



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: October 1, 2015
TO: Planning Commission
FROM: Rich Sucre, Planner/Preservation Technical Specialist
RE: 1532 Harrison Street Update (Case No. 2013.1390CUA)

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On September 17, 2015, the Planning Commission continued the Request for Conditional Use Authorization for the proposed project at 1532 Harrison Street to October 1, 2015. Subsequently, the Project Sponsor requested an additional continuance to October 8, 2015.

Since publication of the case report on September 10, 2015, the Project Sponsor has reduced the number of off-street parking spaces from 85 to 68. Therefore, the Project will provide off-street parking at a ratio of .5 off-street parking spaces per dwelling unit. The Project still requires Conditional Use Authorization for off-street parking, since WMUG Zoning District principally permits off-street parking for dwelling units at a ratio of one parking space for each four dwelling units.

In addition, on September 16, 2015, the Department has received correspondence from the Entertainment Commission, who held a public hearing on the proposed project at 1532 Harrison Street on September 15, 2015. The Entertainment Commission recommends that the Planning Commission adopt a condition of approval regarding "Recommended Noise Attenuation Conditions for Chapter 116 Projects."

Finally, the Environmental Planning Division requests additional input from the Planning Commission regarding improvement measures associated with the proposed project at 1532 Harrison Street.

Attachments:

- Memo to the Planning Commission from Chelsea Fordham, dated October 1, 2015;
- Revised Conditional Use Authorization Motion;
- Revised Basement Plan with the updated number of off-street parking spaces
- Correspondence received from the Entertainment Commission; and,
- Additional Public Correspondence received after publication of the Planning Commission packets on September 10, 2015

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SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: OCTOBER 8, 2015

Continued from: September 17, 2015 & October 1st, 2015

Date: October 1, 2015
Case No.: **2013.1390E**
Project Address: **1532 Harrison Street**
Zoning: WMUG (Western SoMa Mixed-Use General) Use District
55-X and 65-X Height and Bulk District
Block/Lot: 3521/056
Project Sponsor: Michael Yarne, Build-Inc.
(415)551-7610
Staff Contact: Chelsea Fordham – (415) 575-9071
chelsea.fordham@sfgov.org
Recommendation: **Approve with Conditions**

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BACKGROUND AND DEPARTMENT RECOMMENDATIONS

The 1532 Harrison Street Community Plan Exemption was issued on September 9, 2015. The Community Plan Exemption determined that a number of mitigation measures would be required in order to reduce identified significant impacts to a less-than-significant level. Additionally, a number of improvement measures were applied to the project to further reduce less than significant impacts of the project. These improvement measures included measure related to monitoring and abatement of queues of cars pooling up into the project driveways (Project Improvement Measure 1: Monitoring and Abatement of Queues), implementing transportation demand management (TDM) strategies to reduce single occupancy vehicle trips (Project Improvement Measure 2: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips), coordinating move-in/move-out operations and large deliveries with MTA to avoid double-parking (Project Improvement Measure 3: Coordination of Move-in/Move-Out Operations and Large Deliveries), having deliveries of construction materials occur outside of the AM or PM peak periods (Project Improvement Measure 4: Construction Truck Deliveries During Off-Peak Periods), and preparing a construction management plan to minimize traffic impact (Project Improvement Measure 5: Construction Management Plan).

The project sponsor agreed to these mitigation measures in an Agreement to Implement Mitigation Measures signed on September 9, 2015. Since that time the project sponsor has reevaluated the ability to implement the Project Improvement Measure 2: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips. The text to the improvement measure states the following:

Project Improvement Measure 2: Implement Transportation Demand Management Strategies to Reduce Single Occupancy Vehicle Trips.

The project sponsor and subsequent property owner should implement a Transportation Demand Management (TDM) Program that seeks to minimize the number of single-occupancy vehicle trips (SOV)

generated by the proposed project for the lifetime of the project. The TDM Program targets a reduction in SOV trips by encouraging persons to select other modes of transportation, including: walking, bicycling, transit, car-share, carpooling and/or other modes.

The project sponsor has agreed to implement the following TDM measures:

Identify TDM Coordinator: The project sponsor should identify a TDM coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMA SF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

Transportation and Trip Planning Information:

- *Move-in packet:* Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.
- *New-hire packet:* Provide a transportation insert in the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new-hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

City Access for Data Collection:

As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. Project sponsor assures future access to the site by City Staff.

Bicycle Measures:

- *Parking:* Increase the number of on-site secured bicycle parking beyond *Planning Code* requirements and/or provide additional bicycle facilities in the public right-of-way in on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

- *Bay Area Bike Share:* Project Sponsor shall cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share (agencies) and support installation of a bike share station in the public right-of-way along the project's frontage.

Additional TDM Measures

In addition to the TDM measures described above, the Project Sponsor will additionally provide the following TDM measures consistent with TransForm's GreenTRIP program. According to TransForm, GreenTRIP is an innovative program that certifies residential and mixed-use developments that apply strategies to reduce traffic and excessive parking. GreenTRIP staff help applicants find the most appropriate trip reduction strategies, like transit passes and carsharing for residents. GreenTRIP transportation analysis and communication materials are used to explain the benefits, and often to justify reduced parking provisions, to decision makers and the public. Consistent with the GreenTRIP program, the Project Sponsor will provide the following additional TDM measures:

- Encourage retail tenants to allow bicycles in the workplace;
- Provide free or subsidized bike share membership to residents and tenants;
- Facilitate direct access to bicycle facilities in the study area (e.g., Route 25 on 11th and Route 30 on Folsom and Howard Streets) through on-site signage; and
- Offer free or subsidized Muni passes (loaded onto Clipper cards) to tenants.

The project sponsor is opposed to implementing the following TDM measures due to the financial burden and the accessibility of bike share facilities:

- Provide free or subsidized bike share membership to residents and tenants;
- Offer free or subsidized Muni passes (loaded onto Clipper cards) to tenants.

The project sponsor would like to revise these TDM measures to the following. Additions are indicated in a and deletions are indicated in d:

- Provide free or subsidized bike-car share membership to residents and tenants;
- ~~Offer free or subsidized Muni passes (loaded onto Clipper cards) to tenants.~~

The Department is making the follow recommendations in regards to the project sponsors request:

- The Department supports the project sponsors requested change from providing bike share to car share membership to future tenants because the proposed project would be providing on-site and accessible car share, while it is unknown at this point if the proposed streetscape improvement or Eagle Plaza would include a bike share station.
- The Department and the San Francisco Municipal Transportation Agency (SFMTA) do not support the removal of offering free or subsidized Muni passes from the improvement measures. The project, without this measure, would not substantially contribute towards the reduction of project-related single-occupancy vehicles and increased transit use by future residents.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must either changes to these improvement measures as requested by the project sponsor, or retain them in their current form.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other (TIDF, Sec. 411; EN Impact Fee, Sec. 423) |

