringing the design of the park to modern standards, at a cost to the Project Sponsor of over \$2 million;
- Convey the newly created and expanded area to the City for use as a public park under the jurisdiction of Recreation and Park Commission; and
- Maintain Redwood Park at its cost, in perpetuity worth, on a present value basis, over \$9 million to the City.

This expansion, improvement and conveyance of Redwood Park to the City will add over 18.5 million sunlight square foot hours to the City's parks (much of it during the lunch time period) for the enjoyment of San Francisco residents, workers and visitors, in a park deficient area of the City, and will overwhelmingly compensate for the de-minimus shade created by the Project on Maritime Plaza and Sue Bierman Park.

Impact on Maritime Plaza

The Project would add approximately 1.4% of new shade annually to Maritime Plaza during late June through mid-September and only during the late-afternoon and evening hours beginning no earlier than 4:30 p.m. The impact of the new shadow on the use of this park space would be minimal due, in part, to the limited utility of Maritime Plaza, a plaza elevated more than 20 feet above street level, which is not in active recreational use during the late afternoon and early evening hours and is instead mostly used by nearby

office workers and residents for lunch, although even for such uses it is underutilized because of its above-ground location.

Impact on Sue Bierman Park

The Project would add less than one-hundredth of one-percent (.01%) of new shadow to the already tree shadowed northern edge of Sue Bierman Park from September 6 through September 20, between 5:45 p.m. and 6:15 p.m. and would be limited to a narrow sliver (less than 20 feet wide) along the northern edges of the park in areas adjacent to the sidewalk. Because the sun's path in the first half of the year mirrors the sun's path in the second half of the year, the Project would also cast a similar shadow during March. Overall, this amount of new shadow (44,000 square feet hours) is so small that from a user's perspective, the impact by all accounts would be imperceptible.

Positive Offset from Redwood Park

To offset the minor impacts on Maritime Plaza and Sue Bierman Park, the Project Sponsor proposes to expand and convey Redwood Park to the City, and maintain it at no cost to the City in perpetuity. As a result, the Project will have the net effect of substantially increasing the sunlight on the City's parks available for public enjoyment. Furthermore, the proposed expansion and dedication of Redwood Park will preserve the existing redwood trees and restore and renovate the area to modern park standards designed to optimize the utility of Redwood Park for all to enjoy. In addition to its great utility as a downtown public park, Redwood Park will also serve the highly underserved population of Chinatown given its proximity to the Chinatown District, as shown in Attachment E.

Redwood Park will be in sunlight (net of shade from existing buildings and the Project) for 21.4 million square foot hours each year, much of it over the noon hour when Redwood Park is frequented by the public for lunch. By creating the new public park, the net impact of the Project will be to increase the available sunlight on the City's parks each year by over 18.5 million sunlight square foot hours. Overall the additional sunlight is approximately 7.5 times the amount of shade created by the new Project.

Redwood Park is heavily used as a downtown open space during the work week, when it is now open to the public, even in its current small and un-renovated form. However, this continued public usage of Redwood Park is not guaranteed. Through the conveyance of Redwood Park to the City, Redwood Park would be available to the public seven days a week, including weekends and holidays, forever.

B. Section 309

The Project complies with the applicable provisions of the Planning Code and affirmatively promotes numerous objectives and policies of the Downtown Plan. In addition, the exceptions requested pursuant to Section 309 of the Code are appropriate as explained below.

Rear Yard Exception

The Project site on which the new building is to be built is surrounded by Washington Street on the north, Sansome Street to the east, Mark Twain Alley to the south and Redwood Park to the west. While the Project will fall short of approximately three feet in meeting the required rear yard requirement of the Planning Code, the fact that the Project is bounded on two sides by the 31 foot wide vacated Mark Twain Alley (now a landscaped public easement for access to Redwood Park) and the over half an acre Redwood Park assures that amply light and air will be provided to all of the windows of the residential units and to the adjacent buildings on the block, which is the purpose of the rear yard requirement.

Ground Level Wind Current Exception

The Project seeks an exception from the ground level wind current findings because it does not eliminate the existing wind level comfort or hazard level exceedances at the Project site. However, these exceedances are insubstantial and due to Project's surroundings and location, the Project cannot be shaped to eliminate these exceedances. Specifically, the analysis of wind effects conducted shows that there will be a greater number of hours subject to wind hazards without the Project than with it and the comfort level exceedances will remain the same (at 13 locations) with no additional comfort exceedances created. Compared to the existing conditions, and the alternatives designs analyzed in the Project's Environmental Impact Report, the Project is the only design alternative that would result in a reduction in the total number of hours now subject to wind hazard exceedances. Thus, in light of the existing conditions at the Project Site, an exception to the ground level wind requirements is appropriate.

Accessory Parking Exception Pursuant to Section 151.1(e) of the Planning Code

The Project has been designed to meet the criteria of the Planning Code that permits accessory parking in the C-3 District in addition to what is permitted as of right. To garner the accessory parking, the Project will comply with the affordable housing requirements under Section 315 of the Planning Code that apply to projects seeking conditional use authorizations. In addition, all of the residential accessory parking will be stored in the four subsurface parking levels and accessed by vehicle elevators and mechanical stackers operated by valets. As a result, the use of underground space will be efficiently maximized and all of the parking will be located completely underground with minimal use of space on the ground floor. Furthermore, all of the parking is designed (through use of valet service and vehicle elevators) to minimize the impact on and around the Project site on pedestrian spaces, transit services, bicycle movement and overall traffic movement in the district.

Off-Street Freight Loading and Service Vehicle Spaces in C-3 Districts Exception

The Project will provide one full size loading space located within the first floor of the Project and will also provide two additional van-sized loading spaces located within the

first subsurface level of the garage thereby satisfying the off-street loading requirements under the Planning Code for the Project. However, because the Project will remove all vehicle traffic from Mark Twain Alley, the loading space used for 505 Sansome Street will be eliminated. The Project's one full size loading space and two additional van-sized loading spaces will provide more than enough loading spaces to satisfy the demand of both buildings. Accordingly, there is no need for the Project to replace the off-street loading space for 505 Sansome Street, and thus will need an exception from the off-street loading requirement.

Upper Tower Extension Exception

The occupied area of the Project extends to a maximum height of approximately 390 feet (which is below the amended 400' height limit), but the mechanical penthouse and related screen extend to a maximum height of approximately 420 feet, as permitted by Sections 260(b)(1)(A) and 260(b)(1)(F) of the Planning Code, with an architectural screen feature that extends an additional ten feet to a maximum height of approximately 430 feet, as permitted by Section 263.9 of the Planning Code. This additional ten foot architectural screen feature adds no significant shadows to public open spaces and adds significantly to the visual interest of the upper termination of the building.

C. Zoning Map Amendment and General Plan Amendment

The only aspect of the Project that requires an amendment of the General Plan and the Planning Code is the increase in height from 200 feet to 400 feet. The increase in the height limit would not increase the Project's gross floor area, but would rather enable the unit count and square footage of building complying with the 200 foot height limit to be compressed into a slender, tapering tower with a smaller footprint. This design allows for a much expanded Redwood Park and more public open space on the Project site. The design further provides for greater tower separation between the Project and adjacent buildings on the block, resulting in more sunlight and air available to the surrounding neighborhoods (including Jackson Square) and to the new public park and other open spaces created by the Project (see Attachment B).

In addition, the increase in height allows for a more aesthetic and elegant solution in terms of urban form and is fully consistent with the principles of the Downtown Plan. The Project site is within the Downtown Core, and located within the context of many higher buildings. As such, the Project's height does not encroach upon or visually impact the neighboring areas, such as Chinatown. Furthermore, at less than half the height of the Transamerica Building, the Project's height was carefully considered so as to compliment the iconic Transamerica Pyramid and so as not to match the heights of the buildings to the east or west of the Transamerica Pyramid, creating a sense of openness and a transition from the Downtown Core to the surrounding neighborhoods. Overall, the Project furthers the concepts of smart growth and livability by supporting compact growth within the Downtown Core and by fitting the Project smoothly onto the Project's sites, the surrounding neighborhoods and the downtown skyline.

V. CONCLUSION

The Project is well-designed and well-located, and merits the approvals requested both for the reasons stated herein and because of the substantial economic and social benefits that will result to the City.

Economic Benefits – Over ***\$345 million*** in one-time and recurring revenue to the City over the Project's life as follows:

- Proceeds from the sale of Mark Twain Alley (4,635 sq. ft of land area) at fair market value, which is \$1,975,000.
- A new City owned and expanded public park, which will be open seven days a week, at no public expense. The value of this contribution to the City is over \$18 million – the renovations and park improvements will cost about \$2 million, the land value (calculated as an open space easement) is approximately \$7 million and the present value of maintenance of the park at no cost to the City is over \$9 million.
- Works of public art, commissioned by local artists, located on the Project site (in or adjacent to the new public park) of approximately \$1.6 million.
- Over \$12 million for affordable housing.
- Permit fees of approximately \$840,000.
- School facility impact fee of approximately \$670,000.
- Payroll taxes on construction payrolls for the Project of approximately \$700,000.
- Property and Transfer tax revenue of approximately \$310 million over the life of the Project, of which over \$53 million will be received in the first ten years following completion of the Project.

Social/Environmental Benefits

- The permanent establishment of more than one half acre of public park and other public open space in the Downtown Core, adjacent to neighborhoods sorely deficient in public open space (Chinatown; North Beach; Jackson Square).
- Development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes) close to an array of public transit alternatives in the Downtown Core and close to office and jobs, and thereby inherently satisfying a major tenet of current “green” sustainable development goals.
- The creation of new jobs totaling approximately 1.2 million union worker hours and over \$46 million in construction payroll costs.

January 8, 2010

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- The revitalization of the neighborhood by linking Jackson Square with the Financial District, by increasing the amount of foot traffic and customers to Chinatown, North Beach, Jackson Square and the surrounding areas and by substantively activating the Transamerica block seven days a week.
- Since the Project Sponsor owns the entire Project block, through advanced green technology, the Project site as developed will further the responsible development of the Project block and also achieve the following:
 - LEED certification of all of the buildings on the entire block, including LEED Gold status for the Project (both 505 Sansome and the Transamerica Pyramid were recently awarded LEED Gold status);
 - Rainwater capture systems will be incorporated into the existing buildings and 555 Washington to offset (or eliminate) irrigation requirements for the new park; and
 - Redwood Park and Mark Twain Alley will incorporate cutting edge storm water run-off management techniques to minimize impact on the City's sewer system.
- The Project itself will reflect the fundamental sustainable idea of building high-density housing near public transit, jobs, and amenities to reduce car trips and counteract urban sprawl.

Based on the above and on behalf of the Project Sponsor, we respectfully request your approval of the Project.

Very truly yours,



Robert C. Herr

cc: Mr. John Rahaim, Department of City Planning
Mr. Phil Ginsberg, Recreation and Park Department
Mr. Lawrence B. Badiner, Department of City Planning
Mr. Larry Ritter, Real Estate Division
Mr. Daniel Laforte, Recreation and Park Department
Ms. Dawn Kamalanathan, Recreation and Park Department
Mr. Craig Nikitas, Department of City Planning
Ms. Kelley Amdur, Department of City Planning
Mr. Rick Crawford, Department of City Planning
Mr. Kevin Guy, Department of City Planning
Virginia Dario Elizondo, Esq., Deputy City Attorney
Mariam Morely, Esq., Deputy City Attorney

January 8, 2010

Page 13

Mr. Andrew T. Segal

Mr. Lewis Loeven

Mr. Jeffery Heller, Heller · Manus

Mr. Boris Dramov, ROMA Design Groups

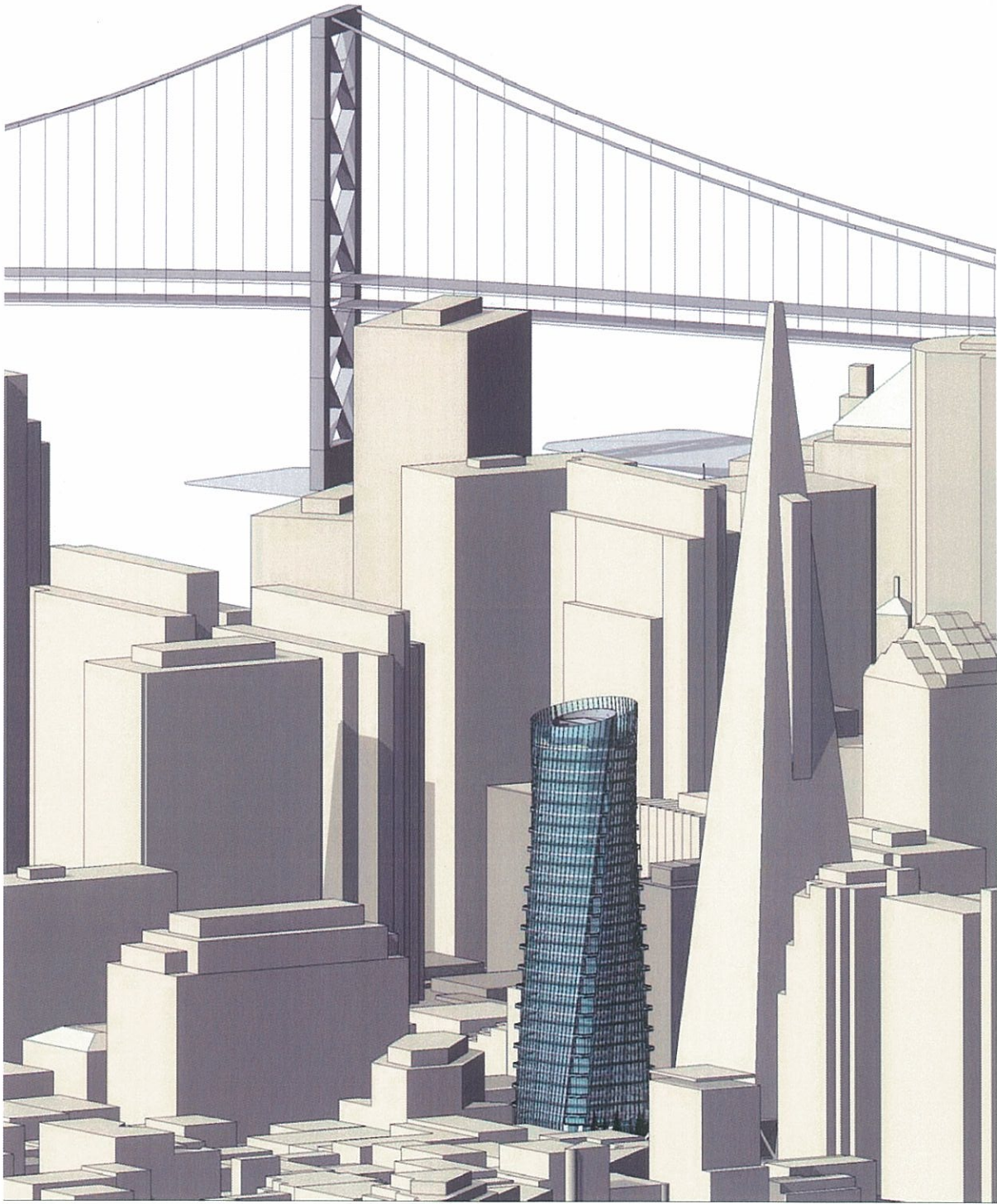
Rachel B. Horsch, Esq., Pillsbury Winthrop Shaw Pittman LLP

Attachments:

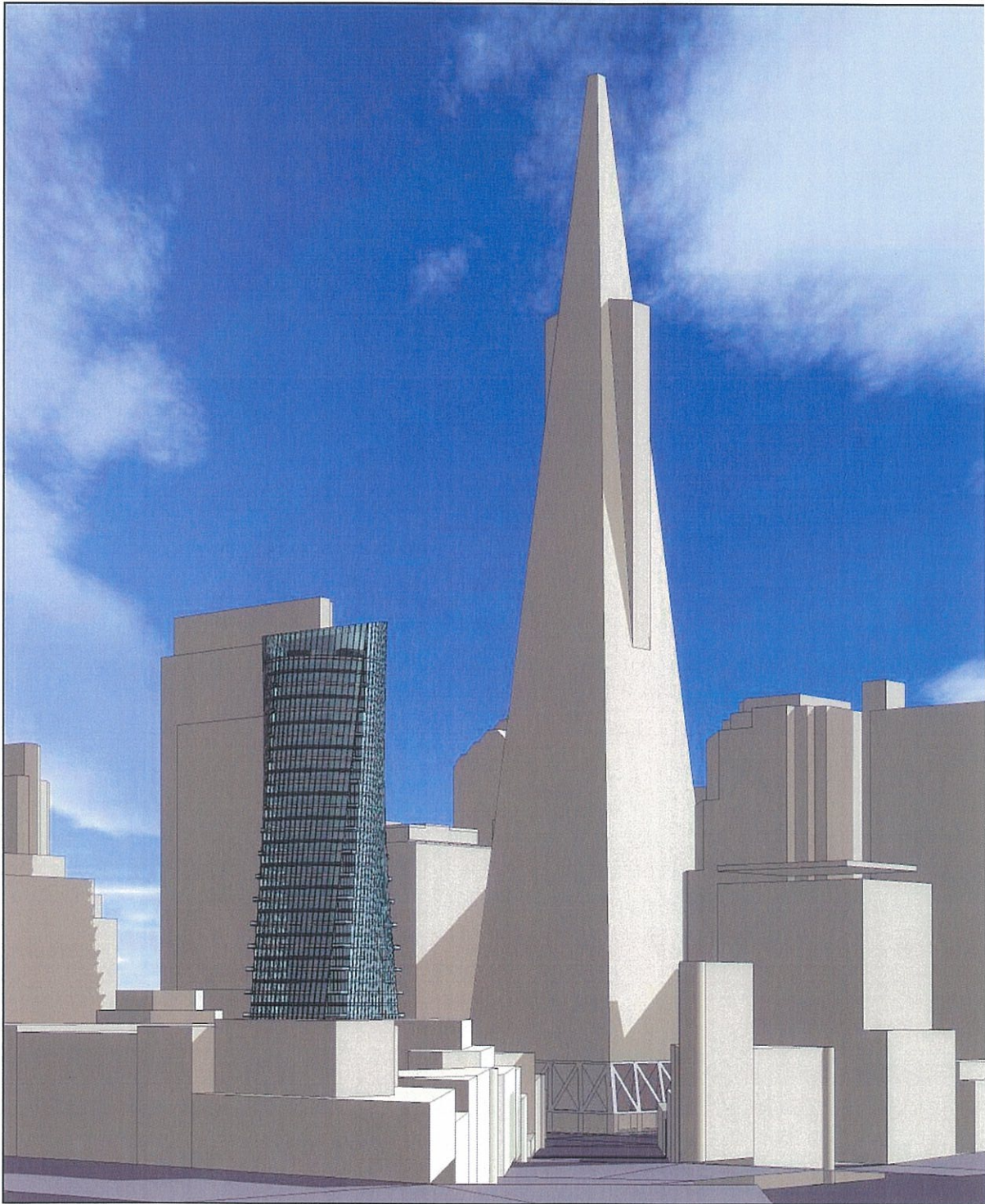
Attachment A	Project Renderings
Attachment B	Project Compared to Code Complying Building
Attachment C	Park Improvements/Expansion
Attachment D	Sun/Shadow Graph
Attachment E	Neighborhood Context
Attachment F	Community Organization Support Letters
Attachment G	George Williams Letter

