



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization-Planned Unit Development & Permit Review in Executive Park Special Use District

HEARING DATE: DECEMBER 1, 2016
CONTINUED FROM: OCTOBER 6, 2016 AND OCTOBER 27, 2016

Date: November 17, 2016
Case No.: 2015-009690CUA/DNX
Project Address: 5 THOMAS MELLON CIRCLE
Zoning: RC-3 (Residential-Commercial, Medium Density) Zoning District;
Executive Park Special Use District;
65/240-EP Height and Bulk District
Block/Lot: 4991/075
Project Sponsor: Michael Liu, Ocean Landing, LLC
5 Thomas Mellon Circle
San Francisco, CA 94134
Staff Contact: Ella Samonsky – (415) 575-9112
ella.samonsky@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposed project includes demolition of the existing three-story commercial office building (measuring 100,393 gross square feet), and new construction of five residential buildings (collectively measuring approximately 752,000 gross square feet) on top of two below-grade parking podiums with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 756 off-street parking spaces, 252 Class 1 bicycle parking spaces, and 34 Class 2 bicycle parking spaces. Three of the buildings located on the southern portion of the site would be six-stories (up to 68 feet in height), the northwest building would be eight-stories (85 feet in height) and the northeast building would be 17-stories (or 170 feet in height).

The project includes development of three new private streets and two alleys, including sidewalks, street trees and street furniture, and two pedestrian paseos consistent with the Executive Park Streetscape Master Plan. The project contains approximately, 53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace. The dwelling unit mix consists of 346 one-bedroom units, 165 two-bedroom units, 73 three-bedroom units and one four-bedroom unit. The proposed project includes approximately 53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace.

SITE DESCRIPTION AND PRESENT USE

The project site is an irregularly shaped parcel of approximately 4.8 acres in area with approximately 300 feet on Thomas Mellon Drive, 500 feet on Executive Park Boulevard and 90 feet on Alanna Drive. It is

located in the southernmost western corner of the Bayview neighborhood. A three story office building, of about 100,000 gross square feet, is located in the approximate center of the site, surrounded by surface parking lots with driveway access from Thomas Mellon Circle and Executive Park Boulevard.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is developed with a mix of office, residential and retail uses. Medium-rise office buildings and surface parking lots are located immediately adjacent to the project site, with four-story residential buildings to the north and east of the office park. Interstate 101 separates the project site from the Little Hollywood neighborhood to the west. Bayview Hill Park is located to the north and the Candlestick Point State Recreation Area and the San Francisco Bay are located to the south and east of the project site.

ENVIRONMENTAL REVIEW

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects Final Subsequent Environmental Impact Report (hereinafter "SEIR") No. 2006.0422E. The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2011, by Motion No. 18629, 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 Commission's review as well as public review.

On November 15, 2016, the Department finalized an Addendum #2 to the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects SEIR, which determined that the analyses and the conclusions reached in the Final SEIR remain valid. The proposed project would not cause new significant adverse impacts beyond those identified in the SEIR.

HEARING NOTIFICATION

On October 6, 2016 the Planning Commission continued the item to the October 27, 2106 hearing to allow the Project Sponsor additional time to conduct outreach. On October 27, 2016, the project was continued a second time to the December 1, 2016 hearing.

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 16, 2016	September 16, 2016	20 days
Posted Notice	20 days	September 16, 2016	September 15, 2016	21 days
Mailed Notice	10 days	September 26, 2016	September 16, 2016	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has not received communications in support or opposition to the project.

- The project sponsor has conducted outreach to the adjacent neighbors and interested community groups by hosting a meeting on May 19, 2016, which was attended by 36 people. Attendees expressed desire that the project have family-sized units and maximize parking, and were concerned about construction disruption and transit and traffic service to the neighborhood.

ISSUES AND OTHER CONSIDERATIONS

- **Planned Unit Development Modifications.** The project does not strictly conform to several aspects of the Planning Code. Since the project site is more than a half-acre, the project is seeking a Conditional Use Authorization-Planned Unit Development (PUD) from the Planning Commission, per Planning Code Sections 303 and 304. As part of the Planned Unit Development (PUD) process, the Commission may grant modifications from certain requirements of the Planning Code for projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The project requests modifications from the Planning Code requirements for dwelling unit density, method of measurement of height, and ground floor street frontage.
- **Permit Review in the Executive Park.** The project is located in the Executive Park Special Use District, in which the design of projects for all new construction is subject to design review and entitlements, pursuant to Planning Code Section 309.2.
- **Inclusionary Affordable Housing.** The Project has elected the on-site affordable housing alternative, identified in Planning Code Section 415.6 and 419.3. The SEIR, which assessed a project of up to 500 dwelling units, was certified by the Planning Commission on May 5, 2011 and an additional Environmental Evaluation Application was submitted on November 18, 2015 for 86 dwelling units beyond the 500 dwelling units originally assessed in the Final SEIR; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of 500 of the proposed dwelling units, and 14.5% of 86 of the proposed dwelling units as affordable. The Project contains 586 dwelling units and the Project Sponsor will fulfill this requirement by providing the 72 affordable units on-site, which will be available for rent and ownership. As part of the project, the Project Sponsor has entered into a Costa-Hawkins Agreement with the City. A copy of this agreement will be provided at the Planning Commission Hearing.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization for a Planned Unit Development, pursuant to Planning Code Sections 303 and 304 and approve the Permit Review in the Executive Park Special Use District, pursuant to Planning Code Section 309.2, for the new construction of five residential buildings with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, and 756 off-street parking spaces. Under the PUD, the Commission must grant a modification to the Planning Code requirements for: 1) street frontage (Planning Code Section 145.1); 2) dwelling unit density (Planning Code Section 209.3); and, 3) method of measurement of height (Planning Code Section 260).

BASIS FOR RECOMMENDATION

The Department believes this Project is approvable for the following reasons:

- The Project complies with the applicable requirements of the Planning Code.
- The Project is, on balance, consistent with the Objectives and Policies of the General Plan.
- The Project furthers the intent of the Executive Park Special Use District to create a medium to high density, mixed-use, predominately residential development at the location of an existing office park.
- The Project exhibits overall quality design, which relates to the surrounding context and neighborhood.
- The Project would add 585 dwelling units to the City's housing stock in a mixed-use development, that includes a mix of one, two and three or four bedroom units to serve a diversity of household sizes.
- The Project would designate 72 dwelling units as on-site, below-market rate, dwelling units for rental.
- The Project would provide 9,845 square feet of ground floor commercial space that would provide opportunity for new neighborhood-serving retail.
- The Project substantially conforms to the Executive Park Design Guidelines.
- The Project is necessary and desirable, is compatible with the surrounding neighborhood and would not be detrimental to persons or adjacent properties in the vicinity.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Motion-Conditional Use Authorization