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 8, 2015

Date: September 17, 2015
Case No.: **2013.1390CUA_2**
Project Address: **1532 Harrison Street**
Zoning: WMUG (Western SoMa Mixed-Use General) Zoning District
Western SOMA Special Use District
55/65-X Height and Bulk District
Block/Lot: 3521/056
Project Sponsor: Michael Yarne, Build, Inc.
315 Linden Street
San Francisco, CA 94101
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 151.1, 263.29, 303 AND 823(C)(11) OF THE PLANNING CODE FOR MAJOR DEVELOPMENT REQUESTING A HEIGHT BONUS AND OFF-STREET PARKING EXCEEDING THE PRINCIPALLY PERMITTED AMOUNT WITH MODIFICATIONS TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134), OPEN SPACE (PLANNING CODE SECTION 135 AND 823(C)(2)), AND OFF-STREET FREIGHT LOADING PARKING (PLANNING CODE SECTION 152.1) FOR THE PROJECT INVOLVING NEW CONSTRUCTION OF A SEVEN-STORY (65-FT TALL) MIXED-USE BUILDING WITH 136 DWELLING UNITS, 1,463 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND 68 OFF-STREET PARKING SPACES AT 1532 HARRISON STREET, LOT 056 IN ASSESSOR'S BLOCK 3521 WITHIN THE WMUG (WESTERN SOMA MIXED-USE GENERAL) ZONING DISTRICT, WESTERN SOMA SPECIAL USE DISTRICT, AND A 55/65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2013, Michael Yarne of Build, Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 151.1, 263.29, 303 and 823(c)(11) of the Planning Code for major development requesting a height bonus in the Western SoMa SUD and to permit off-street parking exceeding the principally-

permitted amount within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District and a 55/65-X Height and Bulk District.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Western SoMa Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on December 6, 2012, by Motion No. 18756, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Western SoMa Area Plan EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 18756 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On September 9, 2015, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2013.1390CUA_2 at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On September 17, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1390CUA_2.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1390CUA_2, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located on the corner parcel (with a lot area of 23,092± square feet) bounded by Norfolk, Harrison and 12th Streets. The project site has approximately 214-ft of frontage along Norfolk Street, 101-ft 6-in of frontage along 12th Street, and 175-ft of frontage along 12th Street. Currently, the subject lot contains a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The project site is located within the WMUG (Western SoMa Mixed-Use General) Zoning District in the Western SoMa Area Plan. The immediate context is mixed in character with a mix of residential, commercial and industrial development. The immediate neighborhood includes one-to-three-story commercial and industrial buildings, a one-story bar (d.b.a. The Eagle), and three-to-four-story live/work and residential complexes. Along 12th Street adjacent to the project site is a two-and-one-half-story single-family residence (aka Lopez Residence). Along Norfolk Street, the project site abuts a parking lot associated with a nearby two-story industrial building. The project site has three street frontages: 12th Street, which is identified as a two-way street with horizontal on-street parking on either side of the street; Harrison Street, which is a four-lane, two-way street with horizontal on-street parking on either side of the street; and, Norfolk Street, which is a smaller-scale, one-way alley with on-street parking along the east side of the street. Other zoning districts in the vicinity of the project site include: RED-MX (Residential Enclave District - Mixed);

WMUG (Western SoMa Mixed Use-Office); PDR-1-G (Production, Distribution and Repair-General); and SALI (Service/Arts/Light Industrial).

4. **Project Description.** The proposed project includes demolition of the surface parking lot and the new construction of a seven-story, 65-ft tall, mixed-use building (measuring approximately 127,609 gsf) with 136 dwelling units, 1,463 square feet of ground floor commercial space, 68 off-street parking spaces, one car-share parking space, 136 Class 1 bicycle parking spaces, and 10 Class 2 bicycle parking spaces. The dwelling unit mix includes 62 studios, 19 one-bedroom units and 55 two-bedroom units. The project includes open space via two sunken courtyards, private balconies and a roof deck, which collectively measure 11,367 square feet. The project also includes streetscape improvements including sidewalk widening, street trees, planting strips, and addition of an on-street loading and pedestrian drop-off zone along Harrison Street.
5. **Public Comment.** The Department has received a number of public correspondences, which have primarily expressed support for the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Permitted Uses in WMUG Zoning District.** Per Planning Code Sections 844.20 and 844.45, dwelling units and ground floor retail are principally permitted use within the WMUG (Western SoMa-Mixed Use General) Zoning District.

The proposed project would construct 136 dwelling units and approximately 1,463 square feet of ground floor retail use within the WMUG Zoning Districts. Therefore, the proposed project complies with Planning Code Sections 844.20 and 844.45.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at ground level. In addition, per Planning Code Section 823(c)(1), the rear yard must be provided at grade. Therefore, the Project would have to provide a rear yard, which measures approximately 5,773 sq ft, located along the rear property line.

Currently, the Project does not feature a code-complying rear yard; however, the Project does provide ample open space for the new dwelling units. The Project provides open space through: two 25-ft wide sunken courtyards, which are located approximately 5-ft below the grade of the sidewalk and which extend from 12th Street to Norfolk Street; private open space; and, a roof deck. Thus, the Project provides a total of 11,367 sq ft of code-complying and non-code-complying open space. Therefore, the Project does provide open space, which far exceeds the amount of square footage that would have been provided in a code-complying rear yard. Thus, the total amount of open space, which would have been provided through the required rear yard, exceeds the amount, which would have been provided in the required rear yard. The Project is seeking a modification of the rear yard requirement as part of the Conditional Use Authorization (See Below).

The Project occupies a corner lot at the intersection of 12th, Norfolk and Harrison Streets. Since the surrounding area is mixed in character, the subject block does not possess a definitive pattern of mid-block open space. There is only one residential property on the subject block. The Project provides quality open space, which is equivalent to the amount of open space, which would have been provided in a rear yard.

- C. **Useable Open Space.** Within the WMUG Zoning District, Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit. Per Planning Code Section 823(c)(2), all dwelling units within the Eastern Neighborhoods Mixed Use Districts shall provide 80 square feet of open space per dwelling units regardless of whether the open space is privately or publicly accessible. Per Planning Code Section 135.3, one square foot of open space is required for every 250 square feet of retail use.

Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft is located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 sq ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq ft in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

Per Planning Code Section 823(c)(2)(B), roof decks within the Western SoMa Special Use District do not qualify as required private or common useable open space.

Therefore, the Project is required to provide 10,880 square feet of open space for the 136 dwelling units, and 6 square feet of open space for the 1,463 square feet of open space for ground floor commercial space.

The Project provides open space via two sunken courtyards, private balconies for 38 dwelling units, and a roof deck (measuring 3,406 square feet). The two sunken courtyards collectively measuring 5,813 square feet, and are recognized as outer courts since they have frontage onto a public street. All of the private balconies are code-complying: 35 out of 38 private balconies measure 36 square feet (or 6-ft by 6-ft); while, the remaining three private balconies measure 80 square feet. Therefore, the Project provides 7,961 square feet of code-complying open space via the two sunken courtyards and private balconies.

However, the Project does fall short of the required amount of open space, since the roof deck (measuring 3,406 square feet) may not count as code-complying open space. Despite the shortfall, the Project does provide a comparable amount of open space (both code-complying and non-code-complying); therefore, the Project is seeking a modification of the open space requirement through the Conditional Use Authorization (See Below).

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

Currently, the Project includes balconies, which project over the street and useable open space that are approximately 6-ft wide and project approximately 3-ft over the property line/useable open space; therefore, these features comply with Planning Code Section 136(c)(2).