TAB A

**555 Washington/Redwood Park
ATTACHMENT A
Project Renderings**



**555 Washington/Redwood Park
ATTACHMENT A
Project Renderings**



**555 Washington/Redwood Park
ATTACHMENT A
Project Renderings**

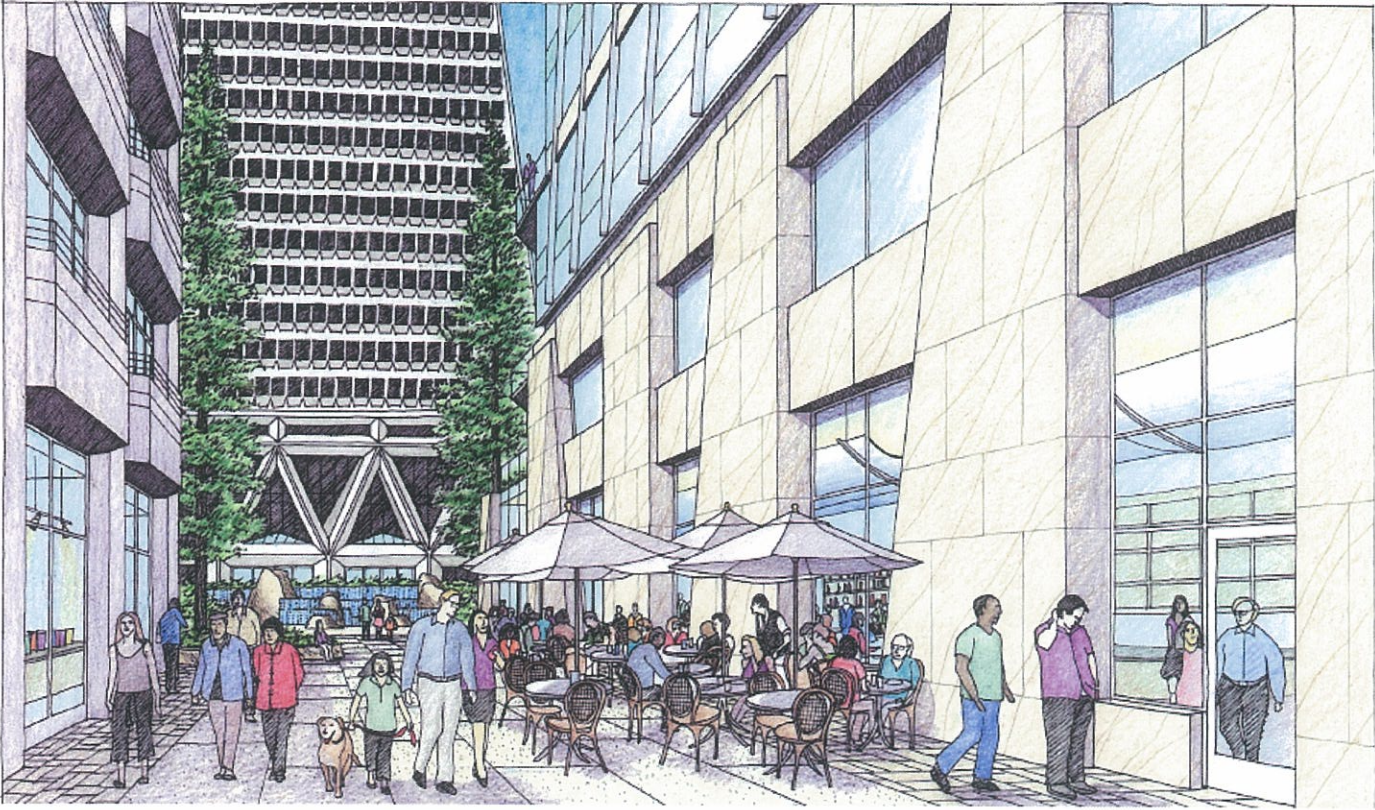


Aerial View



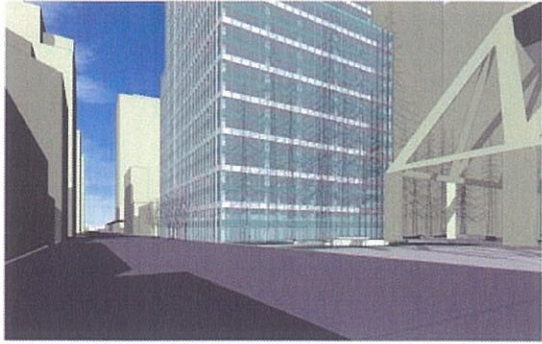
Columbus Avenue View

555 Washington/Redwood Park
ATTACHMENT A
Project Renderings

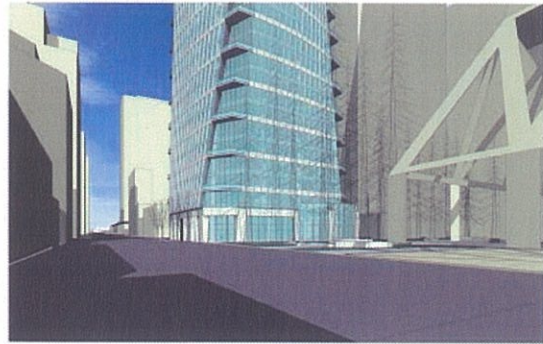


TAB B

**555 Washington/Redwood Park
ATTACHMENT B
Project Compared to Code Complying Building**



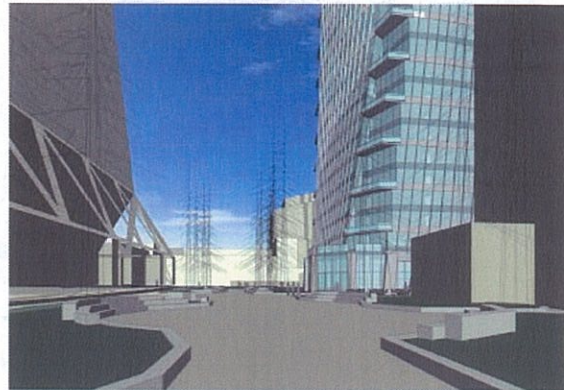
CODE CONFORMING



PROPOSED PROJECT



CODE CONFORMING



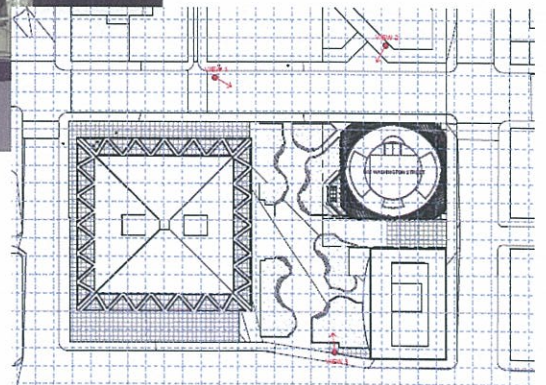
PROPOSED PROJECT



CODE CONFORMING

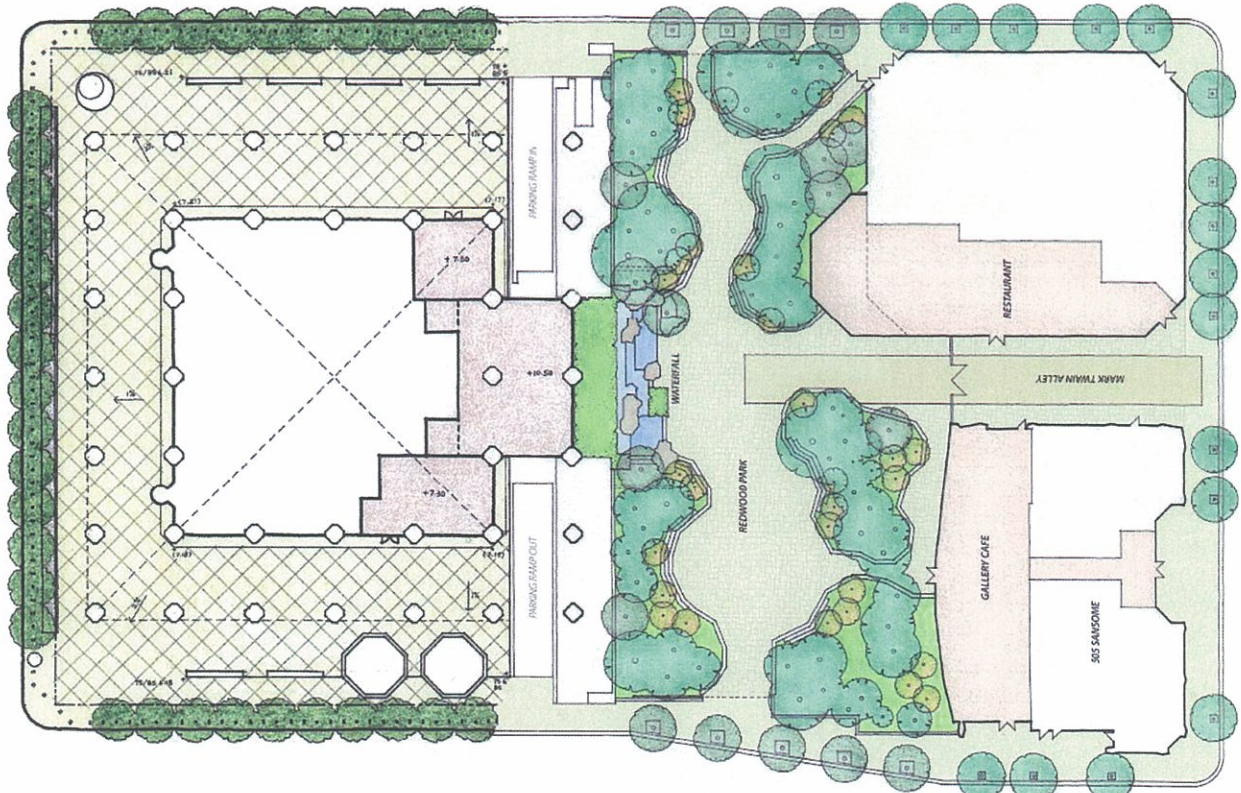


PROPOSED PROJECT

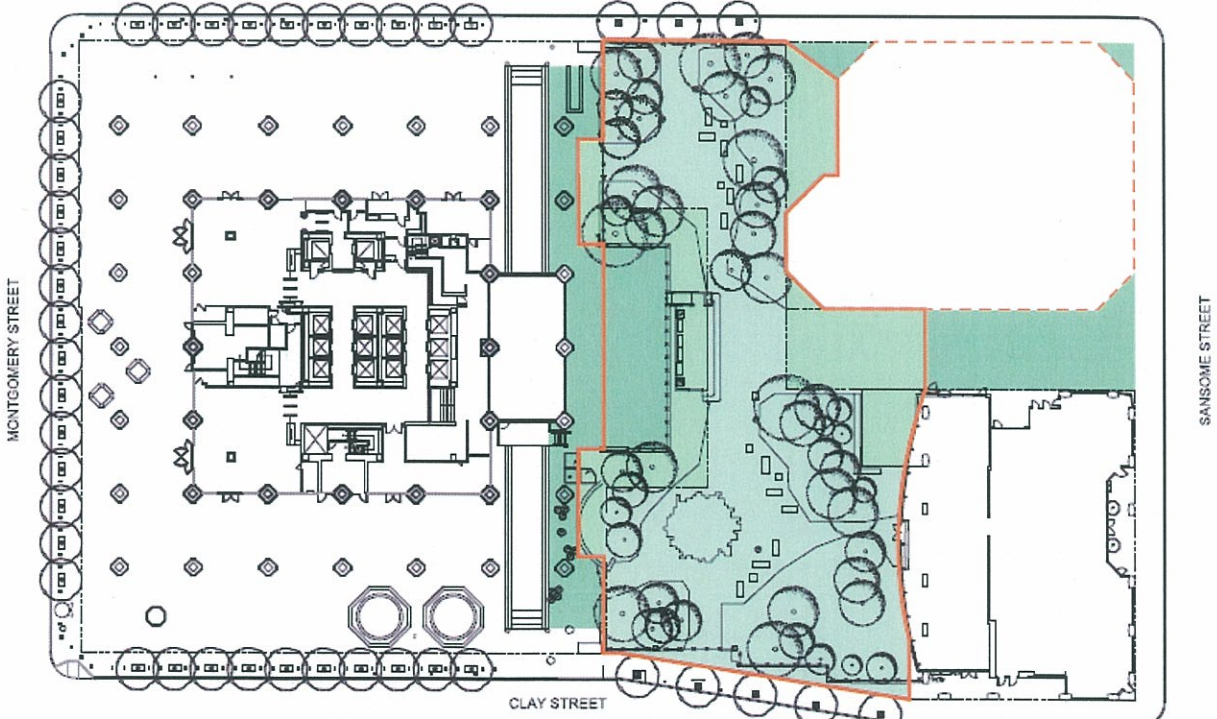


TAB C

555 Washington/Redwood Park ATTACHMENT C Park Improvements and Expansion



WASHINGTON STREET



**NEW PUBLIC PARK
(INCREASE IN SQUARE FEET)**

EXISTING SQUARE FEET	17,961 sf
ADDITIONAL SQUARE FEET	8,832 sf
TOTAL SQUARE FEET OF EXPANDED PUBLIC REDWOOD PARK	26,813 sf

(representing ~ 40% increase over size of existing private open space)

**NEW PARK/OPEN SPACE
(INCREASE IN SQUARE FEET)**

EXISTING SQUARE FEET	17,961 sf
ADDITIONAL SQUARE FEET	15,511 sf
TOTAL SQUARE FEET OF PARK/OPEN SPACE	33,492 sf

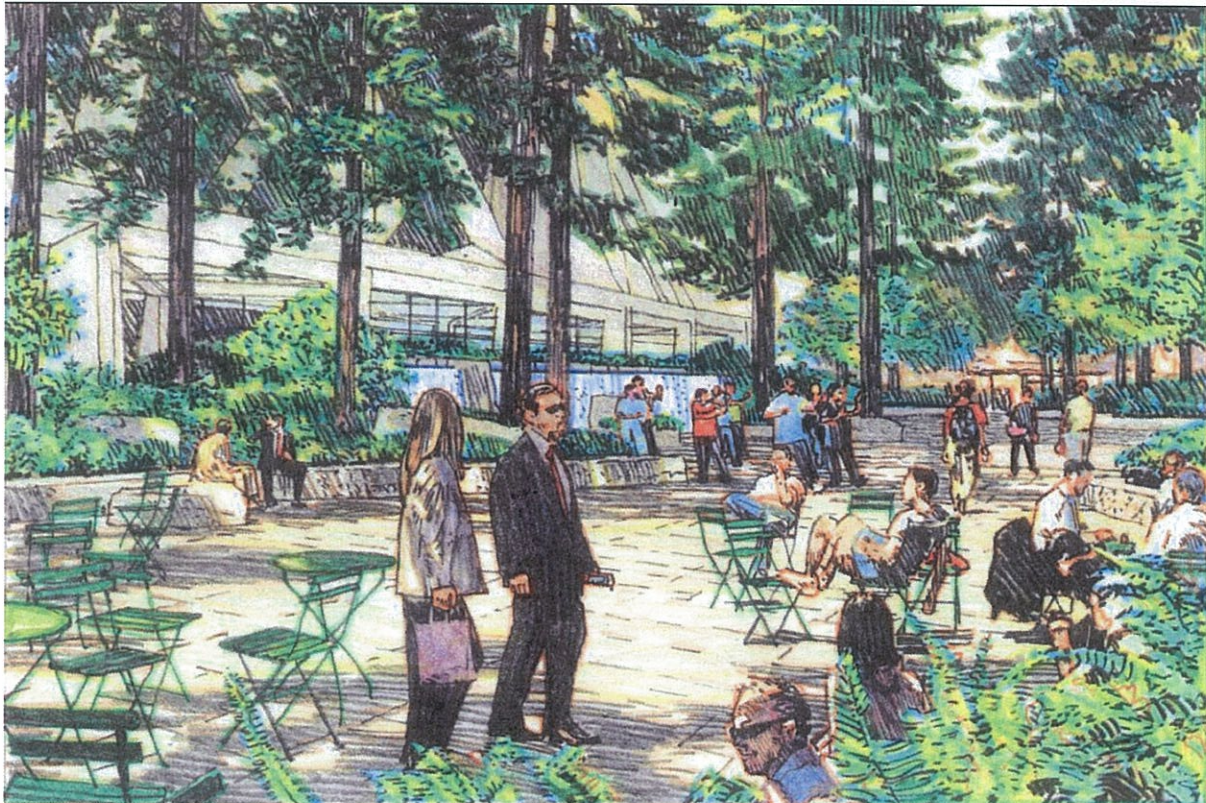
(representing ~ 50% increase of existing private open space)

 ORIGINAL REDWOOD PARK	 ADDITIONAL PARK	 NEW OPEN SPACE	 NEW REDWOOD PARK
---	---	--	--

**555 Washington/Redwood Park
ATTACHMENT C
Park Improvements and Expansion**



Existing View into Redwood Park from Clay Street

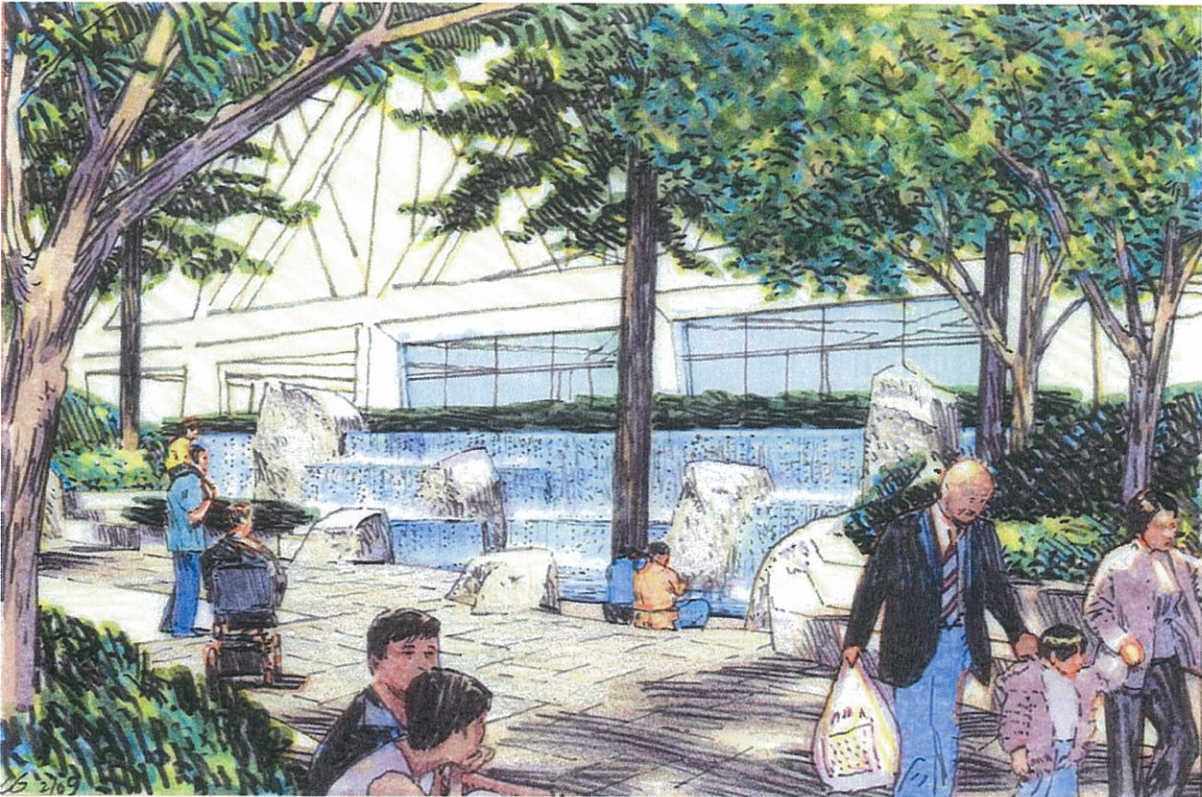


Rendering of Proposed View into Redwood Park from Clay Street

**555 Washington/Redwood Park
ATTACHMENT C
Park Improvements and Expansion**

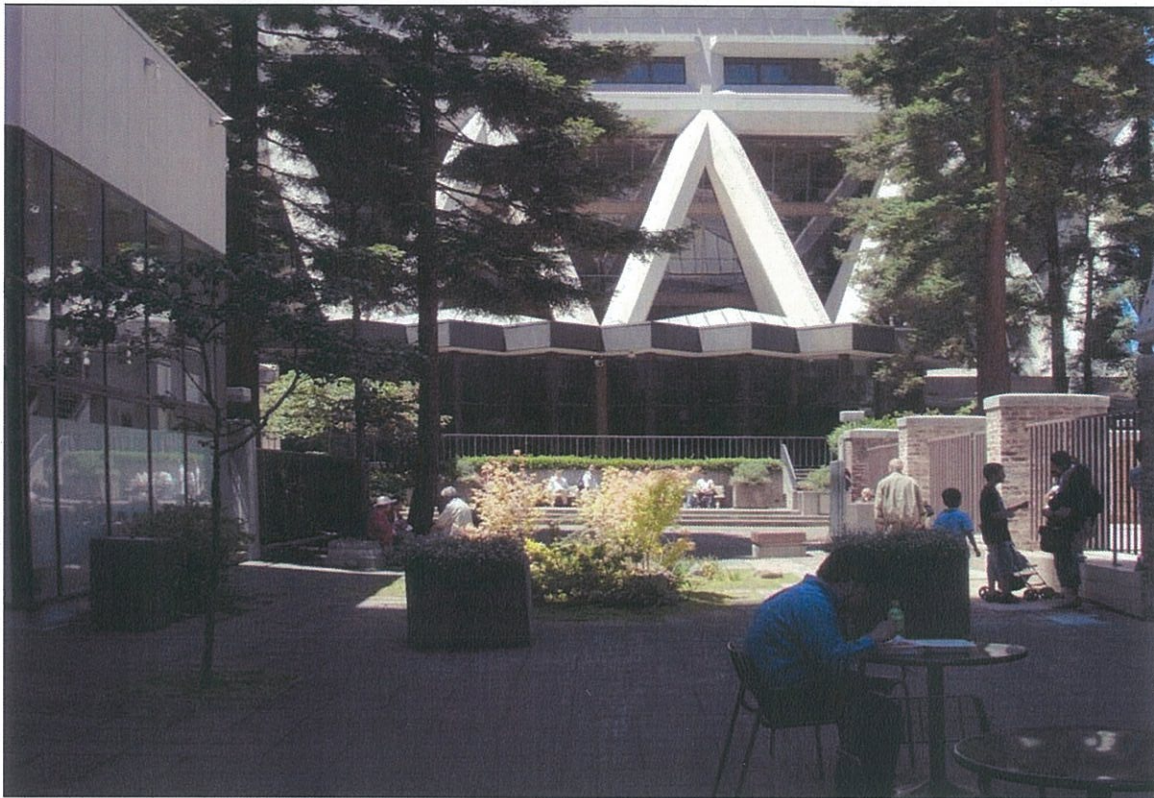


Existing View into Redwood Park from Washington Street

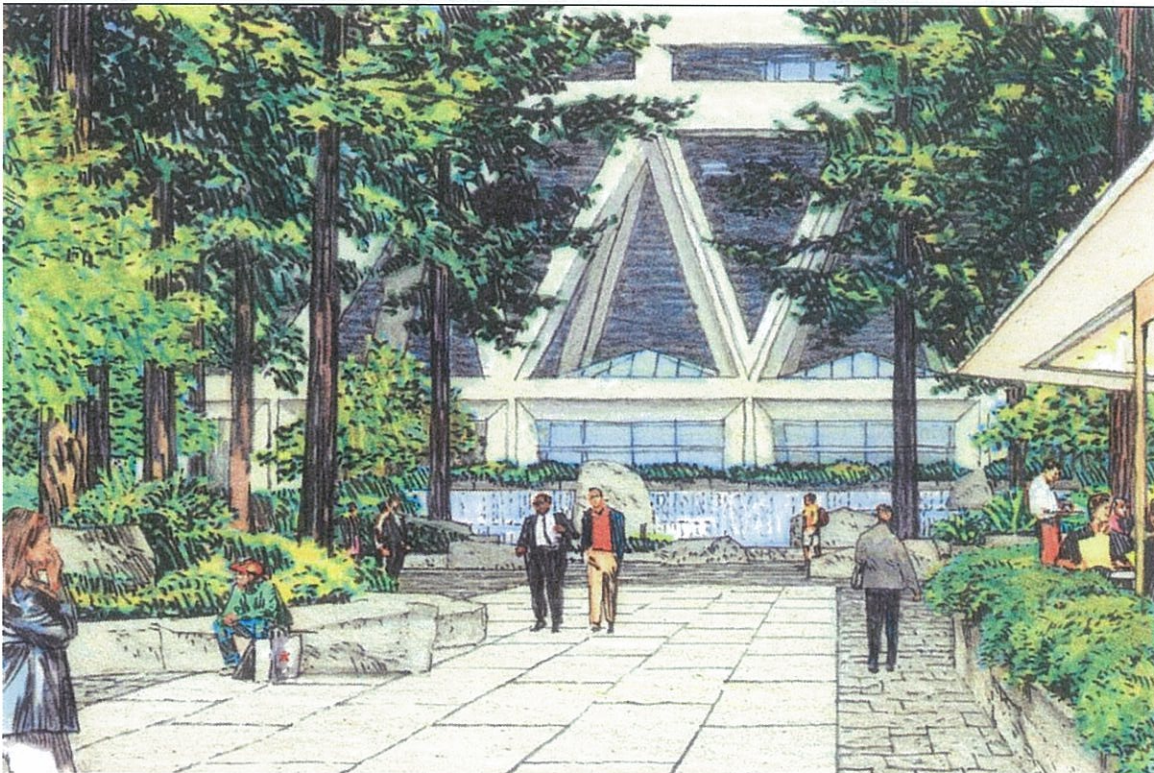


Rendering of Proposed View into Redwood Park from Washington Street

**555 Washington/Redwood Park
ATTACHMENT C
Park Improvements and Expansion**



Existing View into Redwood Park from Mark Twain Alley



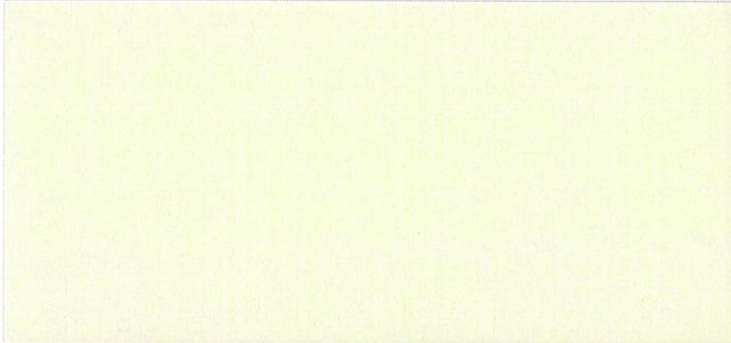
Rendering of Proposed View into Redwood Park from Washington Street

TAB D

555 Washington/Redwood Park
ATTACHMENT D
Sun/Shadow Graph

EXISTING
SUN

522.70 MSFhr



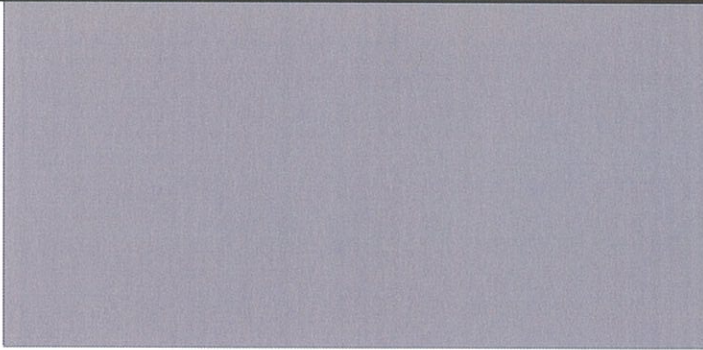
NEW
SUN

21.44 MSFhr



EXISTING
SHADOW

502.43 MSFr



NEW
SHADOW

2.87 MSFhr



TAB E

TAB F

**555 Washington/Redwood Park
ATTACHMENT F
Support Letters**

(See Attached)



JACKSON SQUARE

7 November 2008

San Francisco Planning Commission
1660 Mission Street, Suite 500
San Francisco, California 94103-2479

RE: 555 Washington / Transamerica Pyramid Block Improvements

Dear Commissioners:

The Jackson Square Historic District Association is proud and excited to support the plans for the Transamerica Pyramid block. As the most immediate and adjacent neighbors to the project site, we believe that this proposal to create quality homes and improve and expand Redwood Park as a new public park will revitalize the area and have a positive impact on our historic neighborhood and businesses.

We believe that the many new public benefits and the life that the 555 Washington plan will breathe into the area are well worth the trade-off in height. The newly enhanced public park and additional 10,000 feet of open space will provide an improved "green" oasis for residents, employees and visitors to relax in year round. 555 Washington will also attract new customers for local businesses, including the many shops and restaurants throughout Jackson Square and North Beach. And we applaud the underground parking proposed.

We love and appreciate our neighborhood! The design of the proposed building is attractive and will complement the Transamerica Pyramid Building and our surrounding area. As adjacent neighbors we believe this proposal will add vitality to our neighborhood outside of office hours, add to public safety in the area by increasing the pedestrian presence, and create a much more vibrant atmosphere that will benefit all.

This tall but slender building design will not only create much-needed open space but will also open up views from Washington Street and Hotaling Place, while adding air and light. We are also happy to know that the project will avoid negative impacts on wind conditions in Jackson Square. This is an important issue for us, and we are encouraged that wind studies indicate that 9 out of the 10 tested locations show either no impact or a reduction in wind conditions. The applicant has also pledged to work with us to minimize any impacts of construction.

We respectfully urge the Planning Commission to support the plans for 555 Washington Street including any permits or rezoning necessary to move this exciting project forward. Thank you for your time and consideration.

Sincerely yours,



Sarah Stocking
President

Cc: San Francisco Board of Supervisors

Jackson Square Historical District
431 Jackson Street
San Francisco, California 94111
415-984-0700
www.jacksonsquare.org



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HERITAGE

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Jack A. Gold
Executive Director

2007 FRANKLIN ST.
SAN FRANCISCO
CALIFORNIA 94109

TEL 415-441-3000

FAX 415-441-3015

www.sfheritage.org

November 10, 2009

Mr. Andrew Segal
Liberty Hill Real Estate Group
208 Fair Oaks Street
San Francisco, CA 94110

Dear Andy:

Thanks to you and Jeff Heller for the November 3 presentation to the Heritage Issues Committee on the proposed 555 Washington Street residence tower. We appreciate you taking the time to return to the committee with the updated version of your design.

The Issues Committee is supportive of the project. The increased height limit and the design of the new building are sympathetic with the Transamerica Pyramid. Heritage understands that removal of 545 Sansome is a necessary step to accomplishing this project, and we do not view its demolition as a significant adverse affect. When looking at the site, the 1972 Transamerica Pyramid is the more significant of the extant architectural resources: we encourage the project sponsor to consider landmarking this San Francisco icon.