Draft Motion-Permit Review in Executive Park Special Use District

Parcel Map

Sanborn Map

Aerial Photo

Zoning Map

Height & Bulk Map

Site Photos

Project Sponsor Submittal, including:

- Reduced Plans
- Inclusionary Affordable Housing Program: Affidavit for Compliance
- First Source Hiring: Affidavit for Compliance
- Anti-Discriminatory Housing Affidavit

EIR Addendum No. 2

Attachment Checklist:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project Sponsor Submittal: |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for Legibility |
| <input checked="" type="checkbox"/> Height & Bulk Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> Check for Legibility |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> 3-D Renderings: |
| <input checked="" type="checkbox"/> Aerial Photo | (New Construction or Significant Addition) |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Environmental Determination | <input type="checkbox"/> Health Dept. Review of RF levels |
| <input checked="" type="checkbox"/> First Source Hiring Affidavit | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing
Program: Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Anti-Discriminatory Housing Affidavit |

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

ES
Planner's Initials

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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 checked="" type="checkbox"/> Residential Child Care Fee (Sec. 414A) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411 A) |

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Planning Commission Motion No. XXXXX

HEARING DATE: DECEMBER 1, 2016

Case No.: 2015-009690CUA
Project Address: 5 THOMAS MELLON CIRCLE
Zoning: RC-3 (Residential-Commercial, Medium Density) Zoning District
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION OF A PLANNED UNIT DEVELOPMENT PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE FOR DEMOLITION OF AN EXISTING COMMERCIAL OFFICE BUILDING AND CONSTRUCTION OF FIVE RESIDENTIAL BUILDINGS, (RANGING IN HEIGHT FROM SIX TO SEVENTEEN STORIES TALL) WITH UP TO 585 DWELLING UNITS, 9,845 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, 53,729 SQUARE FEET OF OPEN SPACE, AND 756 OFF-STREET PARKING SPACES WITH A MODIFICATION TO THE REQUIREMENTS FOR STREET FRONTAGE (145.1) , DWELLING UNIT DENSITY (PLANNING CODE SECTION 209.3), AND MEASUREMENT OF HEIGHT (PLANNING CODE SECTION 260), WITHIN THE RC-3 (RESIDENTIAL COMMERCIAL, MEDIUM DENSITY) ZONING DISTRICT, EXECUTIVE PARK SPECIAL USE DISTRICT, AND A 65/240-EP HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 27, 2015 Michael Liu, of Ocean Landing LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization for a Planned Unit Development under Planning Code Sections 303 and 304 for demolition of an existing commercial office building and construction of five residential buildings, (ranging in height from six to seventeen stories) with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 53,729 square feet of open space, and 756 off-street parking spaces, within the RC-3 (Residential-Commercial, Medium Density) Zoning District, Executive Park Special Use District, and a 65/240-EP 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 Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects Final Subsequent Environmental Impact Report (hereinafter "SEIR") No. 2006.0422E. The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2011, by Motion No. 18350, 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 Commission's review as well as public review.

In approving the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects, the Commission adopted CEQA Findings in its Motion No. 18351 and hereby incorporates such Findings by reference.

On November 15, 2016, the Department finalized an Addendum #2 to the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects SEIR, which determined that the analyses and the conclusions reached in the Final SEIR remain valid. The proposed project would not cause new significant adverse impacts beyond those identified in the original Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects SEIR.

The proposed revisions to the project would not cause new significant impacts not identified in the EIR, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that would cause significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. No further environmental review is required. The file for this project, including the Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects SEIR and the SEIR Addendum #2, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California (Case No. 2015-009690ENV).

Planning Department staff prepared a revised Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Project SEIR 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.

The Planning Department, Commission Secretary, is the custodian of records, located in the File for Case No. 2015-009690CUA, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On December 1, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009690CUA.

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 of the Planned Unit Development requested in Application No. 2015-009690CUA, 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:

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

1. **Site Description and Present Use.** The project site is an irregularly shaped parcel of approximately 4.8 acres in area with approximately 300 feet on Thomas Mellon Drive, 500 feet on Executive Park Boulevard and 90 feet on Alana Way. It is located in the southernmost western corner of the Bayview neighborhood. A three story office building, of about 100,000 gross square feet, is located in the approximate center of the site, surrounded by surface parking lots with driveway access from Thomas Mellon Circle and Executive Park Boulevard.
2. **Surrounding Properties and Neighborhood.** The area surrounding the project site is developed with a mix of office, residential and retail uses. Medium-rise office buildings and surface parking lots are located immediately adjacent to the project site, with four-story residential buildings to the north and east of the office park. Interstate 101 separates the project site from the Little Hollywood neighborhood to the west. Bayview Hill Park is located to the north and the Candlestick Point State Recreation Area and the San Francisco Bay are located to the south and east of the project site.
3. **Project Description.** The proposed project includes demolition of the existing four-story commercial office building (collectively measuring 100,393 gross square feet), and new construction of five residential buildings (collectively measuring approximately 752,000 gross square feet) on top of two below-grade parking podiums with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 756 off-street parking spaces, 252 Class 1 bicycle parking spaces, and 34 Class 2 bicycle parking spaces. Three of the buildings located on the southern portion of the site would be six-stories (up to 68 feet in height), the northwest building would be eight-stories (85 feet in height) and the northeast building would be 17-stories (or 170 feet in height).

The project includes development of three new private streets and two alleys, including sidewalks, street trees and street furniture, and two pedestrian paseos consistent with the Executive Park Streetscape Master Plan. The project contains approximately, 53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace. The dwelling unit mix consists of 346 one-bedroom units, 165 two-bedroom units, 73 three-bedroom units and one four-bedroom unit. The proposed project includes approximately 53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace.

4. **Public Comment.** The Department has not received any public correspondence in support or in opposition to the Project.

5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 209.3 defines the permitted uses within the RC (Residential Commercial) Zoning District. Per Planning Code Section 209.3, residential and retail sales and service uses are principally permitted in the RC-3 Zoning District.

If located on a project site larger than half acre, a Conditional Use Authorization is required for a Planned Unit Development per Planning Code Sections 303 and 304.

The Project would establish a Planned Unit Development containing 585 dwelling units and approximately 4,700 square feet of retail space. The Project is requesting Conditional Use Authorization from the Planning Commission for a Planned Unit Development.

- B. **Height.** Planning Code Section 263.27 outlines the requirements associated with the 65/240-EP Height and Bulk District, as defined in Planning Code Sections 102, 105, 106, 122, 250-252, 260, 270 and 271.

Per Planning Code Section 263.27(b)(3) and (4), the height is limited to 65 feet on the Project Site with the exception that building may be built an additional three feet in height to 68 feet if the additional three feet in height is added to the ground floor relative to ground floor heights otherwise required by the Planning Code. In addition, buildings may be built to a height of 85 feet on the portion of the lot identified as new Block "5" and the tower on the portion of the lot identified as new Block "6" may be built to a height of 170 feet.