- E. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan, which includes elements from the Better Streets Plan, for projects that are located on a lot larger than one-half acre and which proposed new construction.

Per Ordinance No. 119-15 (effective August 14, 2015), the Department of Public Works (DPW) is responsible for implementing the required number of street trees along the public rights-of-way, as formerly required in Planning Code Section 138.1.

The Project includes the new construction of a seven-story mixed-use building on a lot with 175-ft of frontage along 12th Street, 101-ft 6-in of frontage along Harrison Street, and 215-ft of frontage along Norfolk Street.

Currently, the Project includes a streetscape plan consisting of: new street trees and planting strips along Harrison Street; new street trees, planting strips and bike racks along 12th Street; and sidewalk widening from 3.5-ft to 7-ft along Norfolk Street. The Project would also add a raised crosswalk at the intersection between Norfolk and Harrison Streets. All proposed work would comply with the Better Streets Plan. Therefore, the proposed project complies with Planning Code Section 138.1.

- F. **Bird Safety.** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge. The proposed project meets the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq ft and larger in size; therefore, the proposed project complies with Planning Code Section 139.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, public alley at least 20-ft wide, side yard at least 25-ft wide, outer court at least 25-wide, rear yard or other open area that meets minimum requirements for area and horizontal dimensions.

The Project organizes the dwelling units to have exposure either on 12th, Harrison or Norfolk Streets, or along the two outer courts, which extend from 12th to Norfolk Streets. Norfolk Street is a public alley measuring 25-ft wide. Therefore, the Project complies with Planning Code Section 140.

- H. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking

and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the majority of the requirements of Planning Code Section 145.1. Off-street parking is located below grade. The Project features active uses on the ground floor with walk-up dwelling units with direct, individual pedestrian access to a public sidewalk along 12th and Norfolk Streets and retail use at the corner of Harrison and 12th Streets. The main residential lobby is located along Harrison Street with a secondary, smaller residential lobby on Norfolk Street. At the corner of 12th and Harrison Streets, the non-residential use at the ground floor has a 16-ft 2-in floor to floor height. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

The Project includes one 29-ft wide garage entrance and curb cut along Norfolk Street, which provides access to an at-grade car-share parking space and the below-grade off-street parking. Since the curb cut and garage entrance exceed the maximum width of 20-ft, the Project requires a modification under the Conditional Use Authorization (See Below).

Generally, the Commission does not support this modification given the street width, lot configuration and the City's streetscape policies. Currently, Norfolk Street is narrow in width and possesses sidewalks, which are narrow in width. To ensure pedestrian safety and improve the public realm, the Commission supports a code-complying curb cut of 20-ft.

- I. **Off-Street Parking.** In the WMUG Zoning District, Planning Code Section 151.1 principally permits one parking space for each four dwelling units. With Conditional Use Authorization from the Planning Commission, the parking ratio may be increased to a maximum of .75 parking spaces per dwelling unit.

For the 136 dwelling units in the WMUG Zoning District, the Project is principally permitted 34 off-street parking spaces, and conditionally permitted a maximum of 102 off-street parking spaces.

Currently, the Project provides 68 below-grade off-street parking spaces. Of these 68 off-street parking spaces, two handicap parking spaces have been identified. The off-street parking spaces are organized into mechanical stackers.

Since the Project exceeds the principally permitted amount of parking, the Project is seeking Conditional Use Authorization to permit off-street parking at a ratio of .625 parking spaces per dwelling unit (or 68 off-street parking spaces).

The Commission supports the specified number of off-street parking spaces, which exceed the principally permitted amount, due to the site's existing conditions, proposed use and proposed parking configuration in mechanical stackers (See Below).

- J. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires one off-street freight loading space for apartment use between 100,001 and 200,000 gsf.

The Project includes approximately 126,146 square feet of apartment use, thus at least one off-street freight loading space is required.

The Project does not possess any off-street freight loading; rather, the Project is proposing one on-street loading space on Harrison Street. Therefore, the Project is seeking a modification of this requirement as part of the Conditional Use Authorization (See Below).

- K. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking spaces for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units. For buildings containing more than 100 dwelling units, 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100. For the retail use, one Class 1 bicycle parking space is required for every 7,500 square feet of occupied floor area and one Class 2 space for every 2,500 square feet of occupied floor area.

The Project includes 136 dwelling units; therefore, the Project is required to provide 109 Class 1 bicycle parking spaces and 7 Class 2 bicycle parking spaces.

The Project will provide 136 Class 1 bicycle parking spaces and 10 Class 2 bicycle parking spaces, thus exceeding the requirement. Therefore, the proposed project complies with Planning Code Section 155.2.

- L. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for projects constructing 50 to 200 dwelling units.

The Project includes 136 dwelling units; therefore, it is required to provide a minimum of one car-share parking space.

The Project provides one car-share parking space; therefore, the proposed project complies with Planning Code Section 166.

- M. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- N. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

For the 136 dwelling units, the Project is required to provide at least 55 two-bedroom units or 41 three-bedroom units.

The Project provides 55 two-bedroom units, 19 one-bedroom units, and 62 studios. Therefore, the Project meets the requirements for dwelling unit mix.

- O. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a “narrow street,” which is defined as a public right of way less than or equal to 40-ft in width. Norfolk Street measures approximately 25-ft wide and is considered a narrow street. For the subject frontage along a narrow street, a 10-ft setback is required above a height of 31-ft 4-inches. Subject frontage is defined as any building frontage more than 60-ft from an intersection with a street wider than 40-ft.

Along Norfolk Street, the Project incorporates a 10-ft setback for the portion of the building, which is more than 60-ft from the intersection. Therefore, the proposed project complies with Planning Code 261.1.

- P. **Shadow.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

Based upon a detailed shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

- Q. **Transit Impact Development Fees.** Planning Code Section 411 is applicable to new retail development over 800 sq ft.

The Project includes 1,463 sq ft of new retail use, and will pay the appropriate Transit Impact Development Fees prior to issuance of the first construction document.

- R. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, 415.6 and 823(c)(11), the Inclusionary Affordable

Housing Program requirement for the On-Site Affordable Housing Alternative is to provide 16% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5, 415.6 and 823(c)(11), and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on August 31, 2015 and a draft of the Costa Hawkins Agreement on September 2, 2015. The EE application was submitted on December 30, 2013. Pursuant to Planning Code Section 415.3, 415.6, and 823(c)(11)(B)(vi), the on-site requirement is 16%. 22 units (10 studios, 3 one-bedroom, and 9 two-bedroom) of the 136 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-Site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

- S. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the WMUG Zoning District that results in the new construction of residential and non-residential space.

The proposed project includes approximately 109,616 gross square feet of new residential development and 1,463 gsf of new retail use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- T. **Western SoMa Special Use District.** Planning Code Section 823 outlines the requirements for projects located within the Western SoMa Special Use District. Additional controls are provided for rear yard, open space, exposure, nonconforming uses, vertical architectural elements, SRO units, recreational facilities, nighttime entertainment and animal services, and major developments.