The committee also noted the vast improvement in the design of the base of the new building from your presentation earlier this year. The heavy and distinct base will relate well to buildings in the adjacent Jackson Square Historic District. We understand that design details will to continue to evolve, but consider the project to be heading in the right direction. We are particularly interested in seeing later development of the exterior and base material palette, specifically the quality and details of these materials.

We find the cylindrical shape of the new building positive, as it breaks up the box pattern along Washington Street. The spiraling of the building also gives balance to the Transamerica Pyramid, grounding it amongst the other rectangular buildings that surround it. We very much appreciate the increase of space for Redwood Park, and feel this will be a welcome asset to the neighborhood and the city.

Thank you again for your presentation. Heritage wishes you the best of success as the project moves forward.

Sincerely,

Jack A. Gold
Executive Director



**Supervisor David Chiu
1 Dr. B Goodlett Place Room 244
San Francisco, Ca 94102-4689**

Dear Supervisor Chiu,

North Beach Neighbors Planning & Zoning Committee recently met with the project sponsors of 555 Washington in the Transamerica Pyramid block. This was our second meeting.

We support this proposal at 555 Washington for the following reasons:

Good architecture with the expansion of open space and a new public park.

The design fits well with other nearby buildings including 600 Sansome and the Washington-Montgomery Tower.

Additional tax revenues for the City, much needed now and in the near future due to the deepening recession.

NBN supports a transparent, efficient planning process for the project sponsors of this well designed building.

Sincerely,


**Lynn Jefferson
Chair, NBN Planning & Zoning Committee
415 776-2554**



SAN FRANCISCO
PARKS TRUST

April 7, 2008

To Aegon Corporation:

San Francisco Parks Trust encourages the creation of recreation and park space in San Francisco. In that regard, we support the proposal by Aegon Corp. to donate Redwood Park to the City of San Francisco along with perpetual funding for the park's upkeep. We think the addition of park land without impact to the City's budget is a positive improvement for San Francisco.

Sincerely,

Kelly Nice
Board Vice President
San Francisco Parks Trust

Twin Peaks Council, Inc.

120 Graystone Terrace - San Francisco, CA 94114

INCORPORATING THE TWIN PEAKS OPEN SPACE CONSERVANCY WHICH HOLDS URBAN FORESTED LAND IN PUBLIC TRUST

May 1, 2008

San Francisco Planning Commission
1660 Mission Street
San Francisco, Ca. 94103

Dear Commissioners,

The Twin Peaks Council & Open Space Conservancy supports plans to create a new public park and open space at 555 Washington in our City of Saint Francis.

We of the TPC/OSC are dedicated to creating and preserving open space and parks in San Francisco, I personally advocated keeping REDWOOD PARK open and accessible to the public in the 1990s. We are proud of our work in helping keep the Park open and are excited to see the project sponsor take the next big step and transfer the Park to the City as a NEW PUBLIC PARK!

Our full support goes to the proposal to expand and dedicate REDWOOD PARK as a new public park. We also fully support plans to create over 10,000 square feet of new open space for the public to enjoy.

Open space is so very limited in the congested financial district and the new and expanded public park will create a much need urban escape for residents and visitors and **CONTRIBUTE HUGELY TO THE PUBLIC HEALTH!**

We respectfully urge the Planning Commission to support plans to create A NEW PUBLIC PARK AND OPEN SPACE AT 555 Washington. The Recreation and Park Commission are also urged most fervently to work to bring about the above! Thank you for your time and consideration.



Ramona Albright, R.N.
For the board and membership
Phone 621-9621

Cc: San Francisco Board of Supervisors
Recreation and Parks Commission

Everyone owes a portion of their time to their community



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CHAMBER OF
COMMERCE

April 9, 2008

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Bob Larive
James Pope
Eric Messersmith

Ex Officio:

Steve Sirianni

San Francisco Planning Commission
16650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 555 Washington Street

Dear Commissioners:

It is with great pleasure that our Board of Directors reviewed the plans for the above site address at its March 11, 2008 Board Meeting.

We found the architecture to be innovative while making excellent use of the lot size. We believe that the torqued tower will become an icon in San Francisco and are happy to see something far different from the usual rectangular boxes seen far too often in our skyline.

We are pleased to voice support for this project.

Sincerely,

Marsha Garland
Executive Director



- NBCC is a dues supported association. It does not receive government funding and is not affiliated with the San Francisco Chamber of Commerce •
- 556 Columbus Avenue • San Francisco, CA 94133 • 415/989-2220 • Fax: 415/989-6427 •
- World Renowned Site of San Francisco's Little Italy • West Coast Home of the Beats •
- info@sfnorthbeach.org • www.sfnorthbeach.org •

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San Francisco, CA 94111
(415) 981-6600

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Sunset Development Company

WILLIAM MORROW
Chairman & CEO
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T. GARY ROGERS **
Chairman & CEO
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KARL SCHROEDER
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President & CEO
The PMI Group, Inc.

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President & CEO
Silicon Valley Bank Financial Group

JANET L. YELLEN
President & CEO
Federal Reserve Bank of San Francisco

Ex Officio
JIM WUNDERMAN
President & CEO
Bay Area Council

** Retiring

BAY AREA COUNCIL

December 3, 2008

Mr. Andrew T. Segal
Liberty Hill Development
208 Fair Oaks Street
San Francisco, CA 94110

Dear Mr. Segal:

The Bay Area Council is very happy to endorse the 555 Washington project.

The 555 Washington project scored extremely highly in all the criteria we employ to evaluate proposed housing projects, namely; transit orientation, project size, efficient use of land, adaptive re-use of land, promotion of affordability, environmental design, mixed use, and the promotion of community input to the design process.

The Housing Endorsement Committee feels that this is precisely the type of dense, transit-oriented, infill housing that San Francisco and the rest of the Bay Area should be promoting and building if we are to preserve the health of our economy and our physical environment.

The lack of all types of housing at all levels of affordability has become a major threat to the economy of the Bay Area. The region's employers are finding it increasingly difficult to attract and keep the top talent in the Bay Area because the high cost of housing here. With our population expected to grow by 20% in the next 25 years, this housing shortage, along with associated problems of sprawl; congestion and environmental pollution, are going to get much worse unless more projects like are approved and built.

We congratulate you, Heller Manus Architects, and Roma Design Group for producing a well designed and well situated project that will provide much needed housing for the residents of San Francisco.

Sincerely,


Matt Regan
Director of Housing
Bay Area Council

Cc: Jeff Heller, Heller Manus Architects
Bonnie Fisher, Roma Design Group

The Bay Area Council is a business-sponsored, public-policy advocacy organization for the nine-county Bay Area. The Council proactively advocates for a strong economy, a vital business environment, and a better quality of life for everyone who lives here.



995 Market Street
Suite 1525
San Francisco, CA 94103
415 541 9001 tel
415 431 2468 fax
info@sfhac.org
www.sfhac.org

October 20, 2008

Andrew Segal
Senior Vice President
Lowe Enterprises Real Estate Group
455 Market Street, Suite 640
San Francisco, CA 94105

Re: Proposed Project at 555 Washington Street

Dear Mr. Segal:

The San Francisco Housing Action Coalition (SFHAC) is pleased to inform you of our full support for your proposed residential project at 555 Washington Street. Our Endorsement Committee believes the project has many merits and will contribute to SFHAC's goals of increasing the supply of well-designed, appropriately located housing that meets the need of present and future San Franciscans.

The proposed project meets our endorsement criteria in the following ways:

Project Size:

The proposed project involves construction of approximately 250 residential units, including 115 units of two or more bedrooms.

Land Use:

The proposed high-density, mixed-use project is an appropriate use of the site given the surrounding context. The proposed project is defined by its mix of uses including residential, recreational and small scale retail. The area surrounding the project site is comprised of high-rise office, residential, and institutional buildings.

Density:

The proposed project utilizes the maximum allowable housing unit density for the site.

Affordability:

The proposed project will comply with the City's Inclusionary Affordable Housing Program requirements by contributing over \$12 million towards the City's affordable housing fund.

Transit Orientation and Parking:

The project proposes less than 1:1 parking spaces per unit. Residents will have 230 parking spaces, storage for 75 bicycles and at least two car share spaces. Parking expenses will be unbundled from residential unit costs to promote greater affordability. In addition, the project area is well served by public transportation. Pedestrian and automobile entry for the residential uses is proposed along Washington Street, along with the loading dock for the building.

Design:

The proposed project promotes the principles of good urban design and transit-oriented development. The height increase from 200 feet to 400 feet seems appropriate given the proximity to the Pyramid and the evolving City policy regarding heights downtown. The residential tower is scaled appropriately for this neighborhood and will complement the adjacent Pyramid.

The SFHAC is particularly supportive of the inclusion of a high percentage (46%) of family-friendly units of two or more bedrooms and a 6,000 square foot family-friendly meeting space.

The proposed project calls for increased open space, the preservation and addition of redwood trees, renovation and improvement of the existing Redwood Park, and vibrant pedestrian activity. Redwood Park, currently privately owned, is proposed to be enlarged to at least 18,000 square feet, renovated and improved and ultimately transferred to the Recreation and Parks Department, with the project sponsor agreeing to pay for on-going park maintenance. Mark Twain Alley will be transformed into a permanent pedestrian plaza and will be framed with restaurant uses.

Greening and Energy Efficiency:

The SFHAC is pleased that the proposed project would feature energy efficient and environmentally friendly construction techniques and materials and that you intend to seek LEED Silver certification.

Community Input:

The SFHAC is impressed with the community outreach that has occurred to date including meetings with neighborhood organizations, area merchants, and other interested parties. The SFHAC encourages the project team to continue this dialogue with the community.

Thank you for submitting this project to the SFHAC Endorsement Committee. We are pleased to fully endorse your project. Please let us know how we may be of assistance.

Sincerely,



Tim Colen
Executive Director

To Chairman Mr Migual:

The San Francisco Chinese Club was found on the year 2007,As a nonprofit Organization to the public,Purely for helping the Chinese community ,Currently has about 200 members,Since our club often borrows The Portsmouth Square"s open space plus a resting area for Seniors to exercise and recreation purposes.A few days ago we got the great news about 555 Washington being rebuild and expansion of the Redwood Park,Upon completion not only it can ease the Chinatown stressful open space,it can bring government and people financial benefit ,So our club and all members will greatly support this project:

Sign President of San Francisco Chinese Club

Wu Pak Bing

03/09/2009

6/23/2009

旧金山华人会

san francisco chinese club
6A doric alley san francisco
ca:94133-4807 tel:(415)986-7888
fax:986-7888

致总裁migual先生：

金山华人会源於2007年间，为一非牟利公众团体，纯为华人服务，现时约有200名会员，唯本会需经常借用花园角之空间及休憩处给耆英们运动及康乐用途。近日欣闻华盛顿街555号将列为重修及扩建计划公园单位，落成后除可纾缓华埠之紧张空间外，亦可启动日后之繁荣经济及热闹气氛，俾令政府及市民更多受益，故本会全体同人将鼎力支持此项计划。

主席致敬

胡伯炳

3-9-09.



AMERICA WEST SAN FRANCISCO
CHINESE CHESS ASSOCIATION

GIN LOW
Chief Secretary

153A Waverly Place
San Francisco, CA 94108

Tel: (415) 391-1236
Cell: (415) 794-7812

Mr. Andrew T. Segal
Liberty Hill Development
208 Fair Oaks Street
San Francisco, CA 94110

Dear Mr. Segal:

We are writing in support of your proposal to expand Redwood Park and update the Transamerica Pyramid block.

Our organization has many members who use the limited open space and recreational area in Chinatown. Redwood Park is just 2 blocks from Chinatown, and we certainly need more open space in this very crowded area.

The proposal for the Transamerica Pyramid block would increase open space for the site by 80%, and create a public park that now would be open on weekends and holidays for enjoyment by residents of the neighborhoods. It would also be good for Chinatown businesses.

We have viewed the design for 555 Washington including the park, and we like it. You have our support for the proposal. Any questions should be directed to me at 794-7812.

Sincerely,

Gin Low
Chief Secretary

SF

renewsf.org

May 6, 2009

Members of the San Francisco Planning Commission

Commissioner Michael J. Antonini

Commissioner Gwyneth Borden

Commissioner William L. Lee

Commissioner Ron Miguel, President

Commissioner Kathrin Moore

Commissioner Christina Olague

Commissioner Hisashi Sugaya

Director of Planning John Rahaim

Zoning Administrator Lawrence Badiner

RECEIVED AT CPC HEARING 5-7-09
2002.1334E
(K. GUY)

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 9410

Re.: 555 Washington Street

San Francisco Planning Commission and Staff:

RENEWSF is a neighborhood association involved in urban planning issues and improvement projects in the Northeast and waterfront of San Francisco. Last fall RENEWSF members were given a presentation by the proponent of the 555 Washington project. More recently we were given an opportunity to review the updated drawings for the proposed landscaping at the base of the building, the Redwood Park, as well as the shadow study.

We understand that there have been concerns expressed regarding the shadows cast by the building as well as the building height variance sought by the developer. Our positions on these two issues are as follows:

- We have reviewed the finding of the shadow study as provided by the developers and concur that only a very minor increase is produced by the new building at 555 Washington Street and believe that the conveyance of an enhanced Redwood Park is a clear benefit to the neighborhood.
- The requested variance for increasing the building height over current zoning standards does not concern us since the height of the proposed building is consistent with building heights in the same blocks and other contiguous blocks on the south side of Washington Street, the "downtown" side.

While most proposed development projects present challenges to the impacted neighborhood, a sound approach would be to balance the benefits of the project to the impacted neighborhood as well as the City with those elements that may be deemed as less

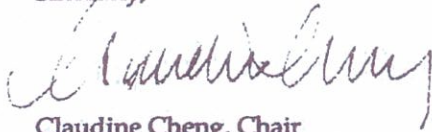
than desirable. Accordingly, RENEWSF urges the Planning Commission to adopt a balancing approach in reviewing project proposals.

Using this balancing approach, RENEWSF finds that the proposed project brings the following benefits:

- The project will increase housing density in the area and it will provide housing for residents to walk to work in the adjacent neighborhoods, including the financial district, or to take public transit which is conveniently accessible from the project location.
- The project does not obstruct the view of Telegraph Hill; the design as proposed is in keeping with planning criteria extant, keeping tall buildings south of Washington Street.
- The project will result in enhanced street life and safety by virtue of the presence of new residents in an area that is generally rather deserted after working hours.
- New residents in the area will have a positive effect on local small businesses in the neighborhoods within walking distance, including Jackson Square, Chinatown, North Beach, and beyond.
- Real estate taxes and other related assessments and fees will provide additional revenues to the City that will be welcome during tough economic times.

In summary, RENEWSF recognizes that the proposed project requires approval of a height variance and that there is minor shadow impact. Nonetheless, the benefits described above overwhelmingly outweigh the concerns expressed. Thus, we urge your approval of the project so that it will be allowed to move forward to the next stage.

Sincerely,



Claudine Cheng, Chair

RENEWSF
1308 Montgomery Street
San Francisco, CA 94133

Board of Directors:
Claudine Cheng, Chair
Rod Freebairn-Smith
Marvin Kasoff
Robert Mittelstadt
Wells Whitney



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8 December 2009

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Will Travis
Jeff Tumlin
Brooks Walker, III
Debra Walker
Paul Zeger

Mr. Jeffrey Heller, FAIA
Heller Manus Architects
221 Main Street, Suite 940
San Francisco, CA 94105

Re: Proposed Development at 555 Washington Street

Dear Mr. Heller:

On behalf of the members of the SPUR Project Review Committee, we would like to thank your team for bringing the proposed development at 555 Washington Street to our group for consideration and review at our November 2009 meeting.

The mission of the SPUR Project Review Committee is to consider projects that are of citywide importance and to evaluate them according to criteria related to land use, public realm interface, building design and environmental effects. In all cases, we are seeking a combination of excellent planning and design solutions that will ensure the positive contribution of each project to a safe, visually appealing, and vibrant urban setting for the people who live and work in San Francisco.

In general, after our review and discussion, the committee was impressed with both the design and intended use of the 555 Washington Street project. We provide the following specific comments for your information and action:

Land Use

Located on the southwest corner of Washington and Sansome streets, the project proposes a 38-story (400' height) building providing market-rate residential and ground floor restaurant and retail. The development comprises 248 residential units, including in lieu fee for the equivalent of 42 affordable units, expansion of adjacent Redwood Park, donation of Redwood Park to the City as publicly owned/private maintained open-space, and environmentally sustainable design and upgrades for the entire block, including the Transamerica Pyramid.

The committee strongly supports high-rise development at this location, which is directly adjacent to the 858 foot Transamerica Pyramid. The committee agrees that the project, within the downtown high-rise district, will provide a contextually sensitive balance to the Transamerica Pyramid and may re-energize the immediate environs. The proposed expansion of both area and hours of access for Redwood Park is a very welcome improvement to the City's downtown green-space.

Public Realm Interface and the Promotion of a Pedestrian-Oriented Environment

Overall, the committee agrees with the orientation of the building, its integration with Redwood Park, Mark Twain Alley and the Transamerica Pyramid. The extensive shadow studies of the slender silhouette of the proposed 400 ft. building, as compared to the form allowed by the Planning Code, satisfy the committee that a taller, more slender building is more desirable for this location.

We are especially pleased with the proposal to unbundle parking and to tailor the parking usage to occupancy requirements, starting initially at .50 per unit capacity and requesting a maximum of .80 spaces per unit. Valet parking integrated with stackers, Car Share inclusion, and bike parking are all enthusiastically approved by the committee.

There was some discussion among the committee members regarding the integration of the Park with Mark Twain Alley and the proposed restaurants within the development. We agree that the Park and restaurants will do much to improve the pedestrian environment, though we encourage the project sponsors to review whether the proposed “pop-out” area of the restaurant within 555 Washington into the Park is necessary. We also agree that this restaurant space is perhaps large enough to accommodate more than one tenant.

The committee also expressed a desire to preserve the plaque commemorating Bummer and Lazarus, Emperor Norton’s dogs and fixtures of popular culture in the early 1860’s, currently located within the Park.

Building & Landscape Design

The committee agrees that the proposed building design makes a strong positive statement for the neighborhood. The graduated cylindrical shape and the proposed clear glass skin present a complementary balance to the iconic Transamerica Pyramid which shares the block. We are impressed with the thoughtful design and attention to detail.

We encourage the project sponsors to commit to the use of high-quality materials, especially for the glass envelope. A light, transparent glass is essential to counter balance the concrete structure of the adjacent Pyramid.

As stated earlier in this review, the committee is very pleased with the proposed redesign and expansion of Redwood Park. We believe the generous gift to the City of the Park and its maintenance in perpetuity provides a win-win-win situation for the project sponsors, the tenants and the public. The proposed re-design with water feature, additional seating and retractable gates will enhance what is already a beautiful restful retreat. Expanding the hours of access to seven-days is an added bonus.

We understand that the maintenance of Redwood Park will be the responsibility of the building owners and we appreciate the generosity of that gesture. The committee supports the commitment to adequate maintenance throughout the life of Park.

Environmental Effects

SPUR believes it is essential for projects to build environmental sustainability into their design and function, and we appreciate the project sponsor's goals to achieve LEED Gold Certification for the entire block, a "green island" including both 555 Washington and the Transamerica Pyramid. This is a unique opportunity and we are very supportive of the project sponsor's efforts in this area.

We are looking forward to inventive use of sustainable materials and practices throughout the project.

Conclusion

The SPUR Project Review Committee finds the proposed project at 555 Washington Street to be an appropriate use of the site. The dense residential development will enliven and enhance the neighborhood. We are very pleased to see such a high level of design and creativity in what is already a high-profile City block.

We thank you for committing your time and resources to the presentation at SPUR, appreciate the fact that you have presented your proposal to us at an early stage in its development so that you may take our recommendations into consideration. We will follow further refinements of this project with great interest and invite you to keep us informed on its progress.

Consideration for Endorsement

Should you intend to request SPUR to consider this project for endorsement, you should contact the Committee co-chairs at the appropriate time. Endorsement by SPUR is reserved for projects of the highest quality and significance to the city. Consideration for endorsement begins with a formal response by projects sponsors to this review letter, including an update on any significant changes to the project program or design since the project was initially presented at SPUR. The project is then taken up for discussion by an endorsement subcommittee of SPUR board members who serve on committees in the areas of project review, urban policy, housing, sustainability, and transportation. We normally require a month's lead-time to schedule a meeting of the endorsement subcommittee.

Please do not hesitate to contact us for questions/clarifications.

Sincerely,



Charmaine Curtis
SPUR Project Review Committee Co-Chairs

Reuben Schwartz

For :

Mary Beth Sanders

cc: SPUR Board of Directors



April 14, 2009

Mr. Jim Lazarus
President
Recreation and Park Commission
McLaren Lodge, Golden Gate Park
San Francisco 94117

RE: Redwood Park

Dear Jim,

The Neighborhood Parks Council is writing to request that the Commission approve the transfer of Redwood Park, a private park since its creation, to the aegis of the Recreation and Park Department. The current proposal relates to expanding the park, in a part of town that has been on City Planning's target list for additional open space since the passage of ROSE (Open Space Element of the General Plan) in 1986, and is therefore an exciting opportunity in our opinion. Not only is the original park being almost doubled in size, but also the park is proposed for addition under permanent public protection through RPD ownership --AT NO LONGTERM MAINTENANCE COST TO THE DEPARTMENT. This is a model that the city should jump at and which will be increasingly necessary if we are going to meet the open space deficit in the Eastern Neighborhoods.

There are minor shadows that will result from this project. In this regard, NPC believes that the benefits far outweigh this negative given the substantial plusses that this very 'green' project provides to the immediate neighborhood and the City. We urge you to accept the transfer of this parcel to the RPD open space system for the many benefits to this open-space challenged neighborhood and for the city system as a whole.

Sincerely,

Isabel Wade
Executive Director

Cc: City Planning Commission

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TAB G

**555 Washington/Redwood Park
ATTACHMENT G
George Williams Letter**

(See Attached)

July 22, 2009

Mr. John Rahaim
Planning Director
San Francisco Planning Department
1650 Mission Street
San Francisco, California 94103

Re: Downtown Plan

Dear John,

In connection with the review of the 555 Washington residential high-rise project, I understand that a number of assertions have been made that a 400 foot building on that site would violate the principles of the Downtown Plan. I disagree, and my opinion is shared by Dean Macris, who, as you know, was Planning Director when the Downtown Plan was adopted, and with whom I have consulted in preparation of this letter.

As you also know, I was Assistant Director and head of the Comprehensive Planning Division of the Planning Department from 1973 to 1992. In that capacity I was in charge of preparation of the Downtown Plan and am intimately familiar with its formulation.

One primary objective of the Plan was to shift much of the new development to the area south of market around the Transbay Terminal. However, there was no intention to preclude new development north of Market Street in the areas zoned "downtown commercial". We did not want high-rise development to move northward into Jackson Square so the dividing line between the low-rise Jackson Square area and the high rise downtown commercial district remained at Washington Street. Nor did we want high-rise development to encroach on Chinatown, so the western boundaries of the downtown commercial district were redrawn to exclude low-rise Chinatown related properties.

In setting the heights for the redrawn downtown commercial district we were following a number of urban design principles which are expressed in the Plan.

Objective 13 of the Downtown Plan, states that "*A proper plan for building height ... should take into account appropriate, established patterns of building height and scale, seeking for the most part to follow and reinforce those patterns.*" Policy 13.1, states: "*Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.*" and the related discussion notes that "*Taller buildings should be clustered to promote efficiency of commerce and avoid unnecessary encroachment upon other areas*" and "*The downtown core—the major place of tall buildings in the city—should be kept separate from other less intense activity areas in surrounding low rise development.*"

The height on the block in which the proposed 555 Washington project is located was rezoned at 200 feet, not in order to taper down heights toward Jackson Square, but rather to "*shift the thrust of future development from north of Market . . . to an area with fewer existing buildings deserving preservation and much lower existing densities.*" (Policy 13.2 Implementing Action as stated in "Downtown Plan Proposal for Citizen Review").

Given the proximity of the site to the 858 foot Transamerica tower, rezoning the site to allow a more slender 400 foot residential building, with the same gross square footage as a Code complying building at 200 feet, would not violate, but rather would promote, the general purpose and intent of the Downtown Plan and the urban design principles the planning staff were applying.

Another urban design principle on which the Downtown Plan is based is expressed in Policy 13.2, which states: "*As buildings increase in height, they should be sculptured or shaped to appear increasingly slender and delicate.*" To implement this policy rather complex bulk rules were developed to promote tower slenderness, including a required reduction in the size of the upper floors of the building and allowing higher heights if the size of the upper floors was reduced even further.

In the case of 555 Washington, allowing a building up to 400 feet will result in a substantially slimmer building than would a building containing the same gross square footage, built at 200 feet. The size of the upper floors of the proposed building would be about 7800 square feet in the taller building as opposed to about 11,800 square feet in the shorter building and the width of the building silhouette at the upper floors will be about 102 linear feet as opposed to about 155 linear feet. This would create a much more appealing building form on the skyline and approval of the project as proposed will result in a building much more in conformity with Policy 13.2 than would a 200 foot tall building with the same gross floor area.