Per Planning Code 260(a)(3), in cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height."

Per Planning Code Section 260(b)(1)(A) and (B), certain features are exempt from the height limited including mechanical equipment, water tanks, solar panels, stair and elevator penthouses and visual screening for such features.

The Project proposes three buildings (Buildings C, D & E) at a height of 68 feet, one building (Building A) at a height of 85 feet in the northwest corner of the site, and a tower (Building B) at a height of 170 feet in the northeast corner of the site. The Project includes rooftop equipment, elevator and stair penthouses, parapets and roof deck railings, and screens for the mechanical equipment, which meets the requirements of Planning Code Section 260(b)(1)(A) and (B).

The grade of the proposed B Street and C Alley has a slope of approximately 12 percent for 85 to 100 feet at the western terminus of the Street and Alley. The Project does not comply with the method of measurement of height because the Project uses a single point of measurement for a width of building greater than 65 feet. The Project is seeking a modification to the method of measurement of height under the Planned Unit Development (See Below).

- C. **Tower Bulk.** Planning Code Section 263.27 outlines the requirements for tower bulk within the 65/240-EP Height and Bulk District, Planning Code 263.27(b)(4)(C) limits buildings greater than 85 feet in height to a plan length of 125-ft and a diagonal dimension of 150-feet, and a maximum floor plan area limited to 10,500 square feet. A minimum distance of 150 feet is required between all towers greater than 85 feet in height.

The Project complies with the bulk controls because the tower (identified as Building B) has a plan length of 124-feet 6-inches, a diagonal dimension of 145-feet 4-inches and a tower floor plan area of 10,475 square feet. No other towers are currently constructed in the Executive Park Special Use District.

- D. **Site Coverage.** Within the Executive Park Special Use District, Planning Code Section 249.54 states that the maximum site coverage of any building is 75 percent of the site area as measured at the grade level of the building's main pedestrian entry and at each succeeding level or story of the building.

The five buildings have a footprint of 95,167 square feet and cover 46% of the site. Therefore, the Project complies with Planning Code Section 249.54.

- E. **Residential Density.** In the RC-3 Zoning District, Planning Code Section 209.3 permits development at a density of one dwelling unit per 400 square feet of lot area.

The project site is 207,627 square feet in area; therefore, 519 dwelling units are permitted. The Project proposes 585 dwelling units and therefore does not comply with Planning Code Section 209.3. The Project is requesting a modification of the density requirements under the Planned Unit Development (See Below).

- F. **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 585 dwelling units, the Project is required to provide at least 234 units with two or more bedrooms or 176 units with three or more bedrooms units. The Project provides 240 units with two or more bedroom, and therefore complies with Planning Code Section 207.6.

- 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 25-ft in width, side yard at least 25-ft in width, or rear yard, which meets the requirements of the Planning Code.

The Project organizes the dwelling units to have exposure on a street, alley or the outer court between Building D and E, which has a width of 39 to 76 feet, and therefore complies with Planning Code Section 140.

- H. **Usable Open Space.** Planning Code Section 249.54 requires a minimum of 75 square feet of open space per dwelling unit, which may be provided as private, common or publicly accessible open space. At least 36 square feet of open space per dwelling unit must be provided on-site.

The Project includes 585 dwelling units and is required to provide a minimum of 43,875 square feet of usable open space. The Project provides more than 53,700 square feet of usable open space, including almost 11,000 square feet of publicly accessible open space in two pedestrian paseos. Over 46,000 square feet of usable open space is provided on-site; therefore, the Project complies with Planning Code Section 249.54.

- I. Permitted Obstructions.** Planning Code Section 249.54 outlines that in the Executive Park Special Use District the provisions in the Executive Park Design Guidelines shall be used in lieu of Planning Code Section 136 in determining allowable obstructions. The Executive Park Design Guidelines allow for steps stoops and overhead balconies, bay windows within the required setback. Bay windows and balconies may be a maximum 14 feet wide and for bay windows must have a minimum 50 percent fenestration. Stoops, porches and stairs are limited to occupying no more than 75% of the setback area and should be no greater than four feet in height.

The Project includes balconies and bay windows that project into the front setback on all five residential buildings. These balconies and bay windows meet the dimensional and fenestration requirements of the Executive Park Design Guidelines. The stoops and stairs occupy no more than 60 percent of any block setback area, and, with the exception of two stoops located on the steep laterally slope portion of B Street and C alley, are approximately four feet or less in height. These two stoops, while greater than four feet in height, benefit the visual interest and connectivity of the building frontage with the street.

- J. Parking.** Within the Executive Park Special Use District, pursuant to Planning Code Section 249.54, no off-street parking is required. For the purpose of determining the maximum amount of parking allowed as an accessory use, the amount of parking shall be the amount specified as required in Section 151 for the use or activity. Per Planning Code Section 151, off-street parking is required at a rate of one parking space per dwelling unit, and one parking space per 500 square feet of occupied floor area for retail uses. Per Section 151(c) the maximum accessory parking principally permitted may be up to 150 percent of the required number of spaces where three or more spaces are required by Section 151.

The Project contains 585 dwelling units and approximately 9,845 square-feet of occupied floor area, and proposes 756 off-street parking spaces. The Project provides off-street parking at a ratio of 1.29 parking spaces per dwelling unit; therefore, the Project complies with the maximum accessory parking.

- K. Bicycle Parking.** For residential buildings containing more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 bicycle parking spaces plus 1 Class 1 bicycle parking space for every four units over 100 and one Class 2 bicycle parking space for every 20 units. For retail uses, 1 Class 1 bicycle parking space per 7,500 square feet of occupied floor area and 1 Class 2 bicycle parking space per 2,500 square feet of occupied floor area with a minimum of two.

The Project includes 585 dwelling units and 2,191 square feet retail space; therefore, the Project is required to provide 222 Class 1 bicycle parking spaces and 34 class 2 bicycle parking spaces. The Project will provide 252 Class 1 bicycle parking spaces and 34 Class 2 bicycle parking spaces and therefore complies with Planning Code Section 155.2.

- L. Car Share Requirements.** Planning Code Section 166 requires one car-share parking spaces, plus one for every 200 dwelling units over 200, for projects with 201 residential units or more.

The Project includes 585 dwelling units and is therefore required to provide a minimum of three car-share parking space. The Project provides eight car-share parking spaces, thus exceeding this requirement and compliant 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. Street Frontage.** Planning Code Section 145.1 requires space for active uses be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Per Planning Code Section 145.1, active use is defined as either: residential use above the ground floor or on the ground floor if they provide direct, individual pedestrian access to a public sidewalk; spaces accessory to residential uses, such as fitness or community rooms, with direct access to a public sidewalk; building lobbies, so long as they do not exceed 40-ft or 25% of building frontage, whichever is larger; or, public uses described in Planning Code Section 790.80. Ground floor non-residential uses in all RC districts shall have a minimum floor-to-floor height of 14 feet.