The Project complies with the majority of the requirements outlined in the Western SoMa Special Use District. However, the Project is seeking modifications to the open space requirements under the Conditional Use Authorization. In addition, the Project is seeking Conditional Use Authorization for Major Developments Requesting Height Bonuses, as outlined in Planning Code Section 823(c)(11) (See Below). This Conditional Use Authorization allows the Project to construct up to 65-ft tall.

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

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will demolish a surface parking lot and construct a new seven-story mixed-use development with ground floor retail use and 136 dwelling units. Given the objectives of the Western SoMa Area Plan, the Project is necessary and desirable in promoting the transformation of the surrounding neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing neighborhood-serving goods and services. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because they will provide new opportunities for local businesses and add new site amenities that will contribute to the character of the surrounding neighborhood. The Project will also replace an underutilized corner site, while also providing new public amenities, including landscaping, sidewalk widening and corner retail. The immediate area is extremely varied in character and features a variety of uses, including light industrial, commercial, and residential. The new retail uses will complement the mix of goods and services currently available in the surrounding district and will contribute to the economic vitality of the neighborhood by providing a new mixed-use development, which is a positive contribution to the neighborhood. In summary, the Project is an appropriate urban invention and infill development.

- (2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

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

The Project would establish a new seven-story mixed-use development in a varied neighborhood context, which includes one-to-two story commercial properties, three-to-five-story tall residential developments and one-to-three story light industrial buildings. The proposed mix of uses would be complimentary to the surrounding neighborhood, since the ground floor commercial use is focused at the corner of 12th and Harrison Streets, and the new residential use is focused on the upper floors. The Project incorporates two sunken courtyards, which provide sufficient light and air to the proposed units, while also providing

for an attractive visual amenity from the public rights-of-way. Overall, this Project will be beneficial to the surrounding neighborhood.

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

The Project would not adversely affect public transit in the neighborhood. The project site is close to several MUNI bus lines, including the 9-Downtown, 12-Mission and is within one-half mile of the Van Ness Avenue MUNI Station and the Civic Center MUNI and BART stations. The Project provides a limited amount of off-street parking in support of the City's transit first policies. This off-street parking is located in a below-grade garage. The garage would be accessible from Norfolk Street, in order to minimize pedestrian or other conflicts on 12th and Harrison Streets. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation. The Project also incorporates an on-street loading and pedestrian drop-off zone, in lieu of providing for off-street freight loading.

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

The Project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of Approval are included to address potential issues.

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

The Project will provide required number of street trees and new bicycle parking along the public rights-of-way. The Project would also widening the sidewalks along Norfolk Street, and construct a raised crosswalk at the intersection of Norfolk and Harrison Streets. These upgrades will be beneficial to the surrounding neighborhood because it will provide new street improvements, lighting, and vegetation.

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

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

- (4) That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The Project is not located within a Neighborhood Commercial District. The WMUG Zoning District is an Eastern Neighborhoods Mixed-Use District.

8. **Planning Code Section 823(c)(11)** establishes additional criteria for the Planning Commission to consider when reviewing applications for Major Development Requesting a Height Bonus. On balance, the project does comply with said criteria in that:

- a) The project shall demonstrate that it minimizes the impacts of proposed non-residential uses on any adjacent properties in the RED and RED-MX Districts. Specifically, the following potential conflicts shall be addressed:

- a. Social Interaction. Given the diversity of uses and users in Western SoMa, large developments should appropriately buffer conflicting uses, such as housing and late night uses, and commercial uses and playgrounds.

The Project includes a buffer between residential uses and late night uses, including the adjacent bar (d.b.a The Eagle). The residential uses are oriented towards the two sunken courtyards or along Norfolk and Harrison Street, away from the adjacent bar. Similarly, the ground floor commercial use provides active uses at the street, and complements the adjacent bar at the southwest corner of Harrison and 12th Streets.

- b. Hours of Operation. Hours of operation for commercial uses within the project shall consider their proximity and potential impacts to residential uses within the project and near the development site.

The Project includes ground floor retail use. Currently, the Project anticipates a café that would feature standard hours of operation, and would not extend into late night hours.

- c. Site Access. Avoid loading and vehicular entries near pedestrian entries, open space, and high traffic areas, and locations that would disturb other users on the site.

Overall, the Project avoids vehicular entries near pedestrian entries, open space and high traffic areas. Pedestrian entrances are located off of Harrison Street and 12th Street. The Project includes one vehicular access point along Norfolk Street, which is located away from the on-street loading and pedestrian drop-off zone along Harrison Street. The Project minimizes conflicts with pedestrians and bicyclists by providing the garage entrance along an alley.

- d. Environmental Conflicts. Commercial uses that create noise, fumes, and light shall be designed to minimize any impacts on sensitive users of the site. Buildings shall be designed to minimize the impact of wind and shadows on open spaces on the development site and adjacent properties.

The Project does not include commercial uses, which would create noise, fumes and lights. The Project has been designed to maximize the access to light and air to the adjacent single-family residence. As based upon the environmental determination, the Project will not cause wind or shadow impacts.

- e. Architectural Design. Locate fenestration, decks, doors, and open spaces to minimize potential on-site conflicts between uses and users (e.g. residential and commercial uses).

The Project locates fenestration, decks, doors and open space in a manner that reduces the on-site conflicts between the residential and commercial use. The ground floor commercial use is oriented towards 12th Street, while the residential uses are oriented towards the two sunken courtyards, Norfolk Street, and Harrison Street.

- 9. **Conditional Use Authorization Modifications/Exceptions.** Planning Code Section 823(c)(11) allows modifications and exceptions to the Planning Code as provided under Planning Code Section 329:

- 1. Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

In granting such Conditional Use or exception per 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(A) Parking for All Uses.

- (i) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

The Project does minimize vehicular movement in and around the Project, since the off-street parking garage is located below grade and there is only one entrance to this garage, which is located along Norfolk Street. Norfolk Street is a one-way street accessed from Harrison Street. The garage location and configuration minimizes the potential for conflicts with pedestrians and bicyclists along 12th Street, and at the intersection of Harrison and Norfolk Streets. Within the proposed building, the garage ramp accommodates vehicles entering and exiting the garage. With a reduced curb cut and garage entrance of 20-ft, the Project would further promote pedestrian safety along Norfolk Street.

- (ii) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

The Commission finds that accommodating excess accessory parking would not degrade the overall urban design quality of the Project. All off-street parking is located below grade and is minimized by the use of mechanical stackers. The garage entrance/exit is limited to one opening along an alley, thus maximizing the frontage associated with active uses, including the walk-up dwelling units and ground floor retail space.

(iii) All above-grade parking is architecturally screened and lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

The Project does not include above-grade, off-street parking. The Project Sponsor is requesting an exception to the requirements for garage entrances and curb cut width. Per Planning Code Section 145.1, a garage entrance and curb cut is limited to 20-ft. Currently, the Project calls for a 29-ft curb cut and garage entrance. The Commission does not support this modification to the curb cut and garage entrance requirements given the existing context and narrow width of the alley and associated sidewalks (See Below).

(iv) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

Since the excess parking would be located below-grade, the excess accessory parking would not impact any existing or planned streetscape enhancements. All of the excess accessory parking is accommodated via mechanical stackers.

(B) Parking for Residential Uses.