The consistency of the proposed project with the Downtown Plan should also be considered in the context of other important Plan policies. In its section on Open Space, the Downtown Plan contains the following policies:

"POLICY 9.3 Give priority to development of two categories of highly valued open space: sunlit plazas and parks."

"POLICY 10.3 Keep open space facilities available to the public. Locked gates or restricted passages negate the purpose of "open" space. All outdoor ground level features which are accessible from the public sidewalk, such as parks, plazas, snippets, and sitting areas in arcades, should always be open to the public during daylight hours." . . .

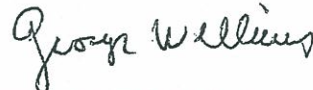
The 555 Washington project, by proposing to enlarge the existing Redwood Park and transfer it to the City to become a public park, will make a major contribution toward achieving these policies.

Redwood Park, which is in the block which also includes the proposed site of 555 Washington, was developed in conjunction with the construction of the adjacent Transamerica Tower well before adoption of the Downtown Plan. It is privately owned and there is no Planning Code requirement that it be made available for public use. It is fenced and the entry gate is posted with a sign that says it is for "the enjoyment of our employees, tenants and friends"; the gate is locked on weekends. Once a public park the sign will, in effect, read "Open to the general public during daylight hours seven days a week."

By building a taller building with the same total square footage as a shorter building, a smaller ground level footprint can be achieved, enabling more area to be added to the park. This, plus removal of a ground level restaurant and conference area, will enable the size of the park to be increased by some 22%. In addition, by reducing the building footprint by building a taller building and by relocating the building service areas, the adjacent service alley can become privately owned publicly accessible open space, a type of space promoted by the Downtown Plan.

In conclusion, I believe that rezoning 555 Washington Street site to 400 feet in height and approval of the project as proposed are fully consistent with and will carry out the principles, objectives and policies of the Downtown Plan.

Respectfully,



GEORGE WILLIAMS

cc: San Francisco Planning Commissioners
Board of Supervisors
Mr. Dean Macris
Mr. Larry Badiner
Ms. Joy Navarette
Mr. Jeffrey Heller

555 WASHINGTON STREET

JANUARY 2010



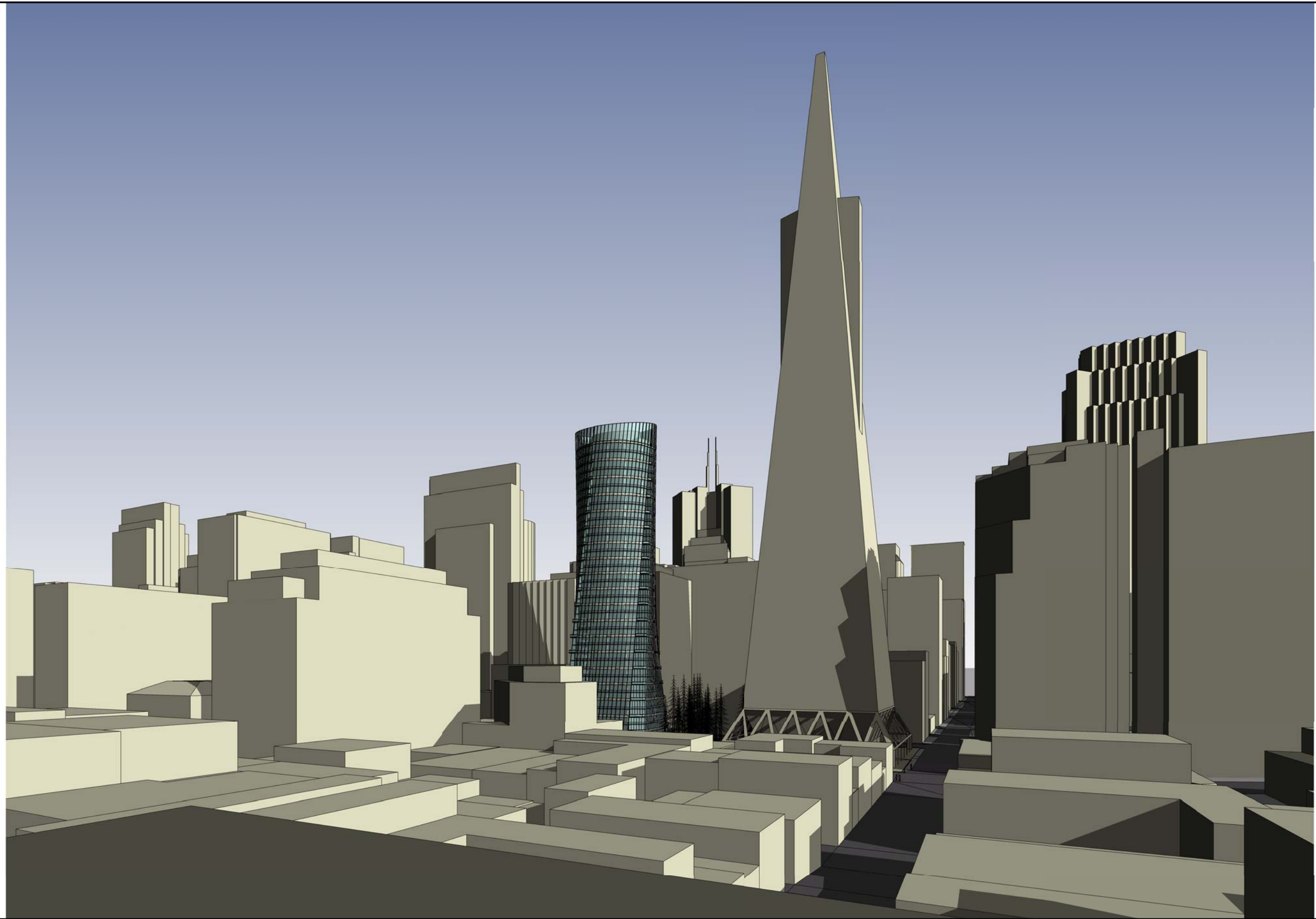
LIBERTY HILL DEVELOPMENT

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VIEW FROM TELEGRAPH HILL

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SCALE
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555 WASHINGTON STREET BIRDS EYE VIEW @ WASHINGTON ST

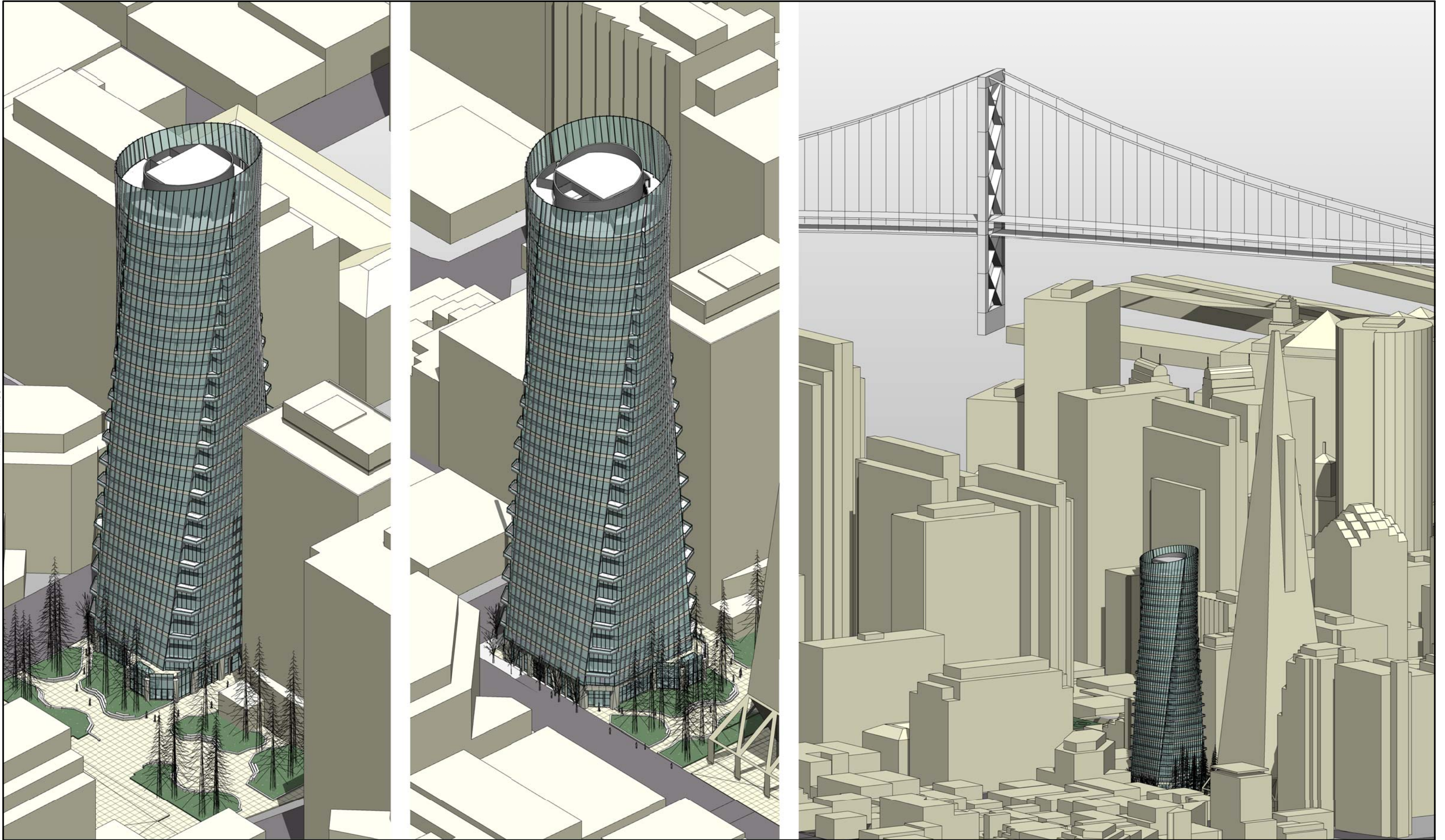
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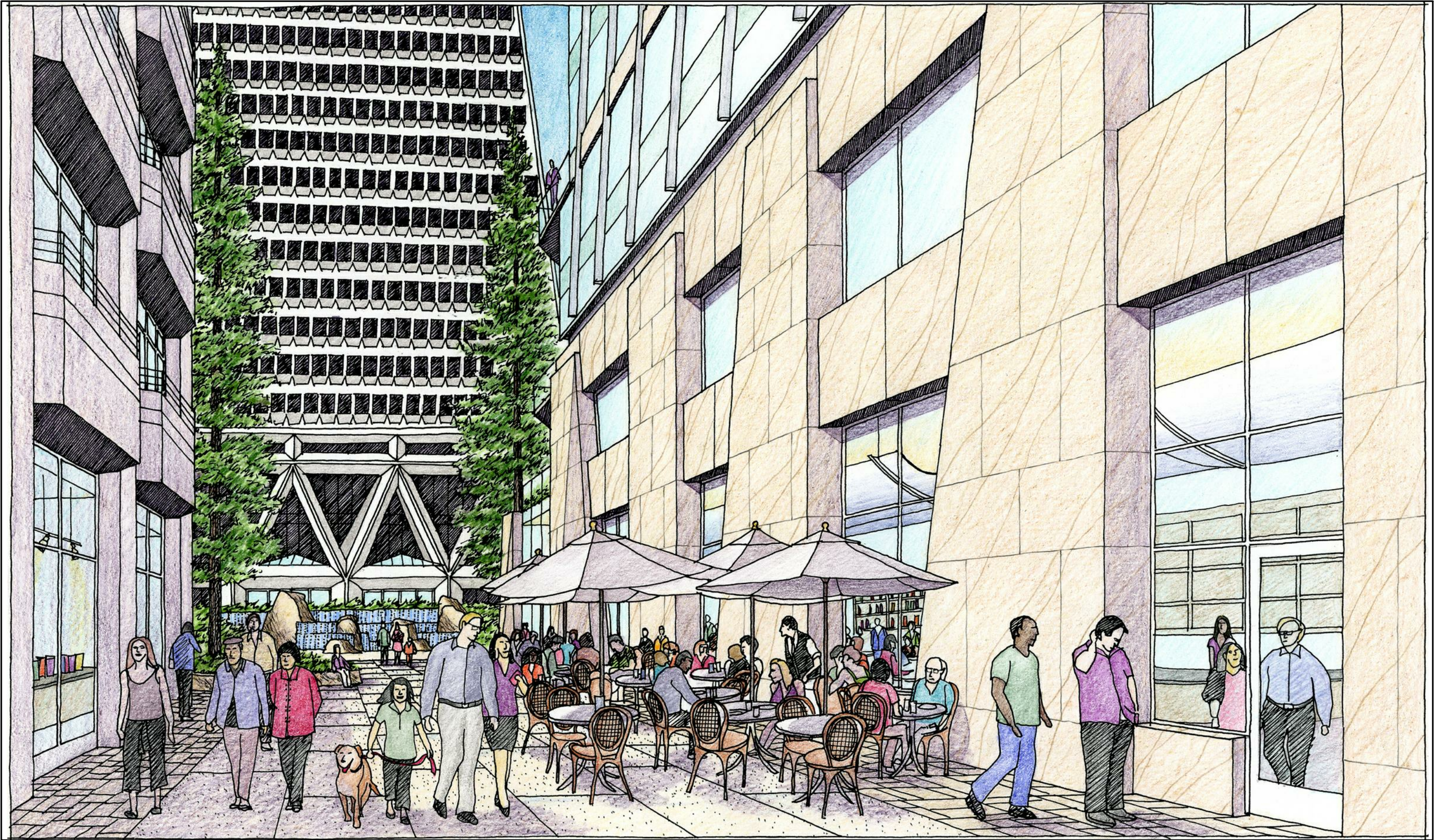
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AXONOMETRIC VIEWS

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LANDSCAPE - MARK TWAIN ALLEY LOOKING WEST - HM

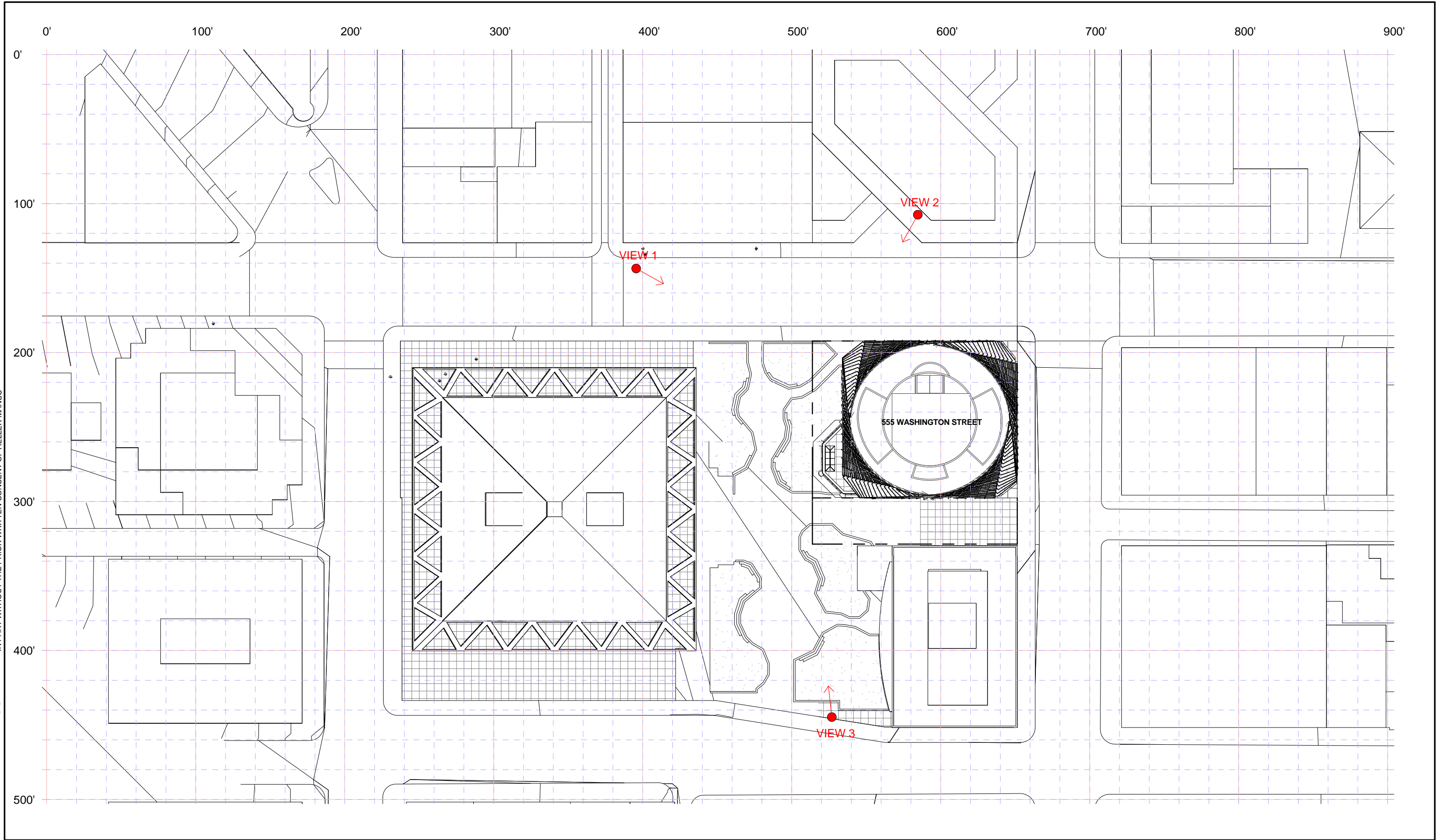
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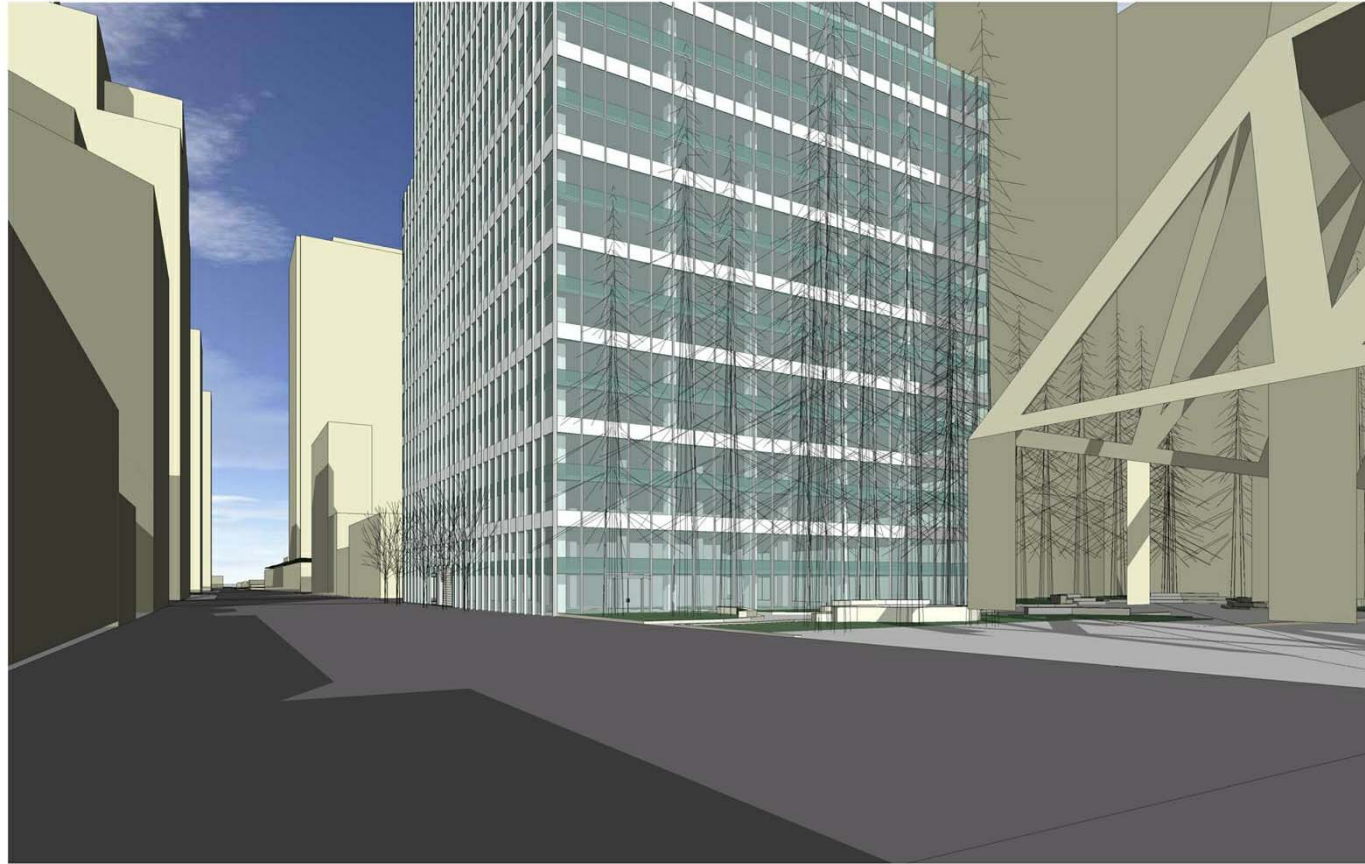
CAMERA LOCATION MAP