The Project provides active uses along every street frontage, with the exception of Executive Park Boulevard West, which is excluded from the provisions of Planning Code Section 145.1 by the Executive Park Design Guidelines. Each ground floor residence has an entry directly from the street. The residential lobbies of all five buildings are less than 40-ft wide and the Project provides amenities, such as gyms, business centers and children's rooms with direct access to the street that meet the dimensional and fenestration standards of Planning Code Section 145.1. However, the commercial space (2A), located at the southwest corner of Building A is less than 25 feet in depth, and the bicycle workshop (1 E) located at the southwest corner of Building E has bicycle storage with the first 25 feet of building depth. The ground floor commercial spaces in Building A and E, as well as the commercial space (3C) on the corner of B Street and E Street have a floor to floor height of 11- feet 4 inches. The ground floor retail commercial spaces fronting on Thomas Mellon Circle each have a floor to floor height of 14 feet or greater, but the second level of the retail commercial space (4C) at the southern corner of Building C, which fronts onto the plaza and E Street due to the steep grade change, has a floor to floor height of 11 feet 5 inches. Therefore, the Project is seeking a modification to the street frontage requirements under the Planned Unit Development (See Below).

- O. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units and/or more than 800 square feet of new non-residential use.

The Project includes 585 new residential units and approximately 9,800 square feet of retail use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A.

- P. Residential Child-Care Impact Fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

The Project includes new residential use associated with the new construction of 585 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A.

- Q. 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 apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. The Subsequent Environmental Impact Report, Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects was certified by the Planning Commission on May 5, 2011; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the on-site Affordable Housing Alternative is to provide 12% of 500 of the proposed dwelling units as affordable. An additional Environmental Evaluation Application was submitted on November 18, 2015 for 86 dwelling units beyond the 500 dwelling units originally assessed in the Final SEIR; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of 86 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 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program 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 Community Development 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 September 28, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. The Subsequent Environmental Impact Report, Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects was certified by the Planning Commission on May 5, 2011; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of 500 of the proposed dwelling units as affordable. A complete Environmental Evaluation Application was submitted on November 18, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the 86 proposed dwelling units as affordable. Therefore, 72 units (43 one-bedroom, 20 two-bedroom, and 9 three-bedroom) of the total 585 units provided will be affordable 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.

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

- 1) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project is desirable as mixed-use infill development, compatible with the existing residential development to the north and east of the project site, and consistent with the intent of the Residential - Commercial Zoning District, and the Executive Park Special Use District. The Project will transform the existing office park into a medium to high density, predominately residential neighborhood. The Project will replace a low density office park and surface parking lot with housing and ground floor retail on a new fine-grain street grid that will connect to the existing neighborhood development and Candlestick Point State Recreation Area. New housing is a top priority for the City and County of San Francisco. The Project will add 585 dwelling units to the City's housing stock along with 4727 square feet of new retail space, thus providing new opportunities for neighborhood-serving businesses to area residents, and new residents of the Project.

- 2) 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:

- a) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project will break up the site into four pedestrian-scaled blocks with new streets and alleys and two pedestrian paseos. The building heights and bulk are consistent with the 65/240-EP Height and Bulk District. The proposed buildings will create a strong street wall on each block,

with a five foot setback from the street to provide space for landscaping and defined residential entries, and a detailed and active street frontage.

- b) 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code;

Residential off-street parking is not required by the Planning Code, but is provided at a ratio of 1.29 spaces per dwelling unit. The Project provides 252 Class 1 bicycle parking spaces in secure rooms in the parking garages, and 34 Class 2 bicycle parking spaces are provided along the streets and alleys throughout the site. Additionally, the Project will be required by Mitigation Measure M-TR-3 to operate or enhance the Executive Park shuttle service. Finally, the Project exceeds the car share requirement, defined in Planning Code Section 166.

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

Since this will primarily be a residential project, unusual noise, odor, dust and glare as a result of its operations will generally not occur. The Project will comply with Title 24 standards for noise insulation.

Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance.

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

The Project will be fully landscaped, with street level plantings in the front setback, street trees and landscape strips in the new streets and alleys, a landscaped courtyard between Building D and E and a terrace at Building C. The Project will provide publicly accessible open space at the northwest and south east corners of the site. These open spaces will include trees, landscaping, seating and lighting. Residential parking will be provided in two below grade parking garages. The entries to these garages will be from Executive Park Boulevard West, where there will be the least interference with pedestrians.

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

The Project complies, on balance, with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. The Project is seeking exceptions from certain Planning Code requirements through approval of the Planned Unit Development. Overall the Project will add new housing stock and commercial space that will support the Executive Park Special Use District. The Project includes a new street network, open spaces and pedestrian amenities that will enhance the pedestrian experience and connect the new development with the existing neighborhood.

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

The Project is consistent with the stated purposes of RC-3 Zoning District, since the Project is a predominately residential, compact, walkable, mixed use development with ground floor commercial space for neighborhood-serving retail.

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

- 1) **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code:

- a) Method of Measurement of Height: *The Commission finds this modification warranted given the unique site topography and overall design. Since less than half the frontage of Block 9 on B Street and C Alley is laterally sloping, the modification of measurement of height allows for a superior streetscape design, whereby residential amenities with direct street access can be provided at the basement level and the majority of the ground floor residences can have stoops of four feet in height or less. The uppermost floor of Building B steps back to lower the street wall height where the lot slopes.*
- b) Dwelling Unit Density: *The Commission finds this modification warranted given the overall design and the number of additional dwelling units offered by the Project. The Project further increases the City's housing stock, including the number of on-site affordable housing units, without diminishing the livability of the neighborhood. The Project is able to meet the requirements for open space, vehicle and bicycle parking, and dwelling exposure for these additional units, and will maintain a unit mix that has a minimum of 40 percent of the units with two or more bedrooms.*
- c) Street Frontage: *The Commission finds this modification warranted given the overall design, the streetscape plan, site topography, and the pedestrian environment. Although the active uses at the southwest corners of Buildings A and E are less than 25 feet in depth, the Project*

still activates these corners by appropriately providing small-scale commercial spaces and practical access to the bicycle parking and garages for pedestrians and cyclists. The commercial spaces, with the exception of the spaces on Thomas Mellon Circle, are in scale with the residential street frontages with a floor to floor height of 11 feet – four inches and have a floor to ceiling height of 10 feet and will enliven the residential streets with convenient neighborhood serving retail. In addition, the mezzanine level of the commercial space at the southern corner of Building C, while less than 14 feet in height floor to floor, is subordinate to the primary commercial space and possess frontage on Thomas Mellon along with a direct connection to the plaza and open space at E Street. This configuration will activate the space better than a residential use on that corner.

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

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

The Project complies, on balance, with the Objectives and Policies of the General Plan (see below).

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

The Project is not required to provide off-street parking, but provides off-street parking at a ratio of 1.29 parking spaces per dwelling unit. Given the location of the project site and the limited access to public transit options, this amount of off-street parking is warranted.