(i) For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

Currently, the Project calls for 68 off-street parking spaces, which is equivalent to .625 off-street parking spaces per dwelling unit. The Commission supports the Project's amount of off-street parking, which is in excess of the principally permitted amounts. The Project does accommodate the accessory parking via mechanical stackers, thus complying with this requirement.

2. Exception from residential useable open space requirements. In circumstances where such exception is granted a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

Per Planning Code Section 135 and 823(c)(2), the Project is required to provide 10,880 square feet of open space for the 136 dwelling units. Currently, the Project provides 7,961 square feet of code-complying open space via the two sunken courtyards and private balconies. In addition, the Project provides open space through a roof deck measuring 3,406 square feet. Although the roof deck cannot be classified as code-complying open space due to the code requirements of the Western SoMa Special Use District, the Project does provide open space in excess of the required amount when factoring both code-complying and non-code-complying open space. Given the overall amount of open space, design and the quality of the Project, the modification to the classification of the proposed roof deck would not severely impact the usability and quality of the proposed open space. Further, the reduction in the overall amount of code-complying open space due to exclusion of the proposed roof deck as open space is warranted given the quality of design and merits of the overall project.

3. Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 329, the Planning Commission may waive these requirements per the procedures of Section 329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys.

The Project would provide one on-street loading parking space on Harrison Street, which would meet the residential loading needs of the Project. By providing for on-street loading and a pedestrian drop-off zone, the Project maximizes the amount of active street frontage.

4. Exception for rear yards, pursuant to the requirements of Section 134(f);

Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or waived by the Planning Commission pursuant to Section 329. The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified by the Zoning Administrator pursuant to the procedures set forth in Section 307(h) for other projects, provided that:

- (1) A comparable, but not necessarily equal amount of square footage as would be created in a code conforming rear yard is provided elsewhere within the development;

The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the project site is 23,092 sq ft in size, and would be required to provide a rear yard measuring 5,773 sq ft. The Project provides private open space for 38 dwelling units and approximately 5,813 sq ft of common open space through two sunken courtyards, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard. In addition, the Project provides additional open space via a roof deck measuring 3,406 sq ft.

- (2) The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties or adversely affect the interior block open space formed by the rear yards of adjacent properties; and

The Project is located adjacent to a single-family residence and an industrial building on a block, which does not have a pattern of mid-block open space. One of the sunken courtyards lies adjacent to the rear yard of the neighboring single-family residence, thus maximizing the potential for light and air. The adjacent industrial property does not possess a rear yard. Therefore, the Project does not impede access to light and air for the adjacent properties.

- (3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

The Project is seeking a modification to open space requirements, since the proposed roof deck does not conform to the requirements of the Planning Code. Given the overall quality of the Project and its design, the Commission supports the modifications to the rear yard, since the proposed units would not be afforded undue access to light and air. Overall, the Project meets the intent of the open space requirements defined in Planning Code Section 135; therefore, the Commission finds the modification of the rear yard to be acceptable.

5. Where not specified elsewhere in Planning Code Section 329(d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located;

In addition to the modification of the requirements for rear yard, open space and off-street freight loading, the Project is seeking modifications of the requirements for parking and loading entrances (Planning Code Section 145.1).

Under Planning Code Section 145.1, parking and loading entrances are limited to 20-ft wide. Currently, the Project calls for a parking and loading entrance, which measures 29-ft wide. This entrance accommodates an entry and exit to the below-grade off-street parking and at-grade car-share parking space. Given the site conditions, the Commission does not support this modification, since the adjacent alley is narrow in width with narrow sidewalks. A wider curb cut could adversely impact pedestrian safety. The parking and loading can be sufficiently accommodated through a code-complying curb cut; therefore, this modification is not supported by the Commission.

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

The Project is a higher density residential development in a transitioning area. The Project is located within a mixed-character neighborhood with residential, commercial and industrial properties. The Project site is an ideal infill site, since the existing site is a surface parking lot. The project site was recently rezoned as part of a long range planning goal to create a cohesive residential and mixed-use neighborhood. The Project is consistent with the WMUG Zoning District, which calls for low-scale PDR uses mixed with housing and small-scale retail. Within the WMUG, housing is encourages over ground floor commercial.

The Project includes 22 on-site affordable housing units for rent, which complies with the City's affordable housing goals.

OBJECTIVE 4

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

Policy 4.1

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

Policy 4.5

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

Out of 136 new dwelling units, the Project will provide 22 on-site affordable units for rent, thus meeting the affordable housing requirements and encourage diversity among income levels within the new development.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

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

The Project responds to the site's location within a mixed-character neighborhood. The Project appropriately responds to the varied residential-industrial character of the larger neighborhood. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a material palette which evokes the surrounding industrial context.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project provides new opportunity for new ground floor retail use, which is consistent with the goals for WMUG Zoning District.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

Policy 4.6:

Assure the provision of adequate public open space to serve new residential development.

The Project will create private and common open space areas in a new residential mixed-use development through private balconies, two sunken courtyards and a roof deck. The project will not cast shadows over open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.1

Maintain and improve the Transit Preferential Streets program to make transit more attractive and viable as a primary means of travel

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will provide new streetscape improvements along Norfolk, Harrison and 12th Streets. Further, the Project will provide a new raised crosswalk, street plantings, and new site furnishings. Frontages are designed with active spaces oriented at the pedestrian level. The new garage entrance is located on an alternate street frontage on Norfolk Street, in order to minimize pedestrian and bicycle conflicts.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes 136 Class 1 bicycle parking spaces and 10 Class 2 bicycle parking spaces in secure, convenient locations.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project provides off-street parking via one ingress/egress point along Norfolk Street. The off-street parking is adequate for the Project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The Project is located within the Western SoMa neighborhood, which is characterized by the mix of uses. As such, the Project provides expressive street façades, which respond to form, scale and material palette of the existing neighborhood, while also providing a new contemporary architectural vocabulary.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Although the project site has three street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Along the project site, the pedestrian experience will be greatly improved.

WESTERN SOMA AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1

BUILD ON AN EXISTING MIXED-USED CHARACTER THAT ENCOURAGES PRODUCTION OF RESIDENTIAL USES IN AREAS MOST APPROPRIATE FOR NEW HOUSING WITH A PROXIMATE MIX OF USES AND SERVICES SERVING LOCAL NEEDS AND THEREBY DEVELOPING A COMPLETE NEIGHBORHOOD.

Policy 1.1.2

Western SoMa land uses should progress from non-residential uses south of Harrison Street northward to an increasingly residential neighborhood with retention of a mix of uses and new mixed-use developments where appropriate.

Policy 1.1.7

Establish vertical zoning standards in locations encouraging new mixed-use development and preserving a mix of uses.

Neighborhood Economy

OBJECTIVE 2.2

PROMOTE APPROPRIATE NEW NEIGHBORHOOD BUSINESS OPPORTUNITIES THAT CREATIVELY RESPOND TO NEIGHBORHOOD, CITYWIDE AND REGIONAL ECONOMIC NEEDS AND TRENDS.

Policy 2.2.5

Allow increased height limits on larger development sites in exchange for enhanced public benefits.

Policy 2.2.13

Clearly designate and differentiate streets and their associated zoning for functional goods and services movement from streets with pedestrian and bicycle orientations.