LIBERTY HILL DEVELOPMENT

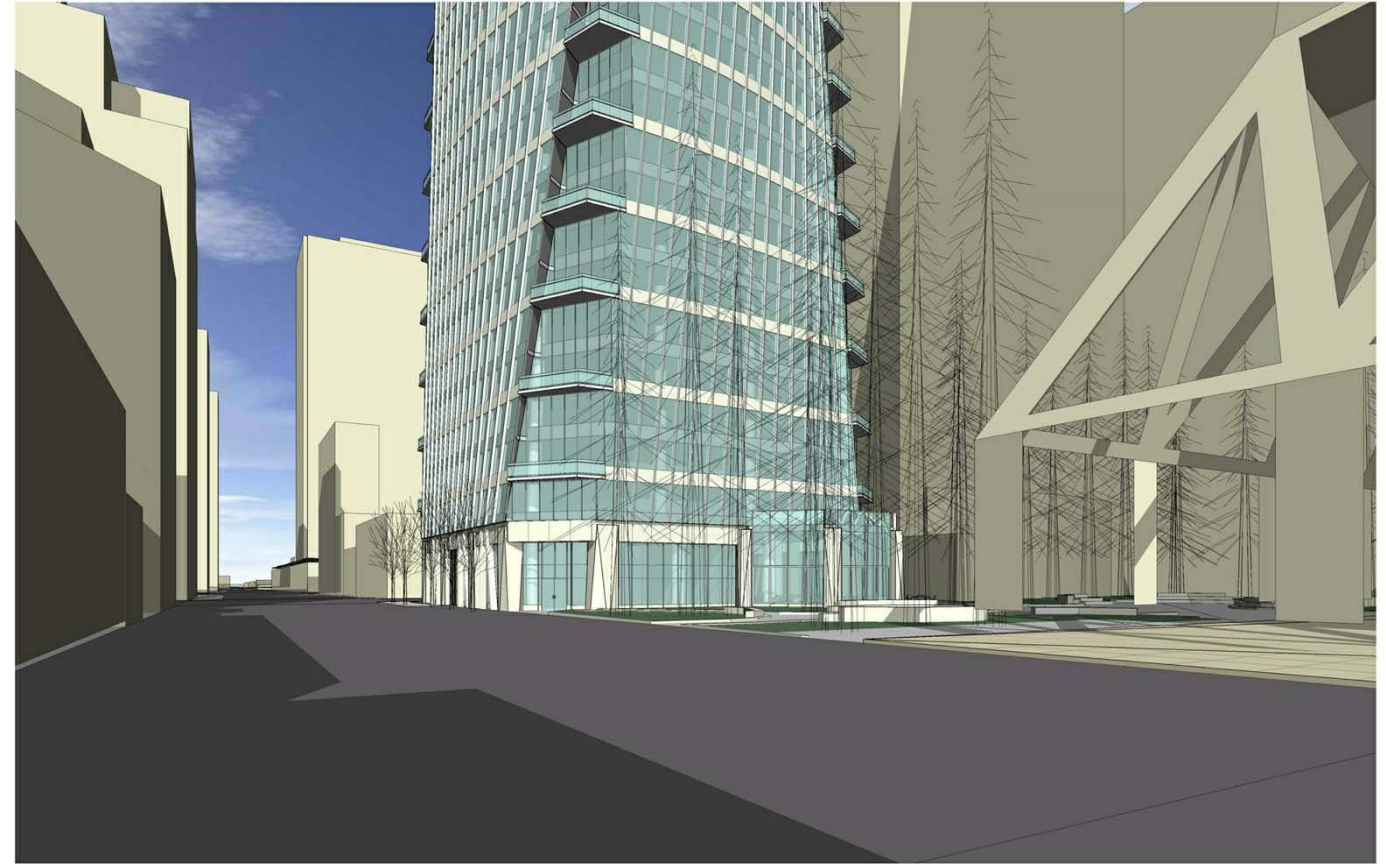
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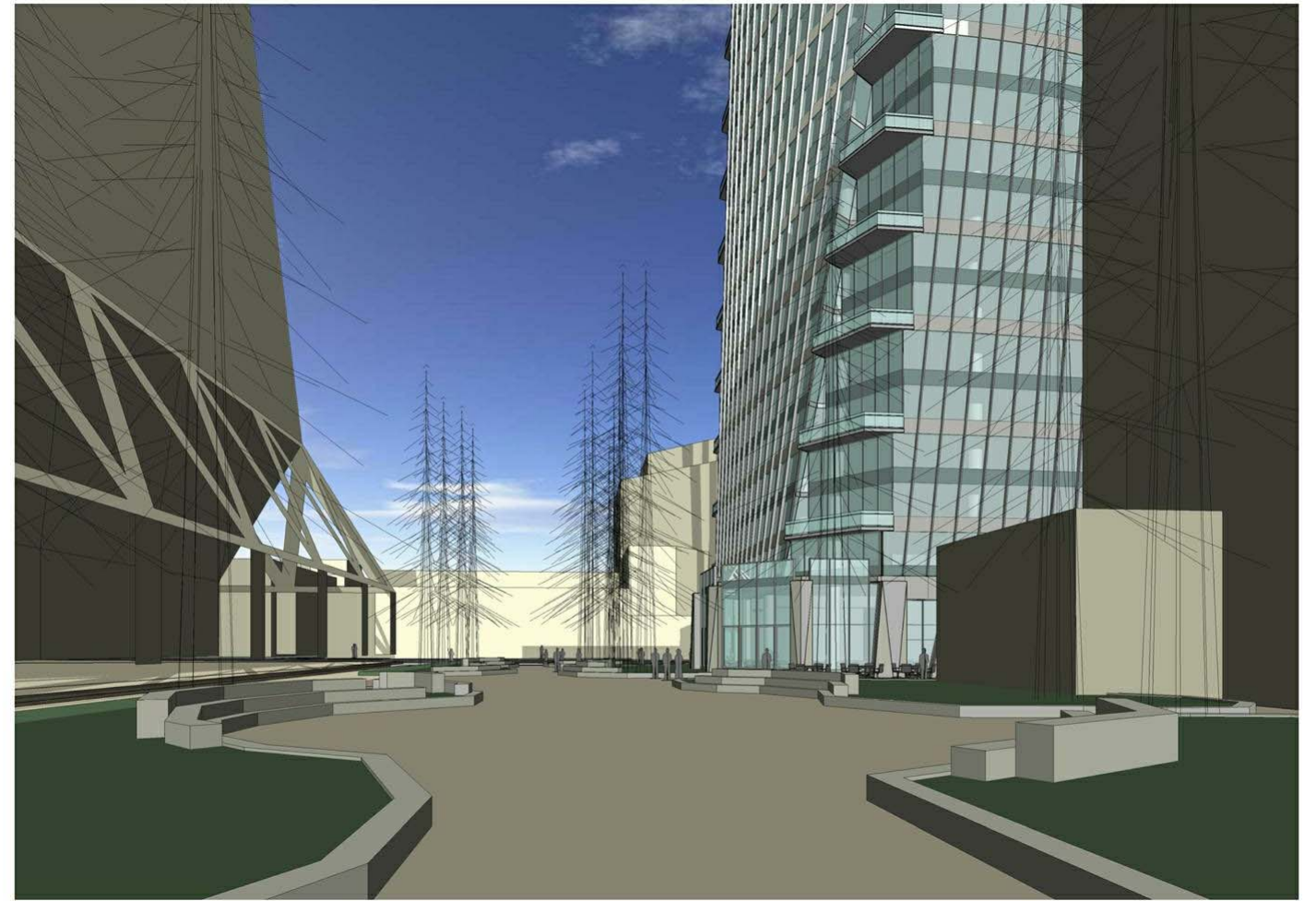
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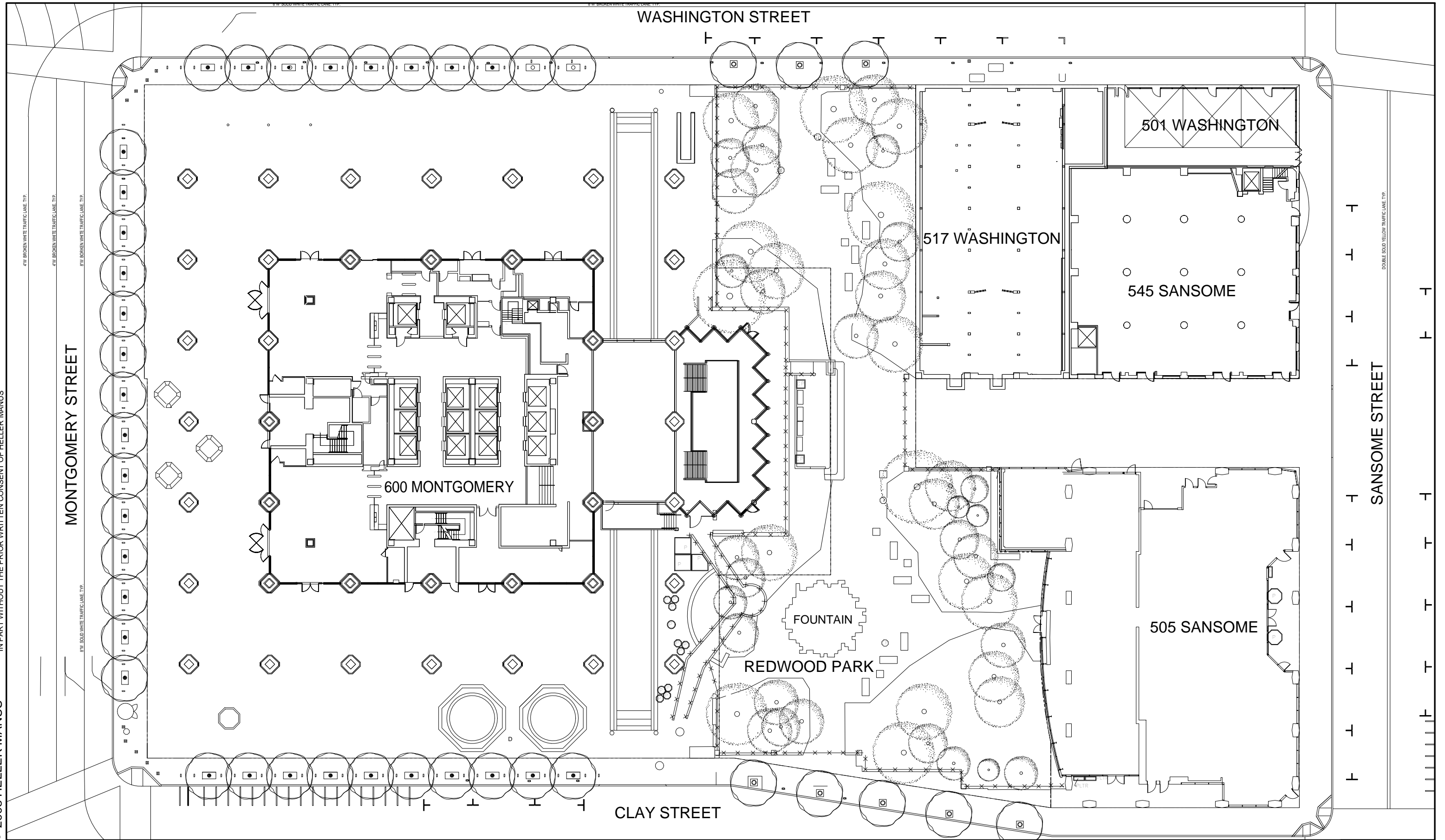


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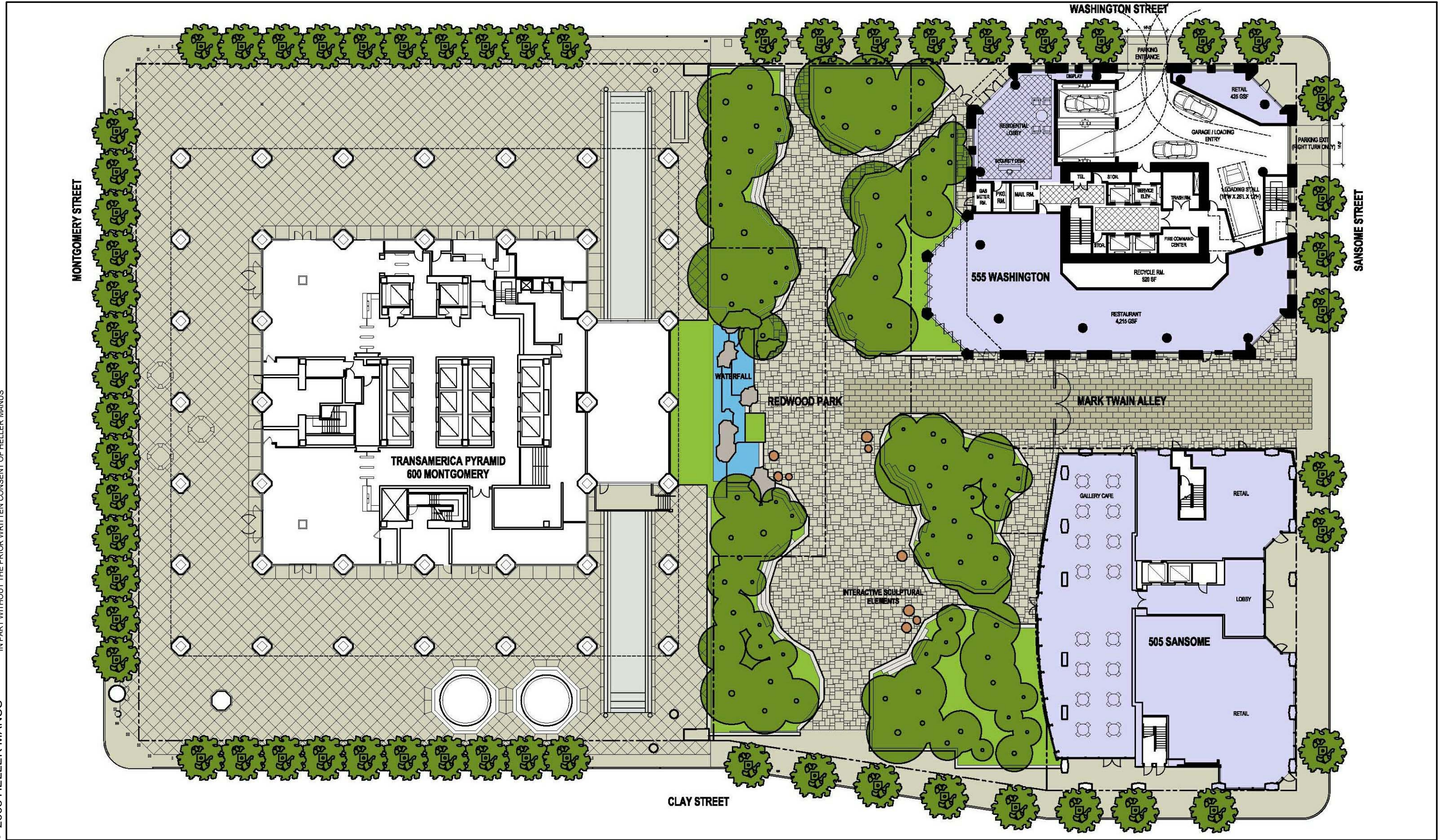
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SITE PLAN - EXISTING

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LANDSCAPE PLAN - EXISTING



LANDSCAPE PLAN - PROPOSED

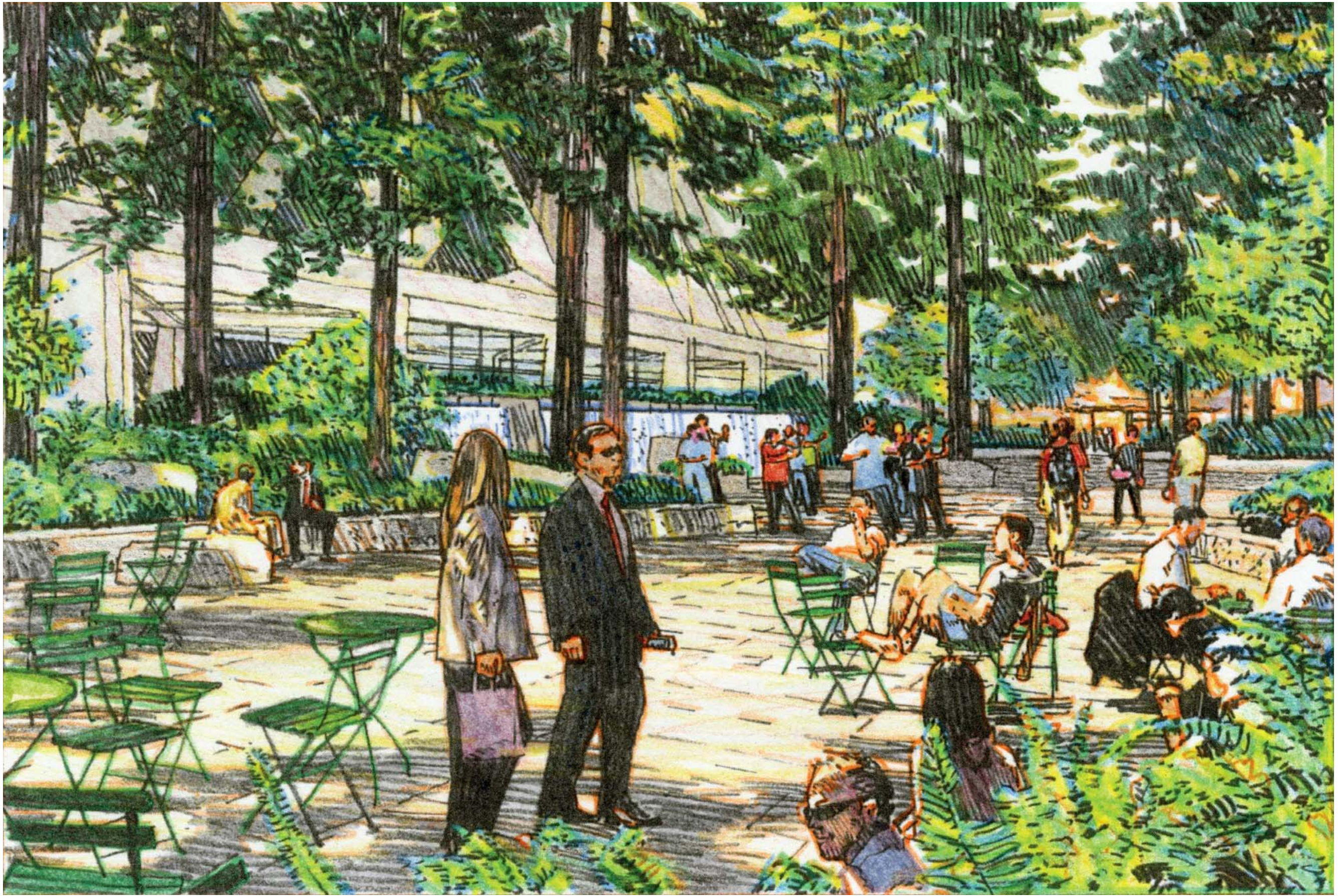


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LANDSCAPE PLAN - EXISTING VS. PROPOSED

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LANDSCAPE - REDWOOD PARK LOOKING NORTH

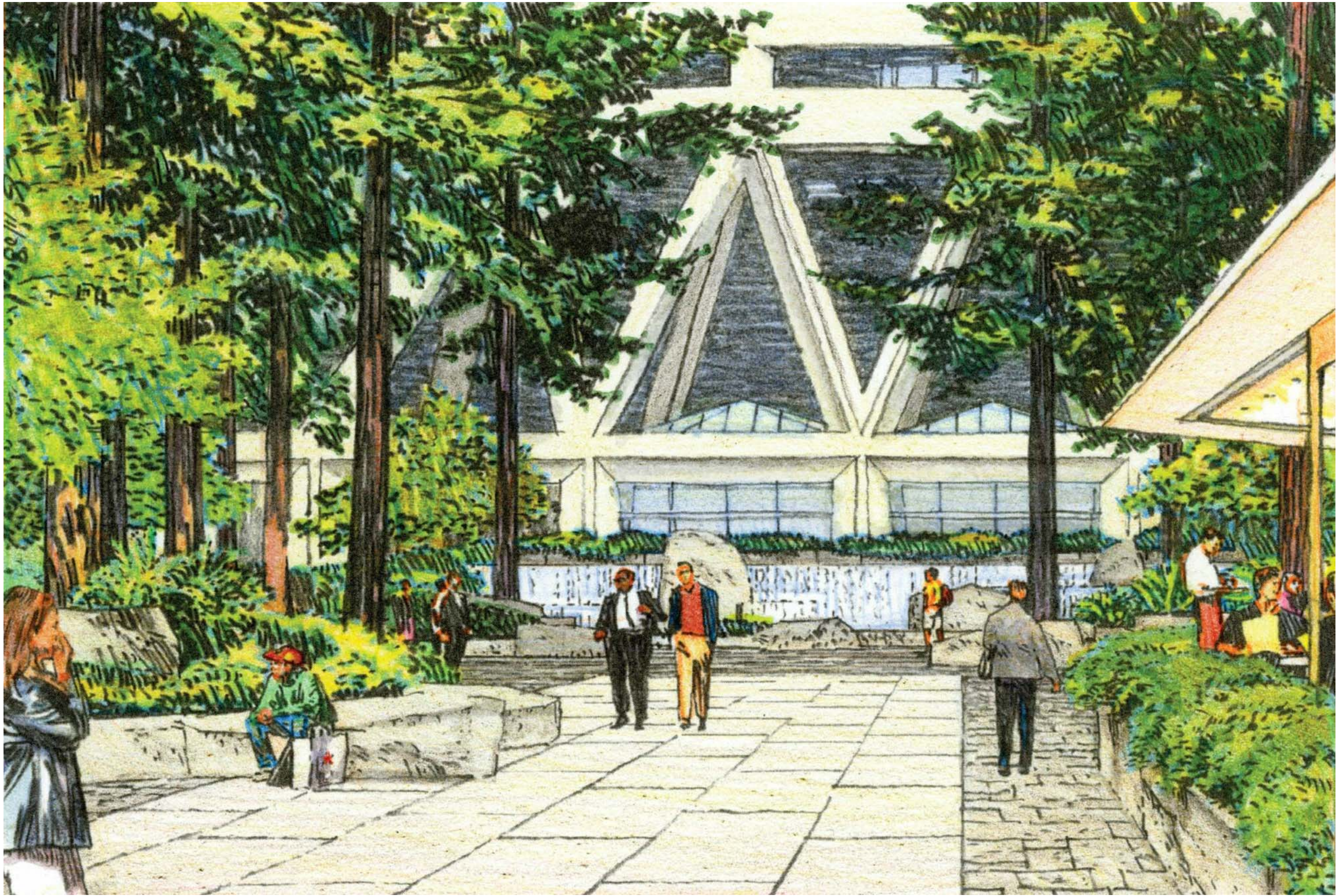
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LANDSCAPE - MARK TWAIN ALLEY LOOKING WEST - ROMA

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LANDSCAPE - VIEW OF WATERFALL

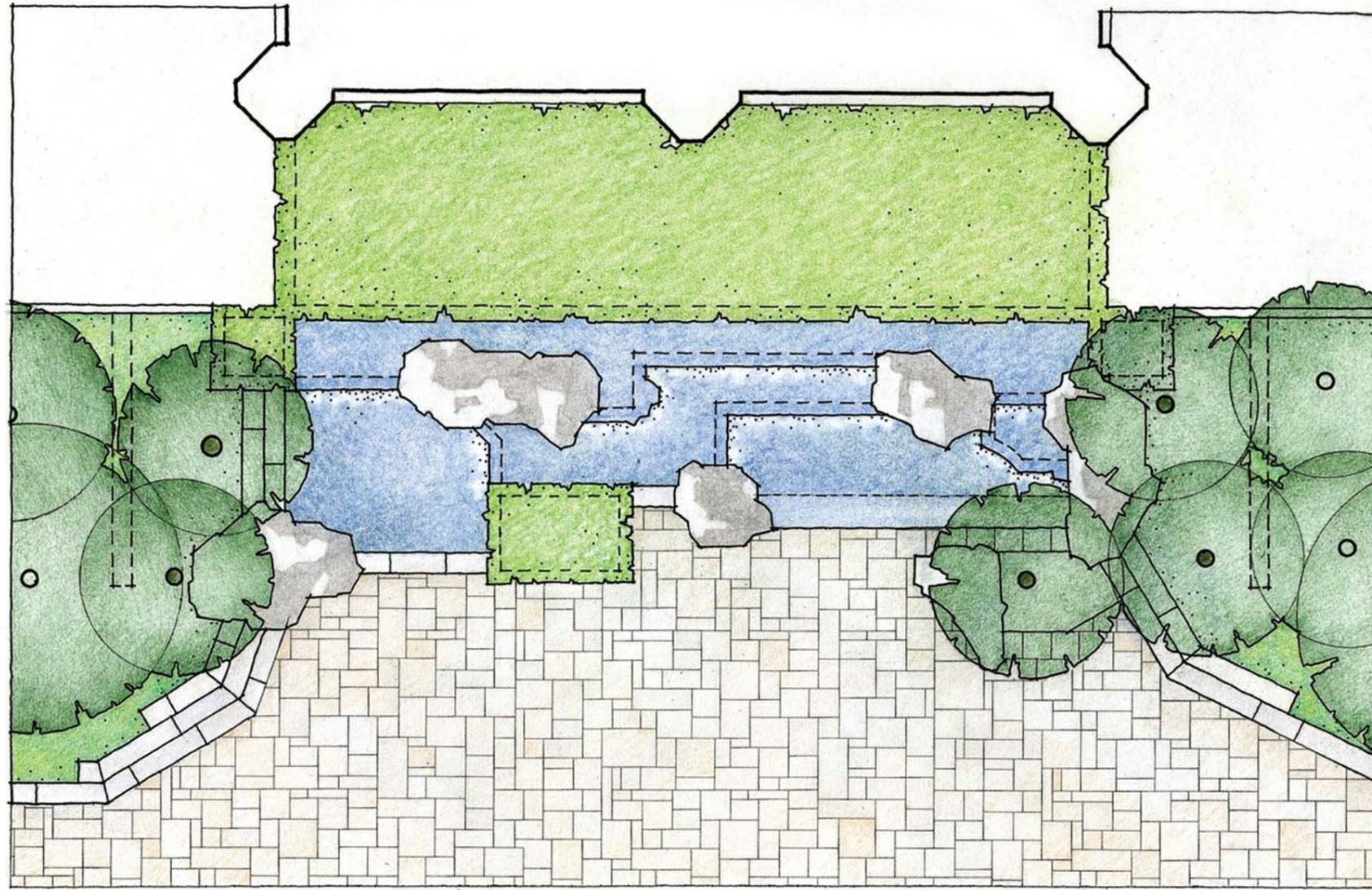
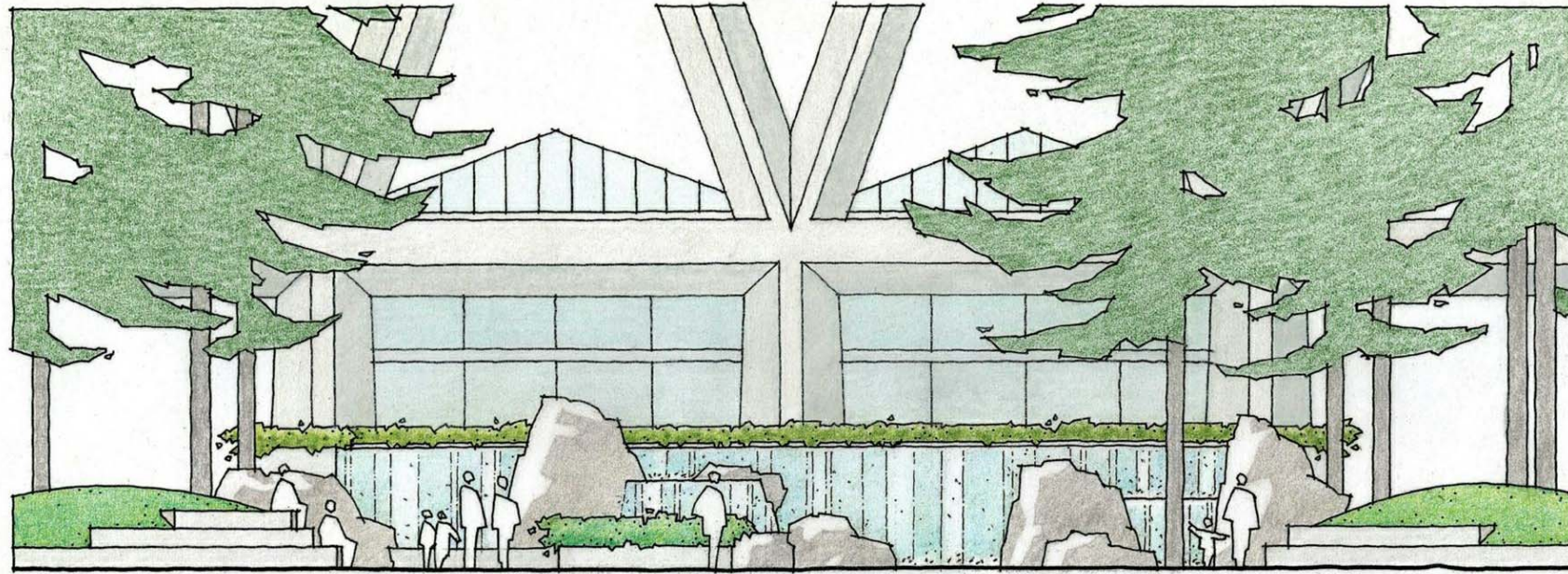
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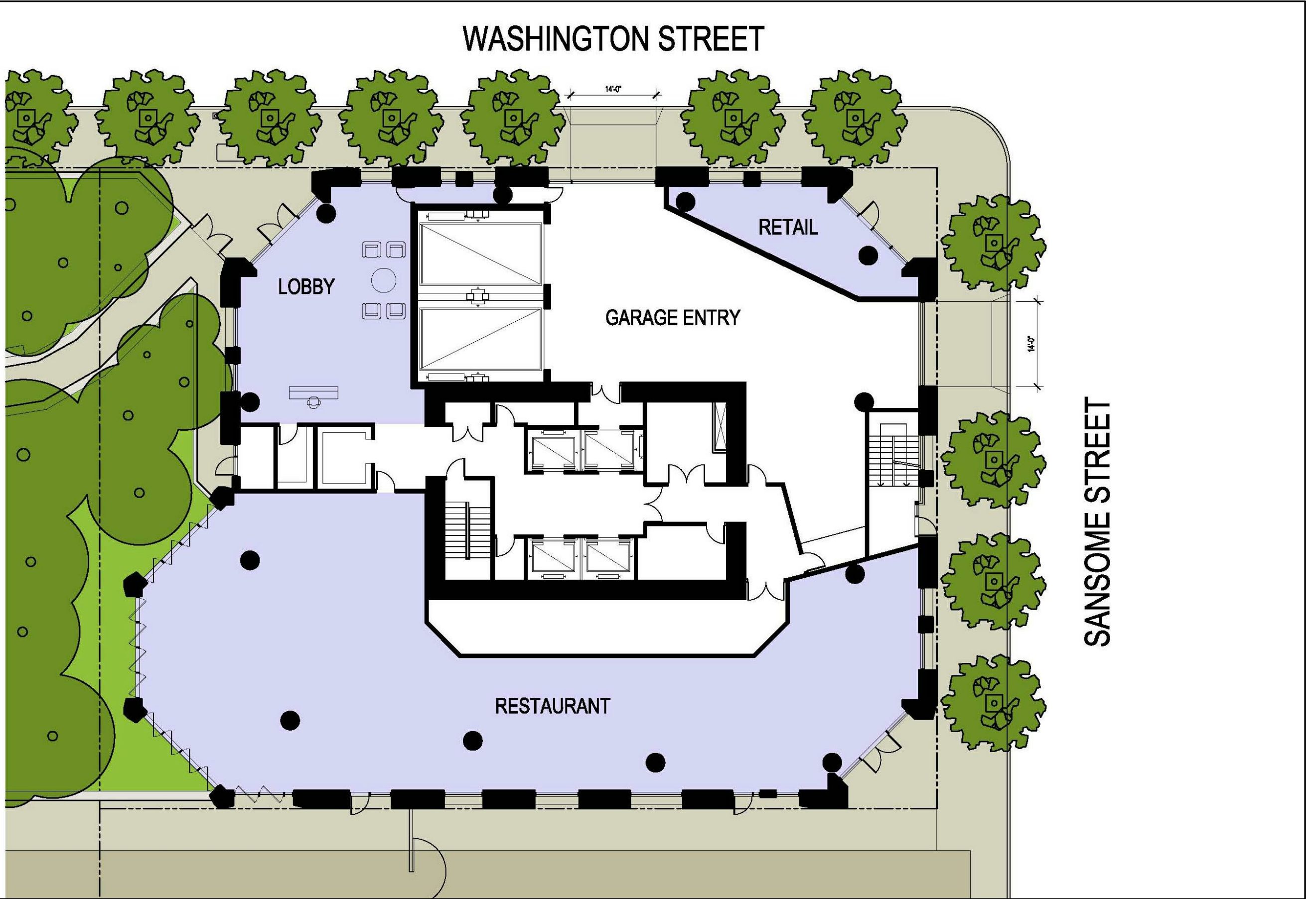