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

The Project exceeds the required amount of open space for the proposed 585 dwelling units. In total, the Project provides more than 53,000 square feet of open space for use by residents and visitors. Approximately 11,000 square feet is publicly accessible open space provided by the pedestrian paseos and plazas at the northwest and southeast corners of the site.

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

The RC-3 Zoning District permits residential development at a density of up to one dwelling unit per 400 square feet. The RC-4 Zoning District permits residential development at a density of up to one dwelling unit per 200 square feet. The project site is 207,627 square feet. With 585 dwelling units proposed, the Project has a residential

density of one dwelling unit per 354 square feet, which is less than the dwelling unit density permitted in the RC-4 Zoning District.

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

The Project is located in a Residential-Commercial (RC) District. The RC Zoning Districts are not part of the Residential (R) Zoning Districts, as outlined in Planning Code Section 201. Therefore, this criterion does not apply.

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

The Project is requesting a minor modification to the measurement of height; otherwise, the Project complies with the 65/250-EP Height and Bulk District.

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

The Project is not located within a NC District.

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

The Project is not located within a NC District.

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

The Project is not located in a RTO or NC District.

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

Per Planning Code Section 138.1(c)(1), the Department of Public Works is responsible for reviewing and guiding any new street trees present on the project site. As currently

proposed, the Project will plant 103 street trees, of four different species and will provide appropriate streetscape improvements.

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

The Project is not subject to the requirements of Planning Code Section 132(g) and (h); however, the Project does include a five foot setback from the street that provides space for landscaping, as well as new streetscape elements, including street trees, bicycle parking spaces, sidewalks and pedestrian paseos with plantings and street furniture.

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

HOUSING ELEMENT Objectives and Policies

OBJECTIVE 1

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

OBJECTIVE 2.3

ENCOURAGE NEW HOUSING PRODUCTION OF AN ADEQUATE SIZE AND CONFIGURATION TO SERVE FAMILIES.

Policy 1.1

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

Policy 2.4

Require 40 percent of all units in new development to be two or more bedroom units.

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.

The Project is a medium density residential development, in a transitioning area that was rezoned to RC-3 as part of a long range planning goal to create a cohesive, mixed use medium to high density residential neighborhood. The site is an existing 4.6 acre low-density office park with surface parking lots, surrounded by residential neighborhoods, that is ideal for infill development. The Project will include 585 units, of which 41 percent will have two or more bedrooms, suitable for a range of household sizes. The Project will provide new on-site affordable housing units for rent and ownership, thus increasing the availability of new housing to all income levels.

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 publically-accessible, private and common open space areas in a new residential mixed-use development.

TRANSPORTATION ELEMENT

Objectives and Policies

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.

The Project will construct new streets, alleys and pedestrian paseos, and will undertake street improvements along the existing frontage on Thomas Mellon Circle and Executive Park Boulevard. The Project will provide new street trees, sidewalks, landscaping, lighting and site furnishings throughout the site. All frontages, with the exception of Executive Park Boulevard West are designed with active spaces oriented at the pedestrian level.

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 1.1

Recognize and protect major views in the city, with particular attention to those of open space and water.

Policy 1.3

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

Policy 1.10

Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

The Project will convert and an existing office park into a residential mixed use neighborhood that is compatible in scale to the mid-rise residential developments to the north and east of the site. The Project includes one tower, that is subject to bulk and location controls, which will allow for view of and from the hillside open space to the north of the site. The Executive Park Streetscape Master Plan organizes a new street grid that will create a hierarchy of residential street, alleys and pedestrian pathway that provide access across the site and connect the new residential blocks to the surrounding neighborhood. A broad landscaped pedestrian paseo connects two plazas at the terminus of E street the corner of Thomas Mellon Circle and Alana Way which will maintain the excellent views of the San Francisco Bay currently available from the site.

OBJECTIVE 3

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

Policy 3.1

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

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.3

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

The Project's architecture is residential in quality, reflecting the fine-grain and human scale character typical of the San Francisco's established residential neighborhood and similar to the existing residential developments. The project uses a material palette that includes cementitious panels, wood and metallic

accents, and concrete or stone, with variation between the buildings. The tower, which is visually prominent due to its height, is designed to accentuate the vertical volumes of the building and is finished with streamline spans of glazing and light colored materials, so that the tower is distinctive without contrasting sharply with its surroundings

OBJECTIVE 4

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

Policy 4.1

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

Policy 4.3

Provide adequate lighting in public areas.

Policy 4.4

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.11

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

Policy 4.12

Install, promote and maintain landscaping in public and private areas.

In compliance with Executive Park Streetscape Master Plan, the Project will construct new streets and alleys on the project site, complete with street trees, sidewalks, corner bulb-outs, lighting and site furnishings that will create a pedestrian friendly residential street network. The Project will also provide approximately 11,000 square feet of useable open space in two pedestrian paseos, and additional pedestrian path through the courtyard between Buildings D and E. The paseos and courtyard will be landscaped and provide seating and opportunity for restful recreation within the circulation of the Project site. The vehicle access to the two underground parking garages, which serves all five buildings, will be located on Executive Park Boulevard West and therefore reduce traffic on the residential streets and alleys.

EXECUTIVE PARK SUBAREA PLAN

Objectives and Policies

OBJECTIVE 1

CREATE A SENSITIVELY PLANNED AND DESIGNED URBAN RESIDENTIAL NEIGHBORHOOD IN EXECUTIVE PARK, INCLUDING THE REDEVELOPMENT OVER TIME OF THE OFFICE USES NOW THERE.

Policy 1.1

Create an urban neighborhood that balances density with livability.

Policy 1.2

Create a neighborhood form that supports residential density.

Policy 1.3

Create a neighborhood supportive of diverse families and mixed incomes.

The Project would replace the existing office park and surface parking lot with a new residential development containing 585 dwelling units that range in size from one to four bedrooms. The Project will also improve the neighborhood with new open spaces and walkable, pedestrian scaled streets and alley.

OBJECTIVE 2

MEET THE DAILY NEEDS OF RESIDENTS WITHIN THE NEIGHBORHOOD.

Policy 2.1

Encourage the development of centralized neighborhood-serving retail uses to serve the daily needs of residents.

The Project incorporates approximately 9,800 square feet of ground floor commercial space, located on corners throughout the development, with the largest commercial spaces fronting on a main thoroughfare, Thomas Mellon Circle. These commercial spaces would allow for neighborhood serving retail within the Executive Park neighborhood.

OBJECTIVE 3

CREATE A CITY STREET PATTERN SUPPORTIVE OF AN URBAN RESIDENTIAL NEIGHBORHOOD

OBJECTIVE 4

ENCOURAGE WALKING AND BICYCLING AS THE PRIMARY MEANS OF ACCESSING DAILY SERVICES AND NEEDS.