Policy 2.2.14

Provide adequate customer parking and goods loading areas in a manner that minimizes negative impacts on transit, bike and pedestrian movements on neighborhood commercial streets.

Housing

OBJECTIVE 3.2

ENCOURAGE NEW NEIGHBORHOOD RESIDENTIAL USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES TO BUILD ON THE EXISTING NEIGHBORHOOD PATTERNS.

Policy 3.2.2

Encourage in-fill housing production that continues the existing built housing qualities in terms of heights, prevailing density, yards and unit sizes.

Policy 3.2.3

Provide additional housing production incentives for areas identified as most appropriate for housing production.

Policy 3.2.6

Encourage creation of upper floor residential uses on major streets north of Harrison Street.

Policy 3.2.7

Create development controls on large sites that clearly direct and provide opportunities to replicated the scale, character and mix of existing uses.

Policy 3.2.8

Establish clear community benefit guidelines for the use of height or density bonuses for residential construction in the Western SoMa SUD.

OBJECTIVE 3.3

ENSURE THAT A SIGNIFICANT PERCENTAGE OF THE NEW HOUSING CREATED IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES.

Policy 3.3.2

Where new zoning has conferred increased development potential; ensure that mechanisms are in place for developers to contribute towards community benefits programs that include open space, transit, community facilities/services, historic/social heritage preservation and affordable housing, above and beyond citywide inclusionary requirements.

Transportation and Street Network

OBJECTIVE 4.27

ESTABLISH PARKING POLICIES THAT IMPROVE NEIGHBORHOOD LIVABILITY, VITALITY, AND ENVIRONMENTAL QUALITY BY REDUCING PRIVATE VEHICLE TRIPS AND SUPPORTING WALKING, CYCLING AND PUBLIC TRANSIT USE.

Policy 4.27.1

Adopt the same parking maximum policies that were applied in the Eastern Neighborhood Plan.

Urban Design and Built Form

OBJECTIVE 5.1

Reinforce the diversity of the existing built form and the warehouse, industrial and alley character.

Policy 5.1.1

Promote, preserve and maintain the mixed use character of Western SoMa's small scale commercial and residential uses.

The Project features an appropriate mix of uses encouraged by the Area Plan for this location. The Project has obtained a height bonus per the Western SoMa SUD, and will provide the appropriate community benefits commensurate with the increased development. In addition, the Project is located within the prescribed height guidelines, and includes the appropriate dwelling unit mix, since approximately 40% or 55 units are two-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which is sensitive to the prevailing scale and neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including weathered steel, integrated color plaster, perforated panels and aluminum-sash windows. Off-street parking is limited and provided in a space efficient configuration below-grade. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees.

10. **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.

Currently, the project site does not contain any existing neighborhood-serving uses. The Project improves the urban form of the neighborhood by constructing new ground floor retail and new dwelling units. This new retail use will provide goods and services to area workers, residents and visitors, while creating new ownership and employment opportunities for residents. The Project would add new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.

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

No housing exists on the project site. The project will provide up to 136 new dwelling units, thus resulting in an increase in the neighborhood housing stock. The Project is expressive in design, and relates to the scale and form of the surrounding neighborhood by providing relationships to the smaller-scale industrial properties as well as the newer, larger-scale nearby residential properties. For these reasons, the proposed project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.

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

The Project will not alter the existing commuter traffic patterns. The project site is within walking distance to public transportation options. The location of the site will enable employees and visitors to the building to walk, bike, or use public transit.

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

The Project does not include commercial office development and does not displace the City's industrial and services sectors. The Project provides new ground floor retail use and housing, which is a top priority in the City. The new retail use will provide new opportunity for the service sector.

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

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

- G. That landmarks and historic buildings be preserved.

The Project will not impact any landmark or historic building, since the project site does not contain any landmarks or historic buildings.

- 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 has no impact on open spaces.

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1390CUA_2** under Planning Code Sections 151.1, 263.29, 303 and 823(c)(11) for major development requesting height bonuses and off-street parking exceeding the principally permitted amount at 1532 Harrison Street within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District, and a 55/65-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 10, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Western SoMa Area Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 17, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

Draft Motion
October 1, 2015

CASE NO. 2013.1390CUA_2
1532 Harrison Street

NAYS:

ABSENT:

ADOPTED: September 17, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use for major development requesting height bonuses and off-street parking exceeding the principally permitted amount for new construction of a seven-story mixed-use building with 136 dwelling units and 1,463 square feet of ground floor commercial use located at 1532 Harrison Street, Block 3521 and Lot 056, pursuant to Planning Code Section 151.1, 263.29, 303 and 823(c)(11) within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District, and a 55/65-X Height and Bulk District; in general conformance with information stamped "EXHIBIT B" included in the docket for Case No. 2013.1390CUA_2 and subject to conditions of approval reviewed and approved by the Commission on September 17, 2015 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 17, 2015 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Mitigation Measures. Mitigation measures described in the MMRP for the Western SoMa Area Plan EIR (Case No. 2013.1390E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Improvement Measures. Improvement measures described in the MMRP for the Western SoMa Area Plan EIR (Case No. 2013.1390E) attached as Exhibit C have been agreed to by the project sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

Streetscape Plan. Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required

street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

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

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

Unbundled Parking. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 68 off-street parking spaces for the 136 dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Car Share. Pursuant to Planning Code Section 166, no fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Bicycle Parking. Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than 136 Class 1 bicycle parking spaces and 10 Class 2 bicycle parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parking for Affordable Units. All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

First Source Hiring. The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to

Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

Transit Impact Development Fee. Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Eastern Neighborhoods Infrastructure Impact Fee. Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

OPERATION

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

INCLUSIONARY HOUSING

Affordable Units

1. **Number of Required Units.** Pursuant to Planning Code Sections 415.6 and 823(c)(11)(B)(vi), the Project is required to provide 16% of the proposed dwelling units as affordable to qualifying households. The Project contains 136 units; therefore, 22 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 22 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
2. **Unit Mix.** The Project contains 62 studios, 19 one-bedroom, and 55 two-bedroom units; therefore, the required affordable unit mix is 9 studios, 3 one-bedroom, and 10 two-bedroom. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than sixteen percent (16%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual

("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

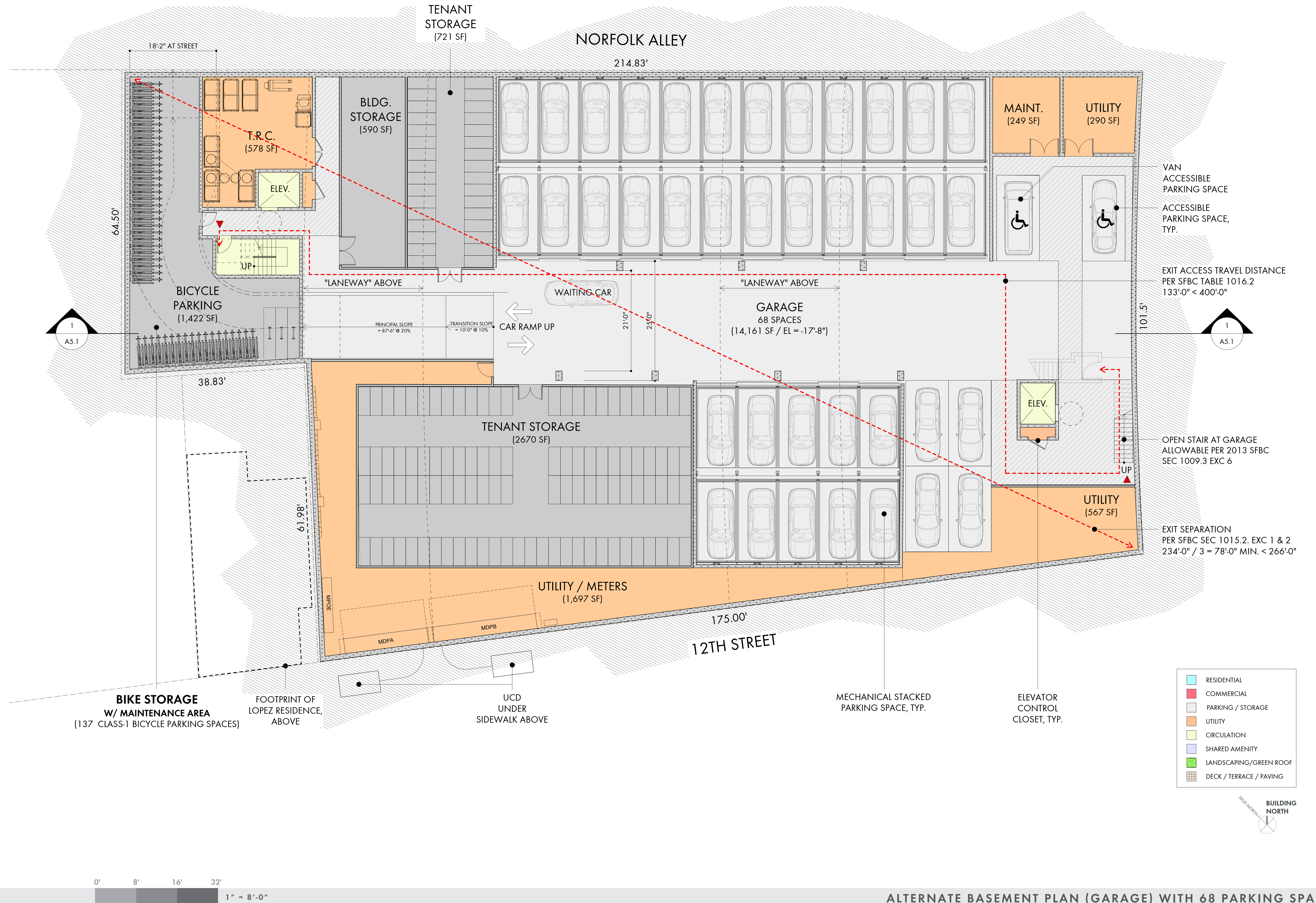
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.



Sucre, Richard (CPC)

From: Kane, Jocelyn (ADM)
Sent: Wednesday, September 16, 2015 1:53 PM
To: Sucre, Richard (CPC)
Cc: Joe Peters; Michael Yarne
Subject: 1532 Harrison - Project w/in 300 feet of Place of Entertainment

Richard,

On **August 25, 2015**, the Entertainment Commission received notification of the proposed residential project at **1532 Harrison**. The project is located within 300 radial feet of a Place of Entertainment ("POE") and is subject to Chapter 116 of the Administrative Code.

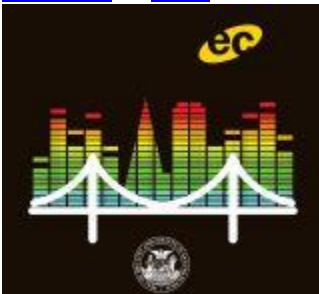
In accordance with the Entertainment Commission's approved "*Guidelines for Entertainment Commission Review of Residential Development Proposals Under Administrative Code Chapter 116*," Entertainment Commission staff determined that a hearing on this project was required under Section 116.7(c) of the Administrative Code.

This hearing was held on September 15, 2015, and the Entertainment Commission made a motion to recommend the standard "*Recommended Noise Attenuation Conditions for Chapter 116 Projects*," (see link below.) The Commission recommends that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this project.

<http://www.sfgov2.org/modules/showdocument.aspx?documentid=3048>

Thanks very much.

Jocelyn Kane, Executive Director
San Francisco Entertainment Commission
City Hall, Room 453
415 554-5793 (voice)
415 554-7934 (fax)
jocelyn.kane@sfgov.org
[facebook](#) [blog](#)





RECOMMENDED NOISE ATTENUATION CONDITIONS FOR CHAPTER 116 RESIDENTIAL PROJECTS:

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

(2) In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- **Construction Impacts:** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- **Communication:** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

Sucre, Richard (CPC)

From: Alice Rogers <arcomnsf@pacbell.net>
Sent: Tuesday, September 15, 2015 2:32 PM
To: richhillissf@yahoo.com; planning@rodneyfong.com; Johnson, Christine (CPC); cwu.planning@gmail.com; wordweaver21@aol.com; mooreurban@aol.com; Richards, Dennis (CPC)
Cc: Ionin, Jonas (CPC); Michael Yarne; Yadegar, Daniel (BOS); Kim, Jane (BOS); Sucre, Richard (CPC); Rahaim, John (CPC); Jamie Whitaker
Subject: Agenda Item 7: 1532 Harrison St (File 2013.1390CUA)--Please reject -5' laneway residences portion of project

Dear Planning Commissioners,

While there are aspects to commend in this proposal—the gracious 16’ transparent commercial space; the 5’ stoops for those few units fronting the sidewalks; the landscaped ‘lanes’ that bisect the development—**siting the ground floor units along the pedestrian lanes at -5’ clearly does not meet the the City’s design standard requiring a minimum of +3’ ground floor elevation, and appears to be a clear violation of the 5’ height bonus** awarded to encourage generous and hospitable ground floor spaces.

This is the first project before you seeking to exploit the 5’ ground floor height bonus, and it will be one of many unless you stand firm by the intent of your ground floor requirements; 363 6th Street (which I have also protested) follows on October 15th.

Ground floor residences typically are those designated for BMR residents and no exceptions to design requirements should be made which negatively impact the light, privacy and security of these units. I live in a 40’ condo complex with a landscaped interior courtyard wider than the 25’ lanes in the proposed project and, even at grade and with 16’ ceilings and fenestration spanning the width of the ground floor units, the residences are dark enough to require using ceiling lights during the day. At -5’ in a 65’ complex, the ground floor units will be impossibly dark and energy-inefficient. Not a far shake for any resident, and certainly not for those with fewer residential options.

Please observe your design requirements and lift these lowest laneway units into light, air, and above-ground security. This project clearly demonstrates design excellence; it just needs to conform to City standards.

Thank you for safeguarding the City’s commitment to its public,

Alice Rogers

NOTE: Procedurally there were issues in noticing this hearing: as of Friday afternoon, 9/11, the agenda and informational packet was not posted (at least could not be found using my Safari browser), and the project packet was not sent to me 9/10 as requested of staff.