555 WASHINGTON STREET

LANDSCAPE - ENLARGED WATERFALL PLAN/ELEVATION

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Scale: 1/16" = 1'-0"
0 1" 2"



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GROUND LEVEL PLAN

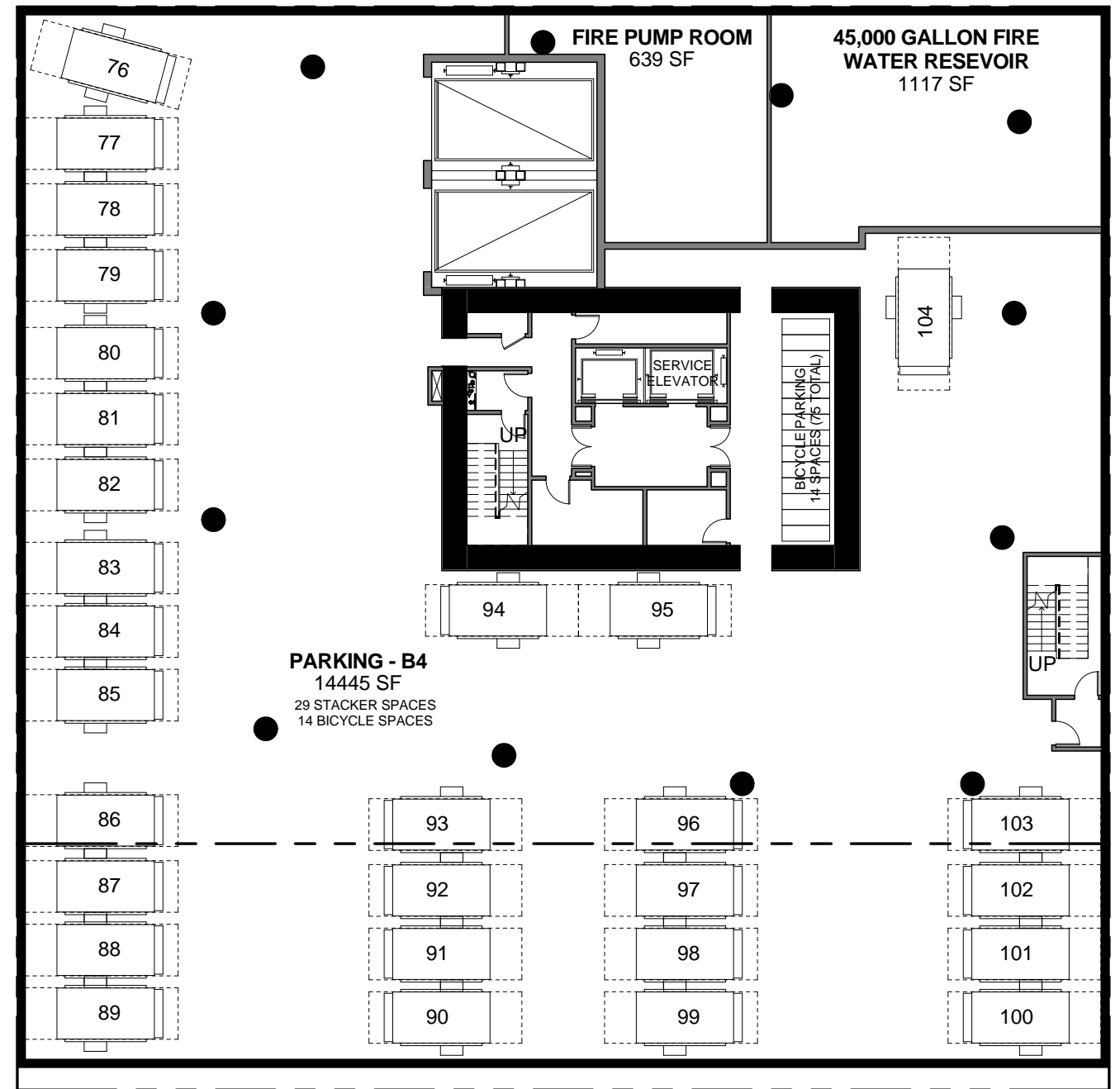
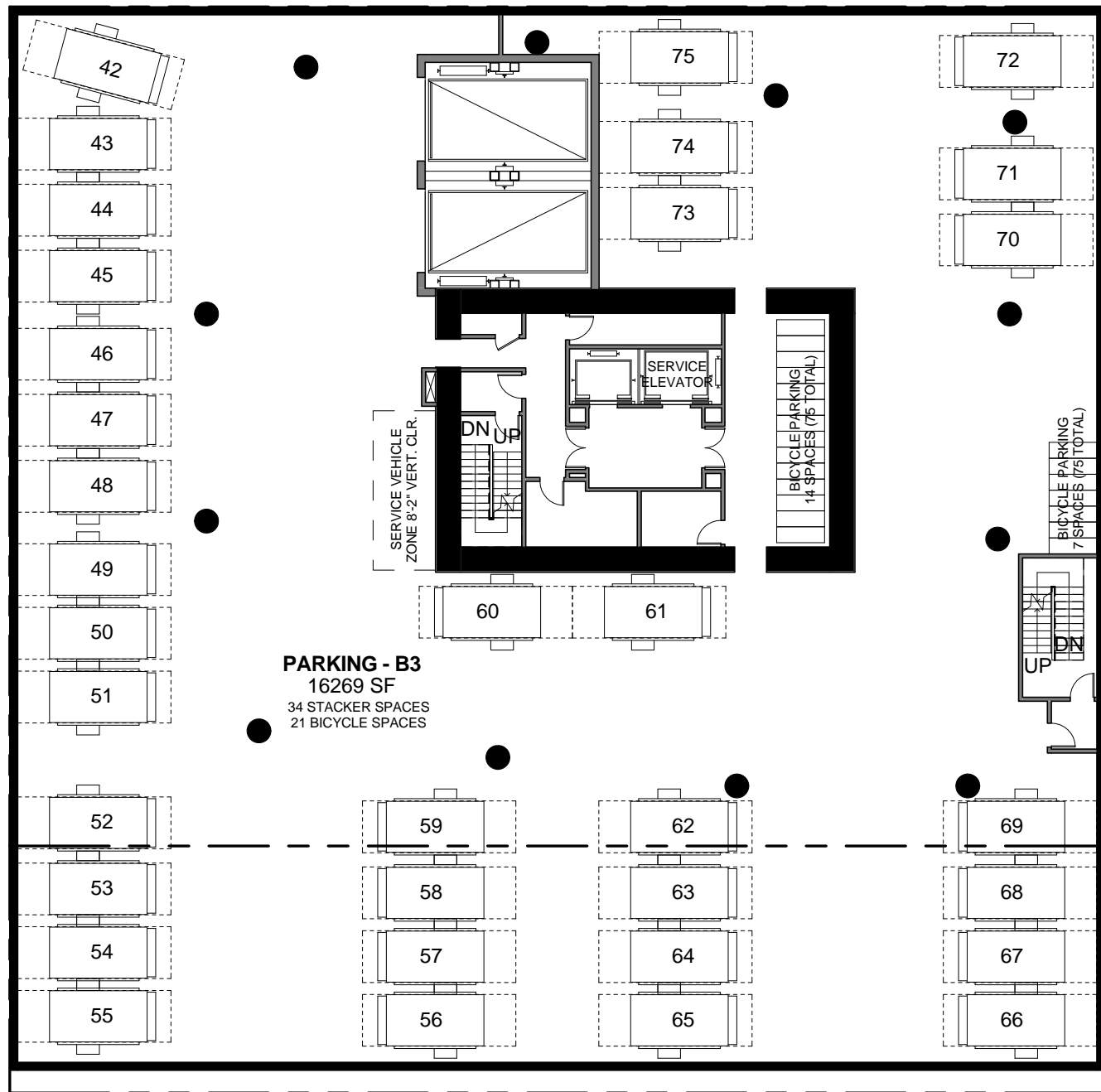
LIBERTY HILL DEVELOPMENT

SAN FRANCISCO, CA

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1 LEVEL B3
1" = 20'-0"

2 LEVEL B4
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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LEVEL B3 & B4 FLOOR PLANS

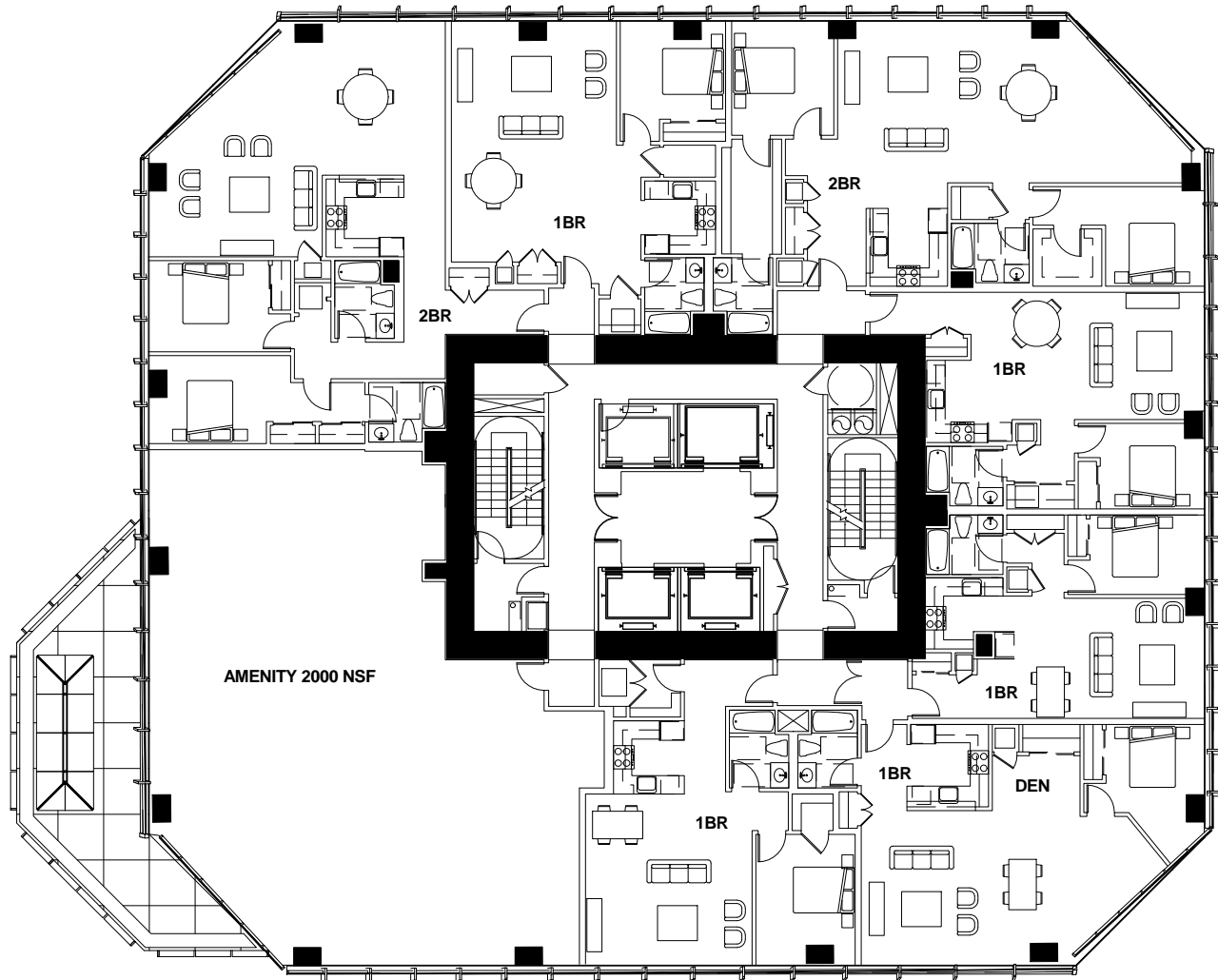
LIBERTY HILL DEVELOPMENT

SAN FRANCISCO, CA

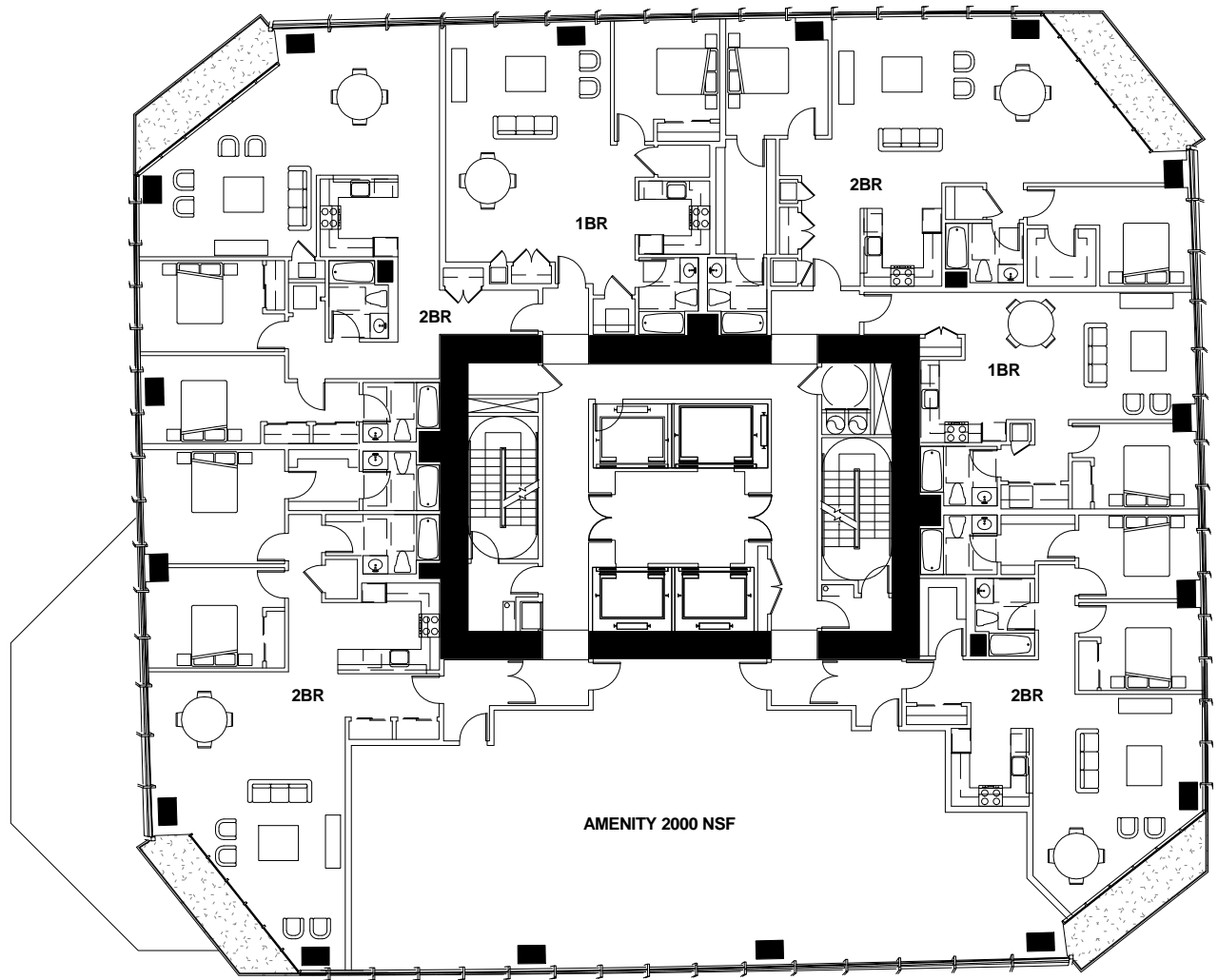
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① LEVEL 2
1" = 20'-0"



② LEVEL 3
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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SAN FRANCISCO, CA

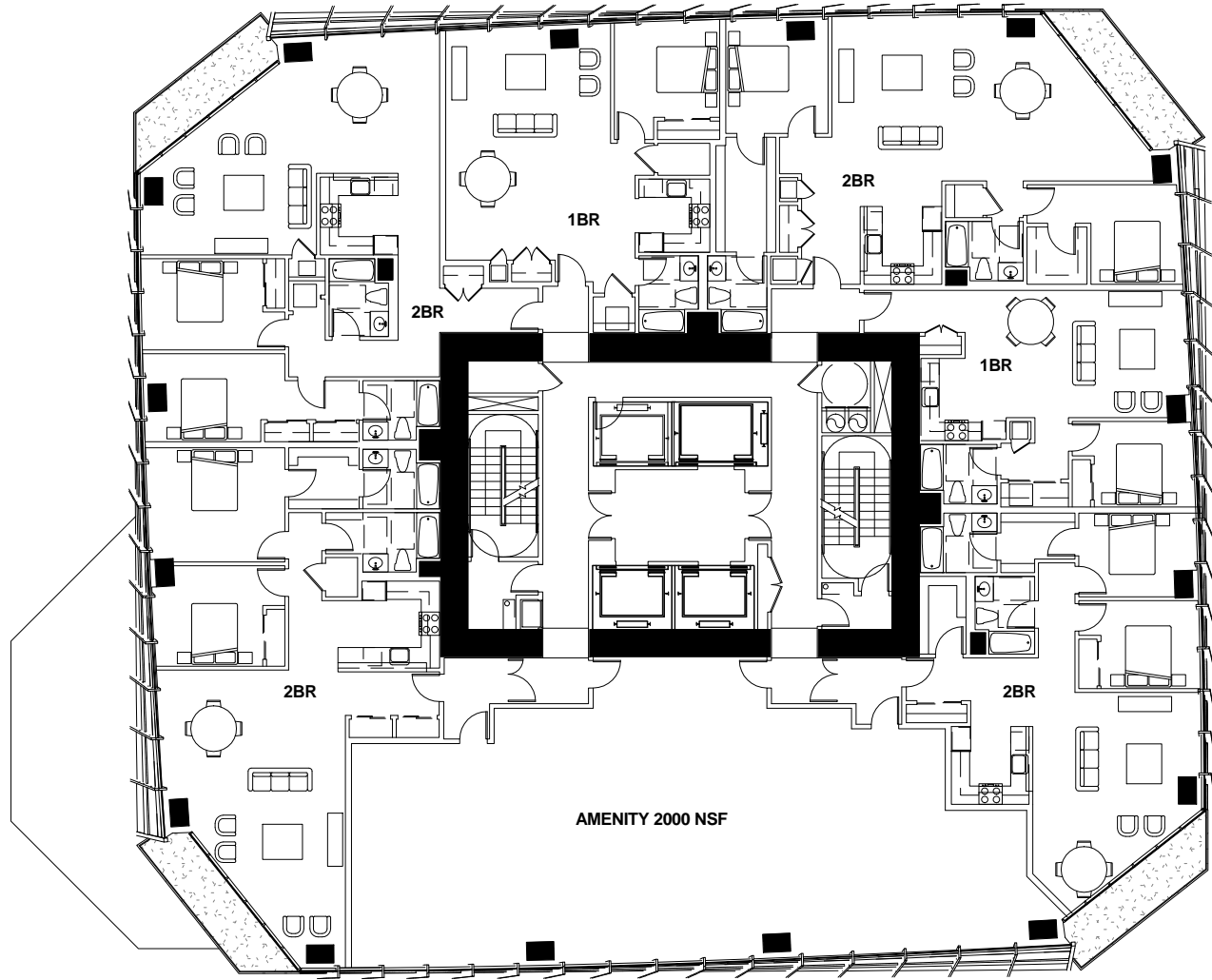
LIBERTY HILL DEVELOPMENT

LEVEL 2 & 3 FLOOR PLANS

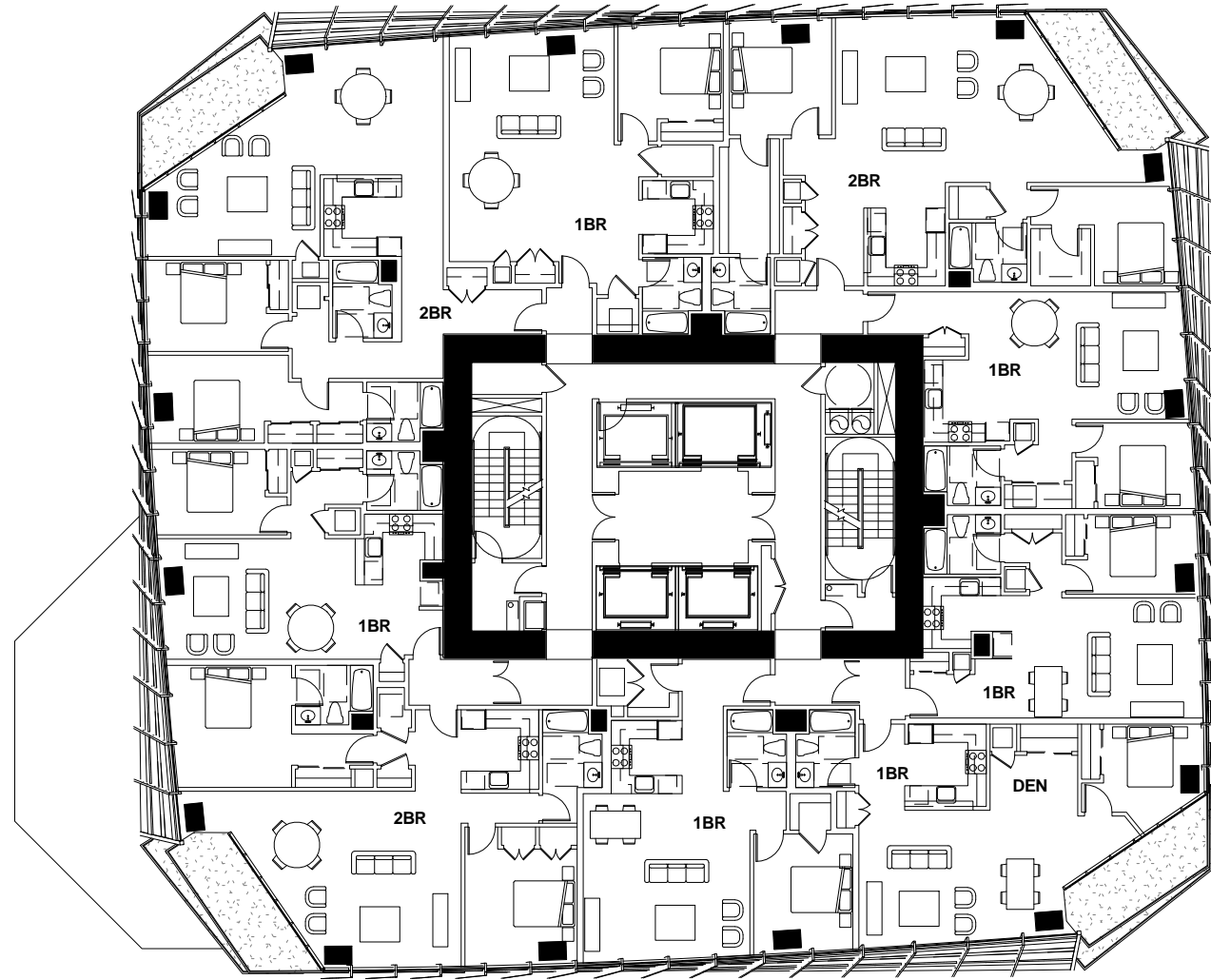
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① LEVEL 4
1" = 20'-0"