Policy 3.1

Establish a new internal street grid between Harney Way, Alana Way, Executive Park Boulevard, Executive Park West and Executive Park East that would divide the existing site into smaller blocks more in keeping with the typical San Francisco built pattern.

Policy 3.2

Ensure existing street and new proposed streets are designed and constructed in a way that promotes pedestrian and bicycle usage, clarifies travel ways and purpose of different streets, and is aesthetically coherent and pleasant.

Policy 4.1

Create a pedestrian network that includes streets devoted to or primarily oriented to pedestrian use.

Policy 4.2

Improve pedestrian areas by ensuring human scale and interest.

Policy 4.3

Provide for safe and convenient bicycle use as a viable means of transportation.

Policy 4.4

Provide ample, secure and conveniently located bicycle parking.

The Project will establish a new street grid, breaking down the project site into four walkable blocks, consistent with the Executive Park Special Use District. The longest block, Block 9, will have a mid-block pedestrian passage that will connect between D Street and C Alley, and two pedestrian only paseos to facilitate pedestrian activity. The streets, alleys and paseos will be designed in conformance with the Executive Park Streetscape Master Plan to provide pedestrian and cyclist amenities such as seating, landscape, bicycle racks and lighting. The Project will provide 252 Class 1 bicycle parking spaces and 34 Class 2 bicycle spaces.

OBJECTIVE 6

ESTABLISH A RESIDENTIAL COMMUNITY THAT REFLECTS THE SCALE AND CHARACTER OF A TYPICAL SAN FRANCISCO URBAN NEIGHBORHOOD.

Policy 6.1

Provide a consistent streetwall that defines the street as a useable, comfortable civic space.

Policy 6.2

Require an engaging transition between private development and the public realm.

The five residential buildings create a strong building street wall, generally equal in height to the width of the street or alley, with a consistent five-foot setback. The setback areas accommodate residential stoops and landscaping which provides a transition from the residences to the street. Public plazas and paseos connect with the terminus of the proposed streets and alleys and create connectivity through the site. Neighborhood-scale commercial spaces are located on the corners of the residential blocks and adjacent to the pedestrian paseos, enhancing the pedestrian experience and further activating the public spaces. The pedestrian paseo and plaza at the terminus of E Street provides a vista of the San Francisco Bay and connection to Harney Way and Candlestick Point State Recreation Area.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project site does not contain any existing neighborhood-serving retail uses. The existing use is a commercial office building and surface parking lots. The Project will further transition the Executive

Park Sub Area from a low density office park to a residential neighborhood, which will bring new residents that may patronize nearby neighborhood serving retail, including the new retail use established by the Project. The Project includes seven ground floor small-scale retail spaces, which will provide new opportunities for future businesses and resident employment.

- 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 585 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project will create a new walkable street grid on the project site that will improve connectivity with the existing residential neighborhoods.

- 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, and shall provide new on-site affordable housing units for rent and ownership, thus increasing the opportunity for future affordable housing.

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

The project site is served by a SFMTA bus line that has stops on Thomas Mellon Circle and the Project will be required to contribute to the existing Executive Park shuttle service or provide a supplemental shuttle service. Additionally, the project will enhance the existing Executive Park Transportation Management Plan with measures including but not limited to, pedestrian streetscape improvements, unbundled parking, car share parking, bicycle repair station, bicycle fleet, delivery and family supportive amenities and transit marketing, signage and provision of real time transit information. The Project also provides off-street parking at a ratio of 1.29 per dwelling unit, as well as sufficient bicycle parking for residents and their guests.

- 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 would not displace industrial or service sectors uses due to commercial office development, because the Project is demolishing commercial office development and replacing it with a mixed-use, predominately residential development.

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

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

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed as part of the SEIR and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

9. **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.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization 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. 2015-009690CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 14, 2016, 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 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 December 1, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 1, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Planned Unit Development for construction of five residential buildings, (which range in height from six-stories to seventeen stories), that includes up to 585 dwelling units, approximately 4,700 square feet of ground floor commercial space, 54,000 square feet of usable open space, and up to 756 basement level off-street parking spaces and modifications from the density, measurement of height, and ground floor frontage, located at 5 Thomas Mellon Circle, Block 4991, and Lot 075, pursuant to Planning Code Section(s) 303 and 304 within the RC-3 (Residential-Commercial, Medium Density) Zoning District, the Executive Park Special Use District, and a 65/240-EP Height and Bulk District; in general conformance with plans, dated October 18, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009690CUA and subject to conditions of approval reviewed and approved by the Commission on XXXXX 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 October 27, 2016 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. 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
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

7. **Additional Project Authorization.** The Project Sponsor must obtain a Permit Review in the Executive Park under Section 309.2 for new construction in the Executive Park Special Use District and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

8. **Additional Project Approvals.** The Project Sponsor shall require the following additional project approvals by City agencies including the following: approval of street improvements and other public infrastructure improvements (Public Works); approval of traffic control and striping changes, changes to MUNI routes and stops, and improvements in the public right-of-way related to MUNI (Municipal Transportation Agency); roadway changes and reconfiguration, including land exchange and street vacation within the Executive Park Subarea (Board of Supervisors); and approval of Tentative and Final Subdivision Maps (Public Works).

For information about compliance, contact the respective City Agencies, listed above.

DESIGN

9. **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

10. **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

11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

12. **Executive Park Streetscape Master Plan.** 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 Project's streetscape plan so that the plan generally meets the standards of the Executive Park Streetscape Master 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 the first permit's 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.

PARKING AND TRAFFIC

13. **Executive Park Transportation Management Plan.** The Project Sponsor shall submit to the Planning Department an updated Executive Park Management Plan at the time of submittal of the building permit to construct the project and implement the approved use for review and approval by the Planning Department. The updated Executive Park Transportation Management Plan shall include, but is not limited to, measures related to enhanced shuttle service, pedestrian streetscape improvements, unbundled parking, car share parking, bicycle repair station, bicycle fleet, delivery and family supportive amenities and transit marketing, signage and provision of real time transit information. The implementation of the updated Executive Park Transportation Management Plan is a condition of this approval and shall be monitored as part of the MMRP, attached in Exhibit C.

14. **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.

15. **Parking Maximum.** The Project shall provide no more than 756 off-street parking spaces for the 585 dwelling units (or 1.29 off-street parking spaces for each dwelling unit) contained therein.

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

16. **Car Share.** Pursuant to Planning Code Section 166, no fewer than three (3) car share spaces 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.
17. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 222 Class 1 bicycle parking spaces and 34 Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
18. **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

PROVISIONS

19. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
20. **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
21. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
22. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

23. **Visitation Valley Community Facilities and Infrastructure Fee.** The Project is subject to the Visitation Valley Community Facilities and Infrastructure Fee, as applicable, pursuant to Planning Code Section 420.