.....
Alice Rogers
10 South Park St
Studio 2
San Francisco, CA 94107

Sucre, Richard (CPC)

From: Jamie Whitaker <jamiewhitaker@gmail.com>
Sent: Monday, September 14, 2015 1:36 AM
To: Secretary, Commissions (CPC); Ionin, Jonas (CPC); planning@rodneymong.com; <cwu.planning@gmail.com>; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine (CPC); <mooreurban@aol.com>; Richards, Dennis (CPC)
Cc: Rich.Sucre@sfgov.org; Sucre, Richard (CPC); Rahaim, John (CPC); Kim, Jane (BOS); Yadegar, Danny
Subject: Oppose 1532 Harrison Street, File 2013.1390CUA
Attachments: RelevantPages_5FootZoningBump.pdf

Dear Planning Commissioners,

Thursday's Agenda Item 7 for 1532 Harrison Street appears to be violating the Planning Department's own Guidelines for Ground Floor Residential Design regarding Residential Unit Floor Level. The Guidelines say that the Planning Department's Goals are 1) Habitable and sufficiently private ground floor units. and 2) Adequate private/public transition space from the public sidewalk to the residential unit. Further, the Guidelines say "THREE FEET is the general minimum HEIGHT ABOVE SIDEWALK GRADE of the floor of residential units that keeps pedestrian eye level below the sill of the windows of the units..."

I am asking you to oppose the current design for File 2013.1390CUA, 1532 Harrison Street because not only does the ground floor residential unit design not provide for a 3 foot minimum height above sidewalk grade - it is actually dug down 5 feet below the sidewalk/grade surface of the parcel. This seems to me as exploitation of the additional 5 foot zoning for the profits of Build Inc. to the detriment of the future residents of this building along with harming the public's trust in the Planning Department and, if approved, the Planning Commission to uphold the agreed upon rationale for the 5' zoning bump in South of Market neighborhood plans.

Please show some integrity and do not allow this project to be approved with this weasel-y -5 foot subterranean ground floor residential unit to add an extra floor (7 floors instead of 6 within the 65' zoning).

Please review the Planning Director's comments at the April 16, 2015 meeting about the 5' bump's intention:

"I wanted to discuss an item that came up two weeks ago, Commissioner Richards asked us to follow up, and that is the code provision that exists in many parts of the city including Western SoMa allowing for an extra five feet of height to be applied to the first floor of mixed use buildings. The intent of that provision, and that has been put in place now in many places across the city, the intent now is to provide an extra five feet of height on the ground floor, to provide a more generous ground floor, higher ceilings for retail space and a better proportion of the building along the street. That's the primary intent of that five feet, in fact in most parts of the city one can only get the extra height if you do it on the first floor. Just to be clear that was the intent. I know there's been discussion about some projects actually trying to use that to gain an another story in the building, there may be ways to do that, I don't know, but the intent clearly of the code is that five feet be applied to the base of the building on the retail level."

Please do not allow this exploitation of a loophole to occur - even if the sponsor is a former Mayor's Office employee. Especially because the sponsor is a former Mayor's Office employee with all the "pay-to-play" news in the paper that is discrediting our City and harming public integrity of our government.

Thank you,
Jamie Whitaker

Sucre, Richard (CPC)

From: Jamie Whitaker <jamiewhitaker@gmail.com>
Sent: Wednesday, September 16, 2015 12:56 PM
To: Rahaim, John (CPC); Secretary, Commissions (CPC); Ionin, Jonas (CPC); planning@rodneyfong.com; <cwu.planning@gmail.com>; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine (CPC); <mooreurban@aol.com>; Richards, Dennis (CPC)
Cc: Rich.Sucre@sfgov.org; Sucre, Richard (CPC); Kim, Jane (BOS); Yadegar, Danny; <acabande@somcan.org>; John Elberling; Alice Rogers
Subject: Please continue 1532 Harrison Street, Case 2013.1390CUA

Dear Planning Director Rahaim and Commissioners,

If Jim Meko were alive, he would be making this request. I am doing so in his spirit of trying to keep you all honest.

Please continue Case 2013.1390CUA for 1532 Harrison to October 15th alongside 363 6th Street (File number **2011.0586K**).

Both are attempts to exploit the 5' bump in their respective planning areas to the detriment of affordable housing dwelling residents and the trust between Planning and the community in SoMa.

**Thank you,
Jamie Whitaker**

Sent from my iPhone

On Sep 14, 2015, at 1:36 AM, Jamie Whitaker <jamiewhitaker@gmail.com> wrote:

Dear Planning Commissioners,

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Thank you,
Jamie Whitaker
201 Harrison St. Apt. 229
San Francisco, CA 94105

<RelevantPages_5FootZoningBump.pdf>

1532 Harrison St

9/16/15

A few emails opposing our project were sent to the Planning Commission this week based on incorrect information. Despite holding 15+ community events over the past 12 months, neither of the individuals sending these emails attended any of the meetings or have responded to our offers to meet. In which case, we'd like to set the record straight.

Allegation: Providing an additional floor of residential units accessed along a semi-recessed "garden laneway" violates the intent of the 65-X height and bulk districts in the West SOMA Plan and the Planning Code generally. Specifically, the two emails allege that the change from 60' to 65' in allowable height during the Eastern Neighborhood and West SOMA planning process was *solely* intended to provide room for 15'-floor-to-floor retail, and by implication, nothing else.

Fact: While the original policy motivation for changing height districts from integers of 10-feet to 5-feet (i.e. 40-X to 45-X, 50-X to 55-X, etc.) was to encourage generous 15'-tall ground floor retail/commercial space, there never was an implied or express prohibition against adding residential floors by providing unit entries 5' below grade.

Our project provides both a generous 15'8" tall ground floor retail space and lobby fronting on Harrison and 12th Streets and a bonus floor of residential units fronting a beautiful garden laneway. It fully conforms to the 65-X height and bulk district. In fact, through smart design we've been able to increase density *without* increasing the building height—something the City should encourage, not discourage, during the current housing crisis. The increase in unit count from 121 to 136 facilitated by the new garden laneways floor increased the project's overall BMR count (16% on-site) from 19 to 22. This is a win for the West SOMA Plan and the City generally.

Allegation: The project somehow violates the WMUG Guidelines for Residential Design.

Fact: The WMUG Guidelines for Residential Design mandate habitable and sufficiently private ground floor units with a 3' minimum "stoop" height above sidewalk grade. All street-facing units in the project have stoop entries raised 5' above street level. In addition, both of the garden laneways are accessed from individual gateways from both Norfolk and 12th Streets, further activating the ground level of the building.

Allegation: The proposed garden laneways offer substandard light and air conditions.

Fact: The garden laneways fully comply with the Planning Code common useable open space definition of "outer courts" and in fact exceed that standard, in that they are fully

open to the adjacent public streets on either side of the project, providing a quiet refuge for residents while maximizing access to light and air, unlike a traditional three-sided outer court. Additionally, the laneways break up the massing of what would otherwise be one building, with enclosed podium-level open space, entirely out of view to all passerby.

Allegation: One of the emails claims that project sponsor intends on placing all of the BMRs at the garden laneway level.

Fact: This statement is false and not supported by anything in our planning application or Case Report. BMR units will be distributed throughout the project according to standard Mayor's Office of Housing procedures. The individual insinuates the below-grade units will be undesirable when in fact we believe that these garden-facing units will be very desirable.