② LEVEL 5
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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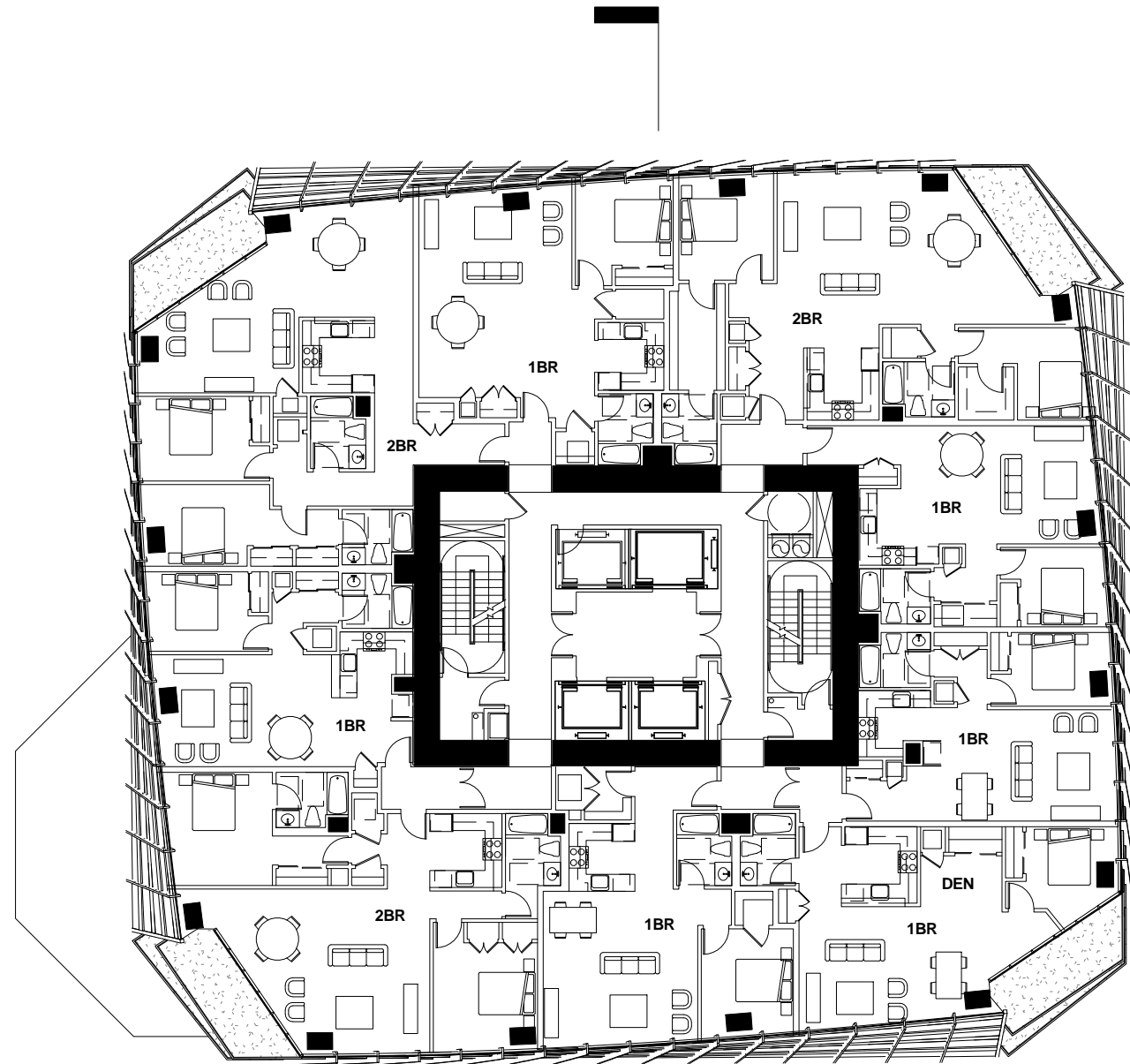
LEVEL 4 & 5 FLOOR PLANS

LIBERTY HILL DEVELOPMENT

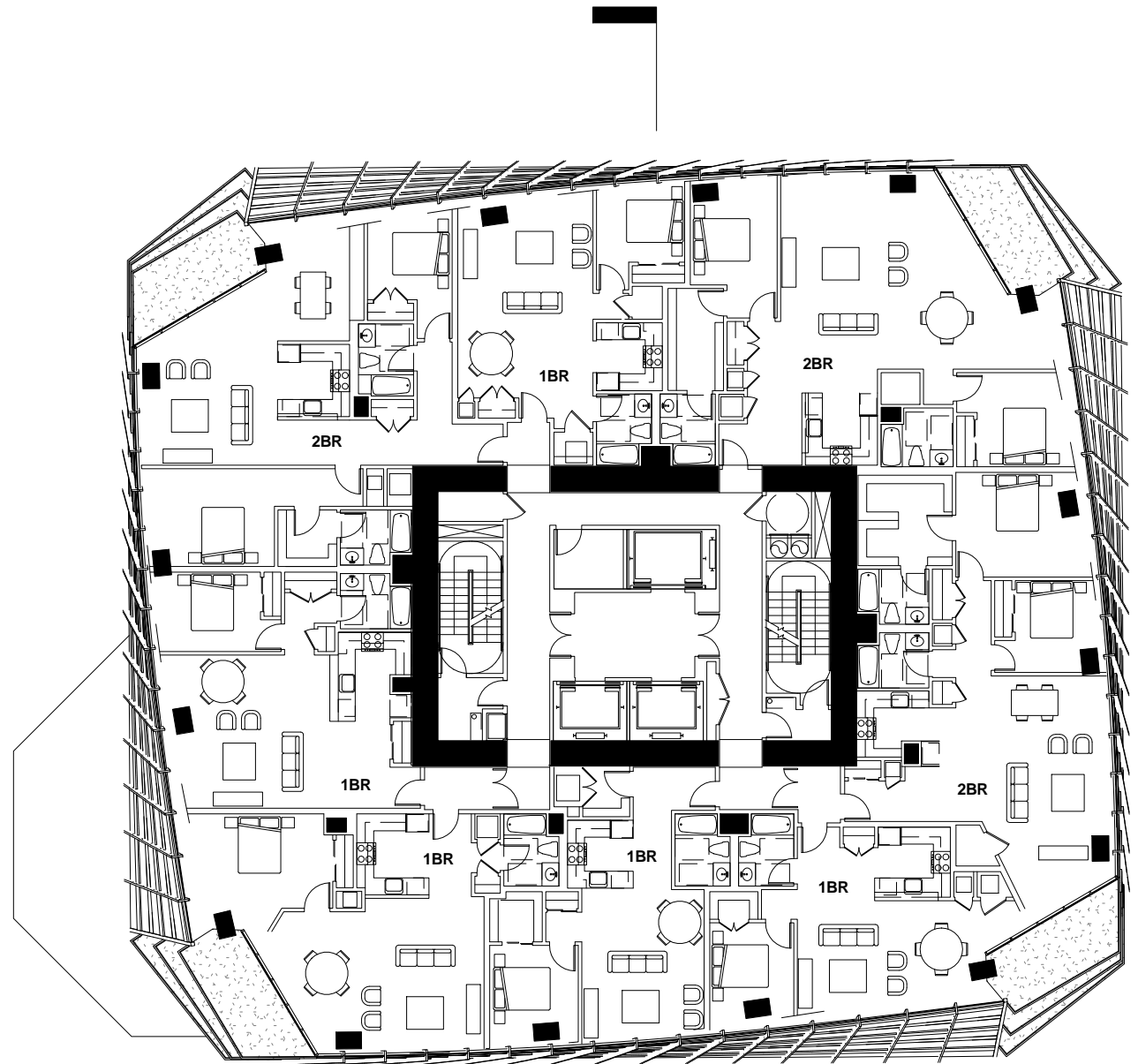
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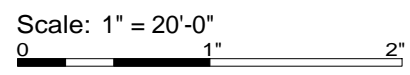
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① LEVEL 6
1" = 20'-0"



② LEVEL 7 (7-11)
1" = 20'-0"



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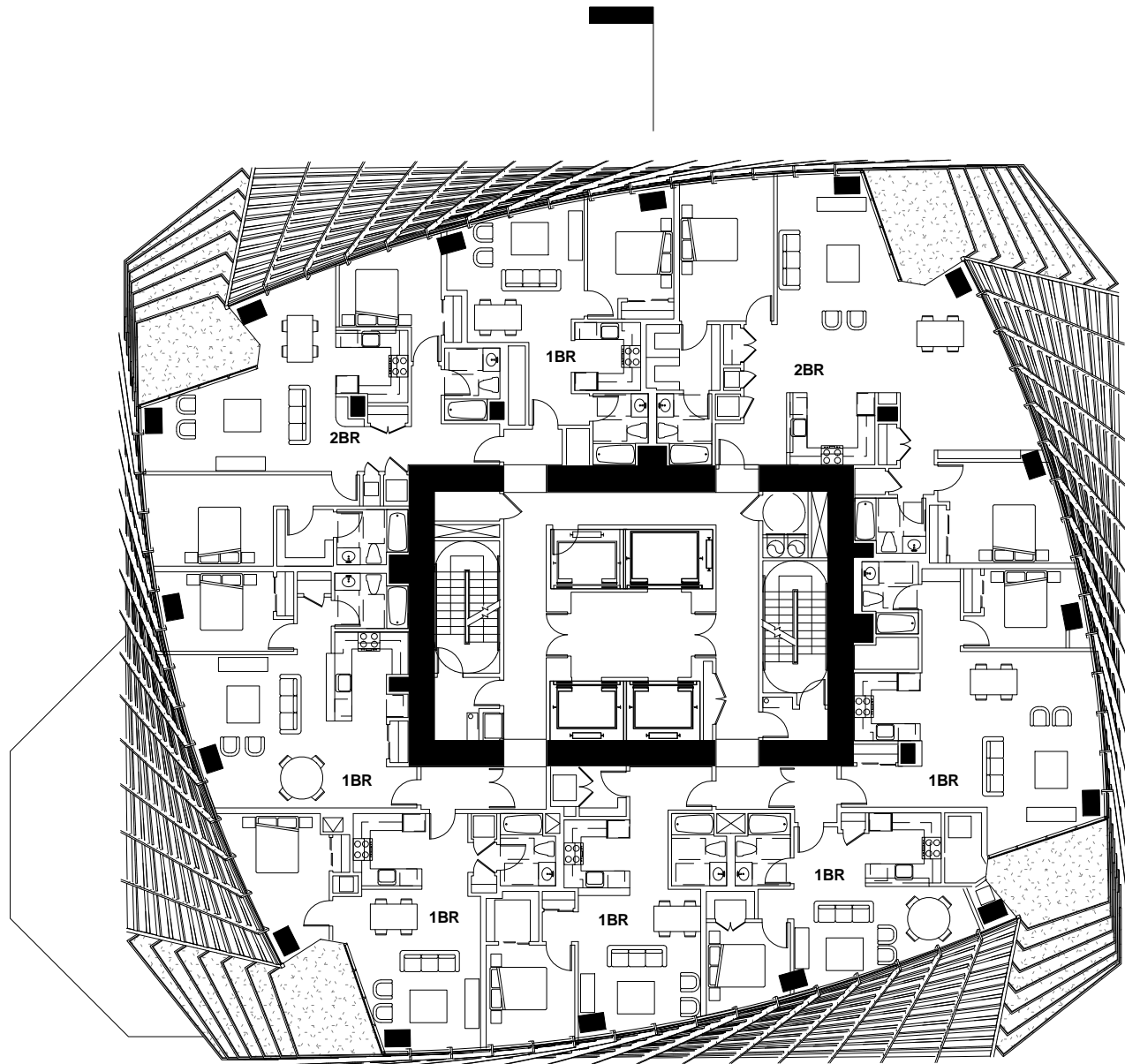
LEVEL 6 & 7-11 FLOOR PLANS

LIBERTY HILL DEVELOPMENT

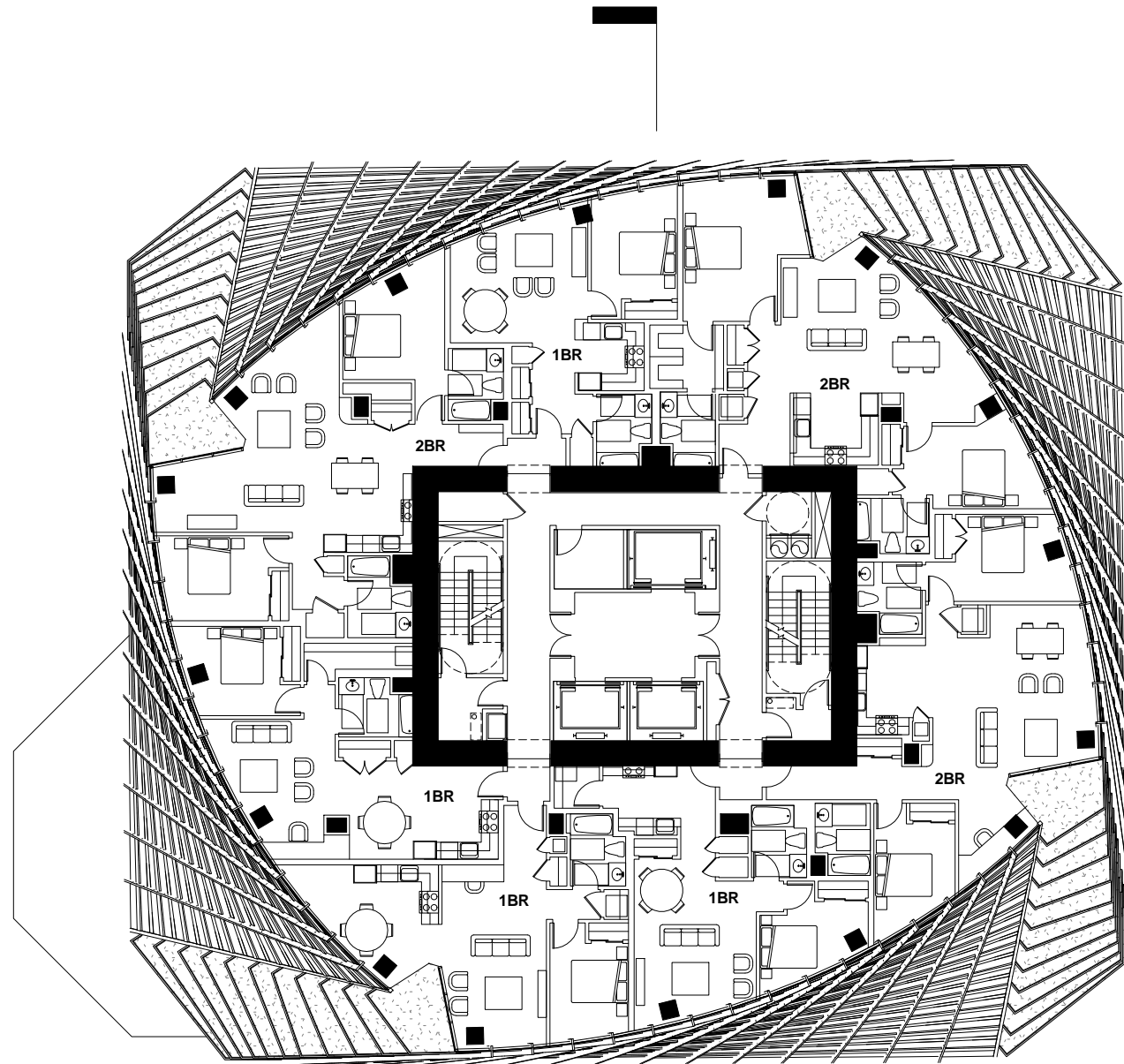
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① LEVEL 15 (12-18)
1" = 20'-0"



② LEVEL 24 (19-28)
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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LEVEL 12-18 & 19-28 FLOOR PLANS

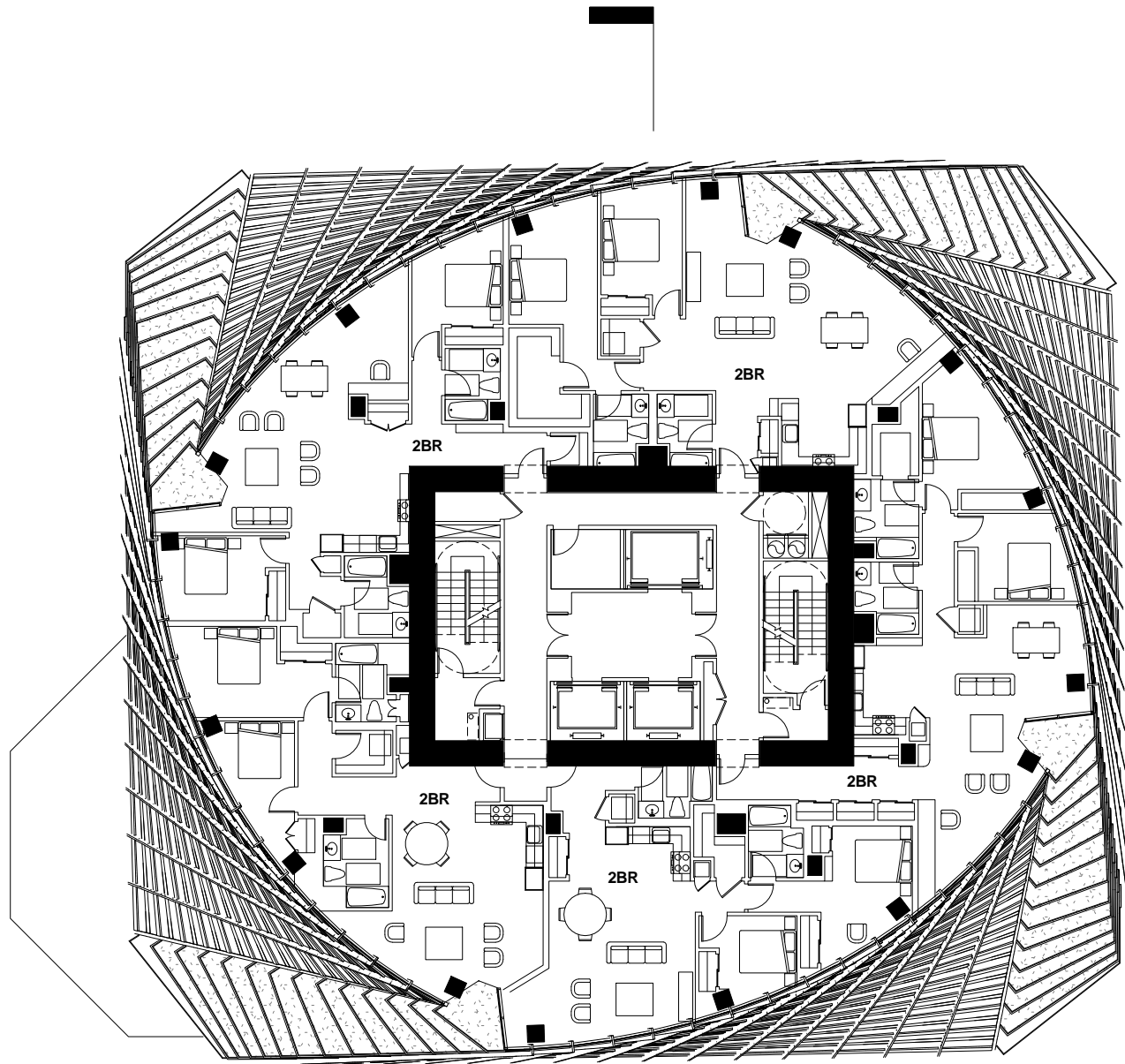
LIBERTY HILL DEVELOPMENT

SAN FRANCISCO, CA

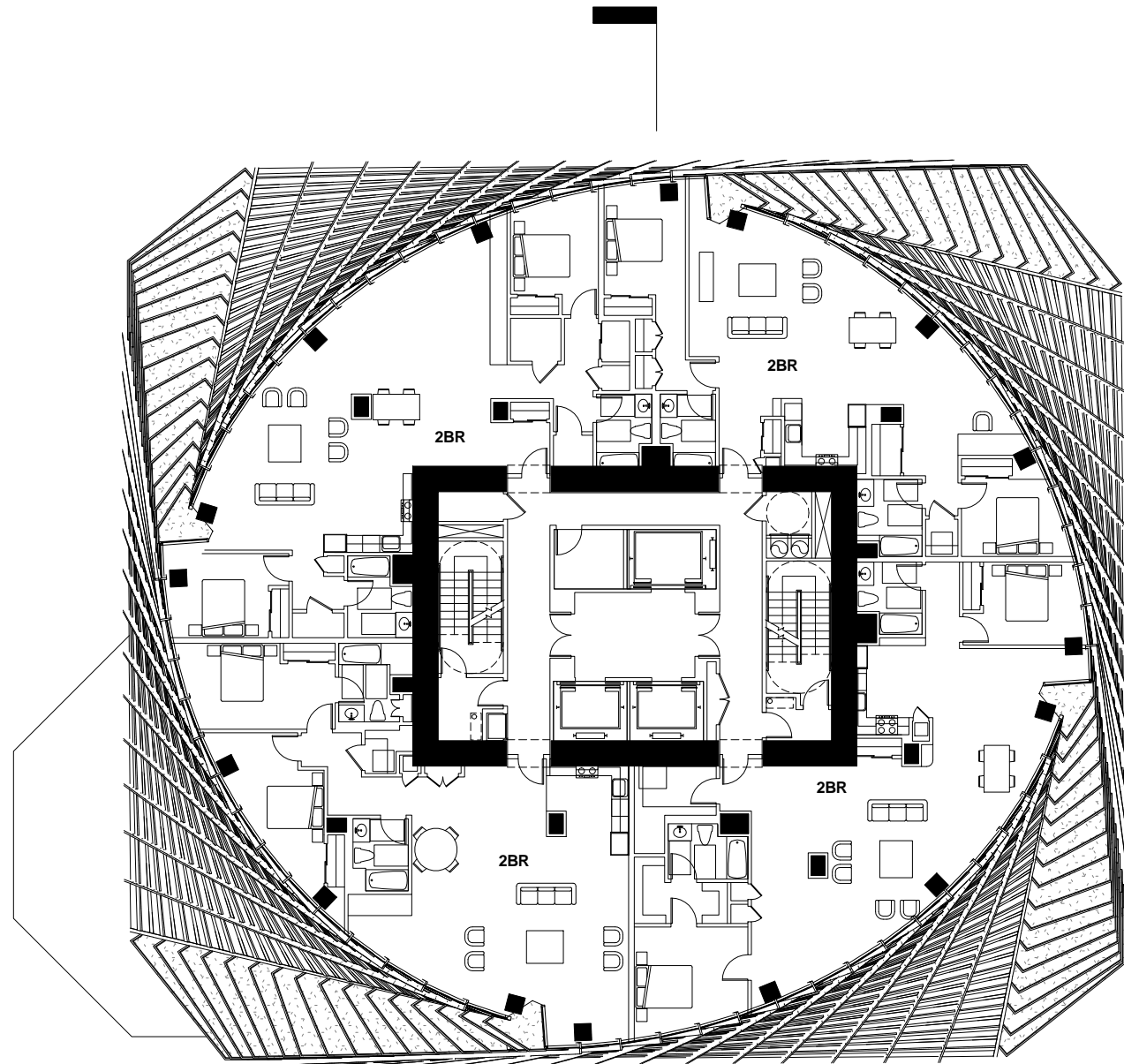
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① LEVEL 29 (29-33)
1" = 20'-0"