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

MONITORING

24. **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

25. **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

OPERATION

26. **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/>

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

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

28. **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

29. **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

30. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

- i. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12% of 500 of the proposed dwelling units, and 14.5% of 86 of the proposed dwelling units as affordable to qualifying households. The Project contains 585 units; therefore, 72 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 72 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.

- ii. **Unit Mix.** The Project contains 346 one-bedroom, 165 two-bedroom, 73 three-bedroom and 1 four-bedroom units; therefore, the required affordable unit mix is 43 one-bedroom, 20 two-bedroom, and 9 three-bedroom units. 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.

- iii. **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.
- iv. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 12.3 percent (12.3%), or the applicable percentage as discussed above, 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.
- v. **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.
- vi. **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 MOHCD 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 low-income households, as defined in the Planning Code and Procedures Manual. 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 initial buyers or 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. 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.



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 checked="" type="checkbox"/> Residential Child Care Fee (Sec. 414A) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411 A) |

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Planning Commission Draft Motion

HEARING DATE: DECEMBER 1, 2016

Case No.: 2015-009690DNX
Project Address: 5 THOMAS MELLON CIRCLE
Zoning: RC-3 (Residential-Commercial, Medium Density) Zoning District
Executive Park Special Use District
65/240-EP Height and Bulk District
Block/Lot: 4991/075
Project Sponsor: Michael Liu, Ocean Landing, LLC
5 Thomas Mellon Circle
San Francisco, CA 94134
Staff Contact: Ella Samonsky – (415) 575-9112
ella.samonsky@sfgov.org

ADOPTING FINDINGS RELATING TO PERMIT REVIEW IN THE EXECUTIVE PARK SPECIAL USE DISTRICT PURSUANT TO PLANNING CODE SECTIONS 309.1 AND 309.2 TO ALLOW NEW CONSTRUCTION OF FIVE RESIDENTIAL BUILDINGS (RANGING IN HEIGHT FROM SIX TO SEVENTEEN STORIES TALL) WITH UP TO 585 DWELLING UNITS, 9,845 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, 53,729 SQUARE FEET OF OPEN SPACE AND 756 OFF-STREET PARKING SPACES WITHIN THE RC-3 (RESIDENTIAL COMMERCIAL, MEDIUM DENSITY) ZONING DISTRICT, EXECUTIVE PARK SPECIAL USE DISTRICT AND A 65/240-EP HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 22, 2016, Michael Liu, of behalf of Ocean Landing LLC (hereinafter “Project Sponsor”) filed Application No. 2015-009690DNX (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Permit Review in the Executive Park Special Use District to construct five residential buildings (ranging in height from six to seventeen stories tall) with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 53,729 square feet of open space, and 756 off-street parking spaces at 5 Thomas Mellon Circle (Block 4991, Lot 075) in San Francisco, California.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects Final Subsequent Environmental Impact Report (hereinafter “SEIR”) No.

2006.0422E. The EIR was prepared, circulated for public review and comment, and, at a public hearing on May 5, 2011, by Motion No. 18350, 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 Commission's review as well as public review.

In approving the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects, the Commission adopted CEQA Findings in its Motion No. 18351 and hereby incorporates such Findings by reference.

On November 15, 2016, the Department finalized an Addendum #2 to the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects SEIR, which determined that the analyses and the conclusions reached in the Final SEIR remain valid. The proposed project would not cause new significant adverse impacts beyond those identified in the original Executive Park Amended Subarea Plan and Yerby Company and UPC Development Projects SEIR.

The proposed revisions to the project would not cause new significant impacts not identified in the EIR, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that would cause significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. No further environmental review is required. The file for this project, including the Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects SEIR and the SEIR Addendum #2, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California (Case No. 2015-009690ENV).

Planning Department staff prepared a revised Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Project SEIR 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.

The Planning Department, Commission Secretary, is the custodian of records, located in the File for Case No. 2015-009690DNX, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On December 1, 2016, the Commission adopted Motion No. XXXXX, approving a Conditional Use Authorization for a Planned Unit Development for the Project (Conditional Use Authorization Application No. 2015-009690CUA). Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.

On December 1, 2016, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Permit Review in the Executive Park Special Use District Application No. 2015-009690DNX.

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 Permit Review in the Executive Park Special Use District requested in Application No. 2015-009690DNX, 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 project site is an irregularly shaped parcel of approximately 4.8 acres in area with approximately 300 feet on Thomas Mellon Drive, 500 feet on Executive Park Boulevard and 90 feet on Alana Way. It is located in the southernmost western corner of the Bayview neighborhood. A three story office building, of about 100,000 gross square feet, is located in the approximate center of the site, surrounded by surface parking lots with driveway access from Thomas Mellon Circle and Executive Park Boulevard.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is developed with a mix of office, residential and retail uses. Medium-rise office buildings and surface parking lots are located immediately adjacent to the project site, with four-story residential buildings to the north and east of the office park. Interstate 101 separates the project site from the Little Hollywood neighborhood to the west. Bayview Hill park is located to the north and the Candlestick Point State Recreation Area and the San Francisco Bay are located to the south and east of the project site.
4. **Project Description.** The proposed project includes demolition of the existing three-story commercial office building (measuring 100,393 gross square feet), and new construction of five residential buildings (collectively measuring approximately 752,000 gross square feet) on top of two below-grade parking podiums with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 756 off-street parking spaces, 252 Class 1 bicycle parking spaces, and 34 Class 2 bicycle parking spaces. Three of the buildings located on the southern portion of the site would be six-stories (up to 68 feet in height), the northwest building would be eight-stories (85 feet in height) and the northeast building would be 17-stories (or 170 feet in height).

The project includes development of three new private streets and two alleys, including sidewalks, street trees and street furniture, and two pedestrian paseos consistent with the Executive Park Streetscape Master Plan. The project contains approximately, 53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace. The dwelling unit mix consists of 346 one-bedroom units, 165 two-bedroom units, 73 three-bedroom units and one four-bedroom unit. The proposed project includes approximately

53,730 square feet of open space via pedestrian paseos, private balconies, a podium level courtyard, and a rooftop terrace.

5. **Public Comment.** The Department has not received any public correspondence in support or in opposition to the Project.
6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2015-009690CUA (Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304) apply to this Motion, and are incorporated herein as though fully set forth.
7. **Permit Review in the Executive Park Special Use District.** Planning Code Section 309.2 establishes provisions and procedures for projects within the Executive Park Special Use District, and lists aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these aspects as follows:

- a) Overall building mass and scale.

The Project's massing is consistent with the standards of the 65/240-EP Height and Bulk District and compatible in scale to the mid-rise residential developments to the north and east of the site, as the Project is comprised of mid-rise residential buildings with a single tower. The massing of the new buildings creates a consistent street wall that is proportional in height to the width of the streets. The new tower, Building B, will be the smallest of the three towers planned for the Executive Park Special Use District, which will increase in height following the rise of the hill to the north of the neighborhood. Overall, the mass and scale are appropriate for the surrounding context.