② LEVEL 34 (34-37)
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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LEVEL 29-33 & 34-37 FLOOR PLANS

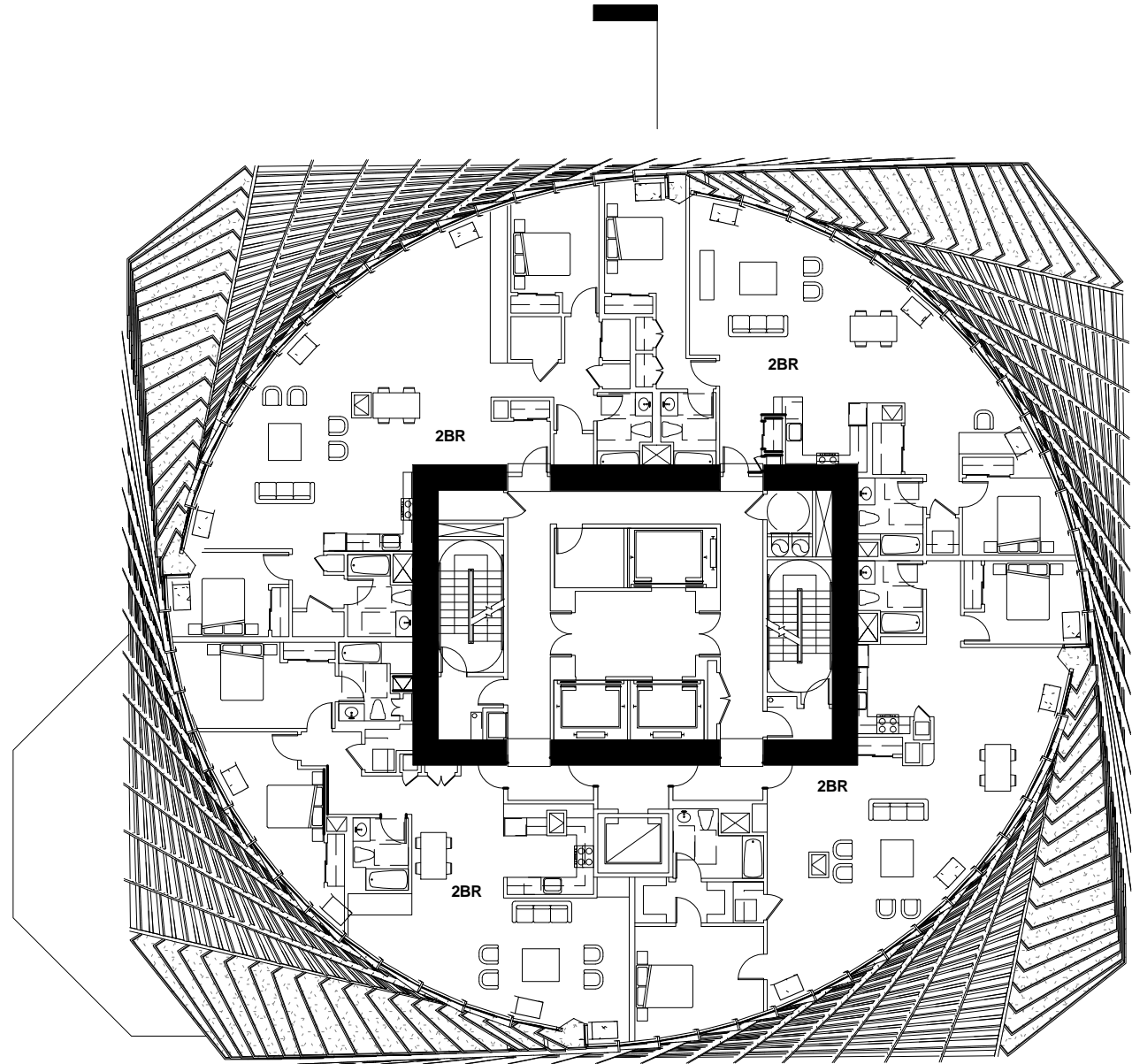
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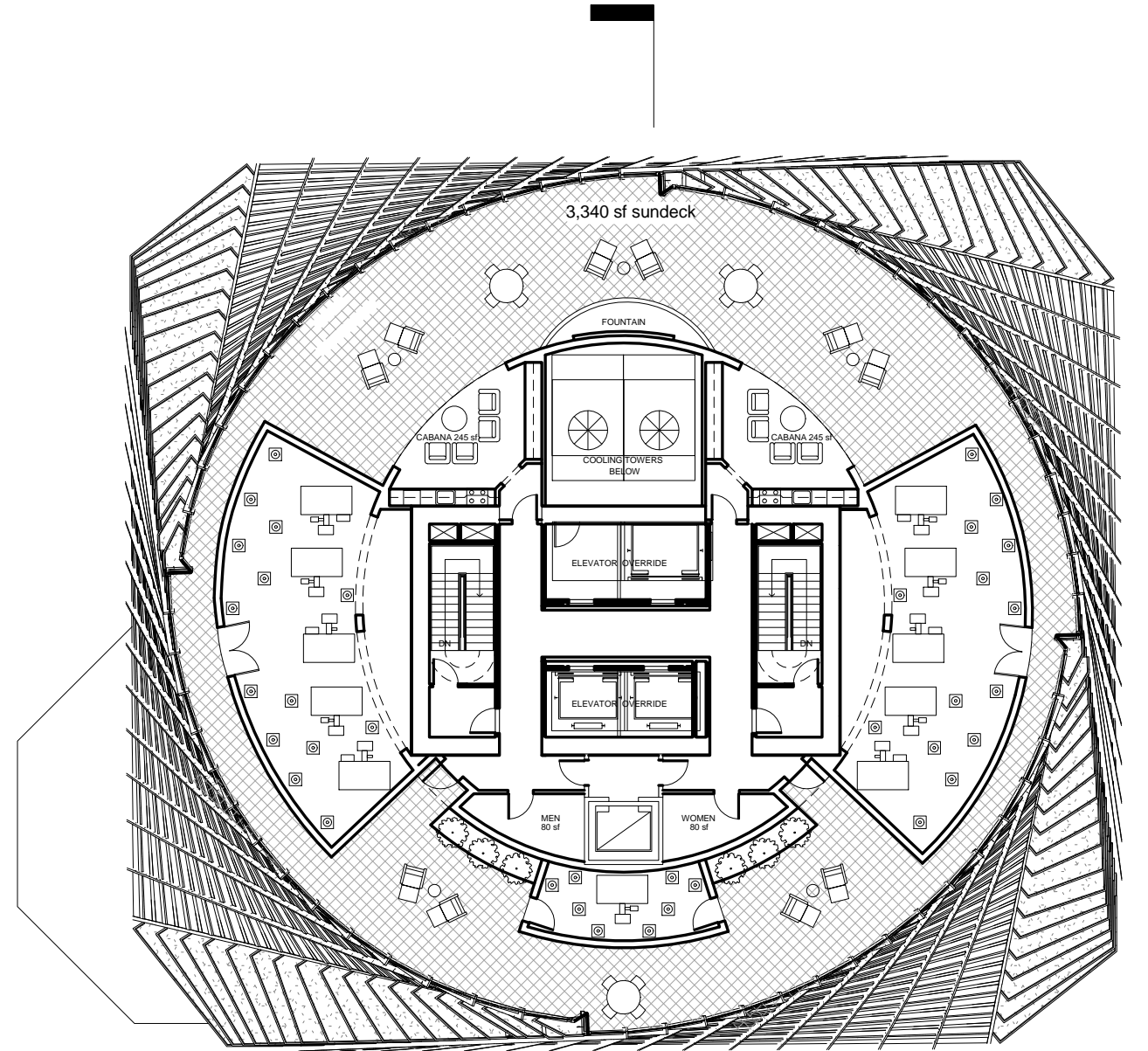
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1 LEVEL 38
1" = 20'-0"



2 PENTHOUSE - LEVEL 1
1" = 20'-0"

Scale: 1" = 20'-0"
0 1" 2"



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LEVEL 38 & SUNDECK FLOOR PLAN

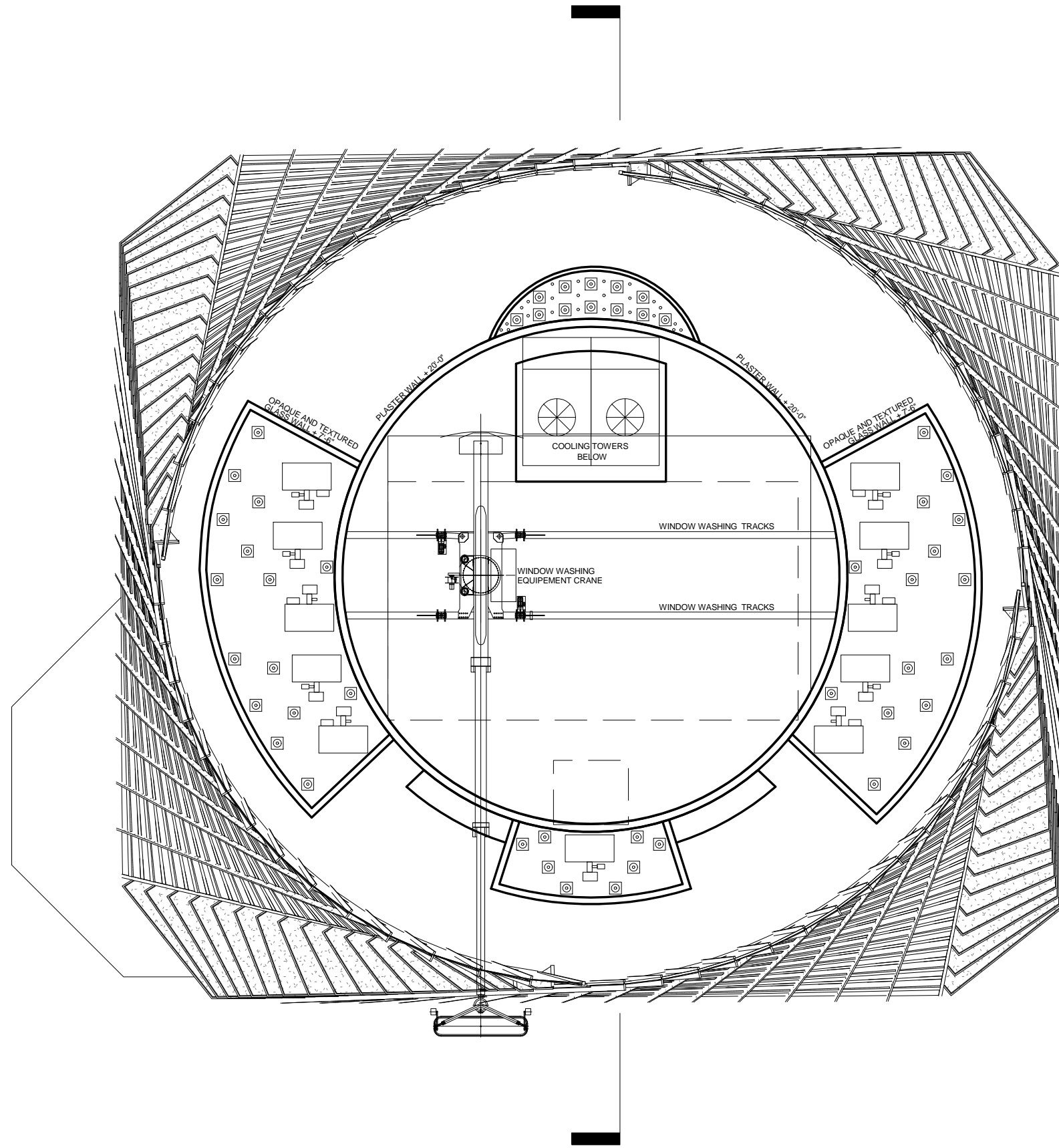
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SAN FRANCISCO, CA

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Scale: 1/16" = 1'-0"
 0 1" 2"



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ROOF LEVEL FLOOR PLAN

LIBERTY HILL DEVELOPMENT

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SCALE 1/32" = 1'-0"

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EAST ELEVATION (SANSOME)

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SCALE 1/32" = 1'-0"
0 1"

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NORTH ELEVATION (WASHINGTON)

LIBERTY HILL DEVELOPMENT

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SCALE 1/32" = 1'-0"
0 1"

555 WASHINGTON STREET

SOUTH ELEVATION

LIBERTY HILL DEVELOPMENT

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SCALE 1/32" = 1'-0"
0 1"

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WEST ELEVATION

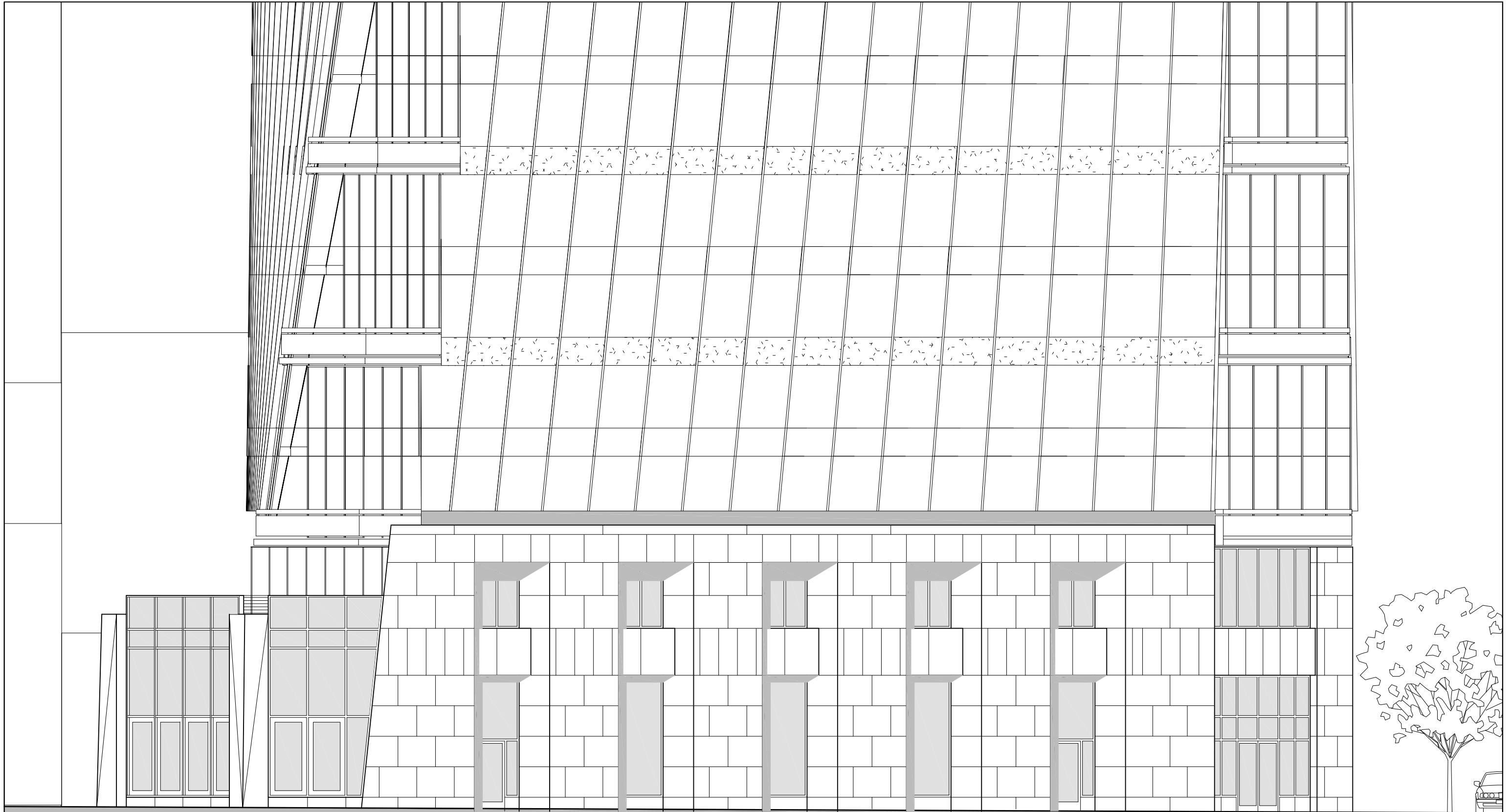
LIBERTY HILL DEVELOPMENT

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SCALE: 1"=10'-0"
0 10' 20'

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SOUTH (MARK TWAIN ALLEY) ELEVATION

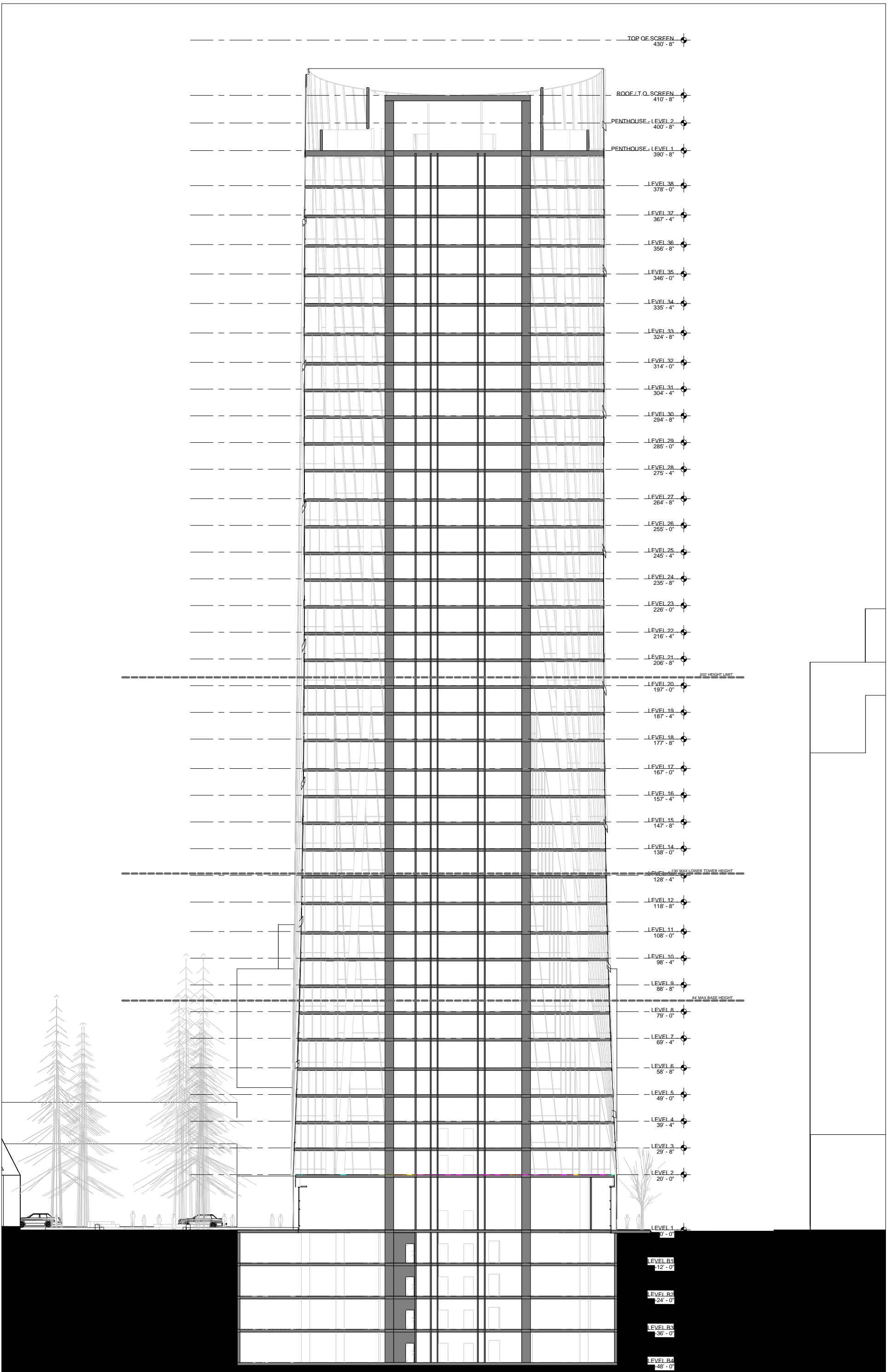
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SCALE 1/32" = 1'-0"

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BUILDING SECTION A

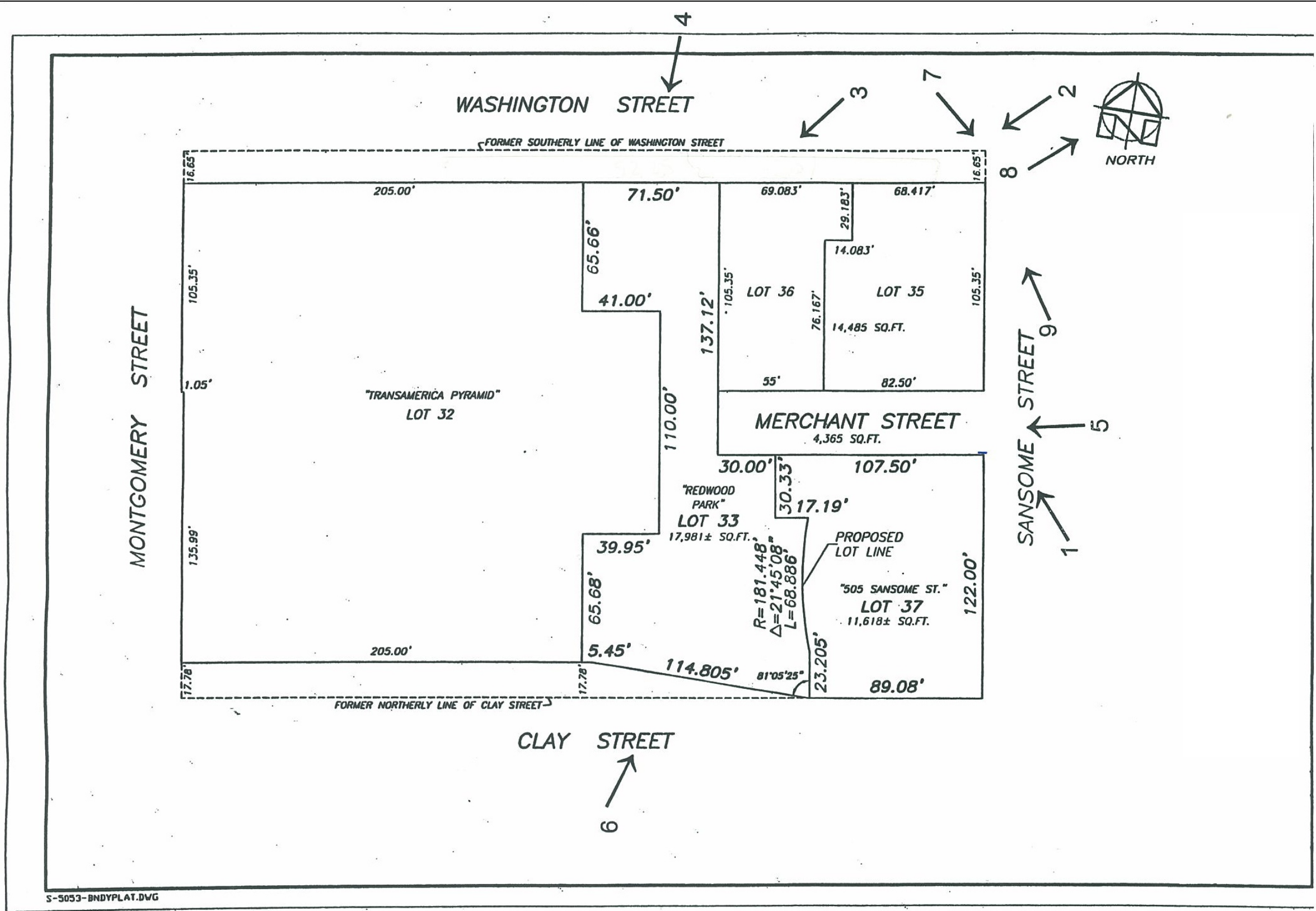
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555 WASHINGTON STREET PROJECT
PHOTOGRAPHS OF PROJECT SITE AND SURROUNDING
AREA

555 WASHINGTON



1. 545 SANSOME STREET



2. 501-545 WASHINGTON STREET

555 WASHINGTON

San Francisco, CA

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3. 517 WASHINGTON STREET



4. REDWOOD PARK (LOOKING SOUTH FROM WASHINGTON STREET)

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5. MERCHANT STREET (LOOKING WEST FROM SANSOME)



6. REDWOOD PARK (LOOKING NORTH FROM CLAY STREET)

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7. SANSOME STREET (LOOKING EAST OF PROJECT SITE)



8. WASHINGTON STREET (LOOKING NORTHEAST OF PROJECT SITE)

555 WASHINGTON



9. WASHINGTON STREET (LOOKING NORTHWEST
OF PROJECT SITE)

555 WASHINGTON