- b) Architectural treatments, facade design and building materials:

The Project's architectural treatments, facade design and building materials create a cohesive residential neighborhood that expresses a fine-grain and human scale character reminiscent of the San Francisco's established residential neighborhood. Each of the mid-rise buildings has a distinct material palette that commonly includes cementitious panels, wood and metallic accents, and concrete or stone. The street facades are vertically articulated with rows of bay windows and balconies, and are further varied by changes in the building wall plane and materials. A combination of wood, concrete, reconstituted stone and metallic finishes are applied to the street level of the buildings to create visual interest with the variation of texture and materials.

The tower (Building B) is designed to be viewed from a distance as part of the future skyline of the Executive Park neighborhood, and as entry point from the south. The architectural treatment and design of the tower accentuates the vertical volumes of the building. The north and south facades, which would be viewed entering and leaving the City from Interstate 101, are finished with two crystalline columns of glass spandrel and silver metallic panels, bisected by a stacked row of balconies which create recessed volume of deep shadow. Secondary volumes project from the east and west facades with stacked columns of the balconies. These facades have an interwoven pattern of glazing and solid panels. Overall, the architectural treatment, facade design and building materials are appropriate for the surrounding context.

- c) The design of lower floors, including building setback areas, townhouses-style units and entries, and parking and loading access;

Along the lower floors, the Project provides walk-up dwelling units with entries that are slightly raised above the grade of the street. These dwelling units provide for activity along the streets and create an articulated rhythm to the streetscape. Bay windows and balconies create a varied facade above the ground floor. Each of the five buildings provides lobbies and/or other residential amenities that have direct access to the street or pedestrian paseo. The two ground floor commercial spaces that front onto Thomas Mellon Circle are located at the northern and southern corners of Building C, adjacent to public plazas and outdoor space. These commercial spaces have 14 foot tall ceiling heights and a façade primarily composed of clear glazing as is consistent with the active street frontage requirements. The mezzanine level of the commercial space at the southern corner of Building C has a 12 foot ceiling height, and offers an active and engaged street frontage. The locations of the commercial spaces visually define the corners of the building and will encourage activity in the adjacent outdoor space. Five smaller neighborhood-scale commercial spaces are located on the corners of the residential streets and alleys which encourage foot traffic and improve the pedestrian experience in the neighborhood. The vehicle access to the two underground parking garages, which serves all five buildings, will be located on Executive Park Boulevard West. The overall design of the Project promotes an active and engaging pedestrian experience.

- d) The provision of required open space, both on- and off-site;

The Project provides the necessary amount of code-complying open space, including approximately 11,000 square feet of publicly-accessible open space in two pedestrian paseos.

- e) Streetscape and other public improvements, including tree planting, street furniture, and lighting and adherence to all relevant regulations, plans and guidelines.

In compliance with Executive Park Streetscape Master Plan, the Project will construct new streets and alleys on the project site, complete with street trees, sidewalks, corner bulb-outs and site furnishings. The Department finds that these improvements would improve the public realm and achieve the intent of the Executive Park Special Use District to create a pedestrian friendly residential street network.

- f) Circulation, including streets, alleys and mid-block pedestrian pathways;

The Project will construct three new streets and two alleys, creating a residential scale street network. Pedestrian access through the site will be enhanced by two pedestrian paseos, at the northwest and southeast corners of the site, and the mid-block pathway between Building D and E. Access to the two below grade parking garages would be from Executive Park Boulevard West, which will minimize traffic through the neighborhood.

- g) Other changes necessary to bring a project into conformance with the applicable elements and area plans of the General Plan.

The Project, on balance, meets the Objectives and Policies of the General Plan (See Conditional Use Authorization No. 2015-009690CUA for discussion of General Plan conformance).

8. **General Plan Consistency.** The General Plan Consistency Findings set forth in Motion No. XXXXX, Case No. 2015-009690CUA (Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304) apply to this Motion, and are incorporated herein as though fully set forth.
9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The project site does not contain any existing neighborhood-serving retail uses. The existing use is a commercial office building and surface parking lots. The Project will further transition the Executive Park Sub Area from a low density office park to a residential neighborhood, which will bring new residents that may patronize nearby neighborhood serving retail, including the new retail use established by the Project. The Project includes seven ground floor small-scale retail spaces, which will provide new opportunities for future businesses and resident employment.

- 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 585 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project will create a new walkable street grid on the project site that will improve connectivity with the existing residential neighborhoods.

- 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, and shall provide new on-site affordable housing units for rent and ownership, thus increasing the opportunity for future affordable housing.

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

The Project Site is served by a SFMTA bus line that has stops on Thomas Mellon Circle and the Project will be required to contribute to the existing Executive Park shuttle service or provide a

supplemental shuttle service. Additionally, the project will enhance the existing Executive Park Transportation Management Plan with measures including but not limited to, pedestrian streetscape improvements, unbundled parking, car share parking, bicycle repair station, bicycle fleet, delivery and family supportive amenities and transit marketing, signage and provision of real time transit information. The Project also provides off-street parking at a ratio of 1.29 per dwelling unit, as well as sufficient bicycle parking for residents and their guests.

- 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 would not displace industrial or service sectors uses due to commercial office development, because the Project is demolishing commercial office development and replacing it with a mixed-use, predominately residential development.

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

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

- g) That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not adversely affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed as part of the SEIR and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. The Commission hereby finds that approval of the Permit Review in Executive Park SUD 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 Permit Review in Executive Park Application No. 2015-009690DNX** under Planning Code Sections 309.1 and 309.2 to allow the new construction of five residential buildings (ranging in height from six to seventeen stories tall) with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 53,729 square feet of open space, and 756 off-street parking spaces within the RC-3 (Residential Commercial, Medium Density) Zoning District, and a 65/240-EP 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 October 19, 2016, 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 Eastern Neighborhoods 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 Section 309.2 Permit Review in the Executive Park Special Use District to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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 December 1, 2016.

Draft Motion
October 27, 2016

CASE NO. 2015-009690DNX
5 Thomas Mellon Circle

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for Permit Review in the Executive Park Special Use District to allow for the new construction of five residential buildings (ranging in height from six to seventeen stories tall) with up to 585 dwelling units, 9,845 square feet of ground floor commercial space, 53,729 square feet of open space, and 756 basement level parking spaces located at 5 Thomas Mellon Circle, Lot 075 in Assessor's Block 4991, pursuant to Planning Code Section 309.1 and 309.2, within the RC-3 (Residential-Commercial, Medium Density) Zoning District, and a 65/240-EP Height and Bulk District; in general conformance with plans, dated October 18, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009690DNX and subject to conditions of approval reviewed and approved by the Commission on October 6, 2016 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 1, 2016 under Motion No. XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the 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

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

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

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

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. 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

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

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

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

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a project authorization under Planning Code Sections 303 and 304 for a Conditional Use Authorization for a Planned

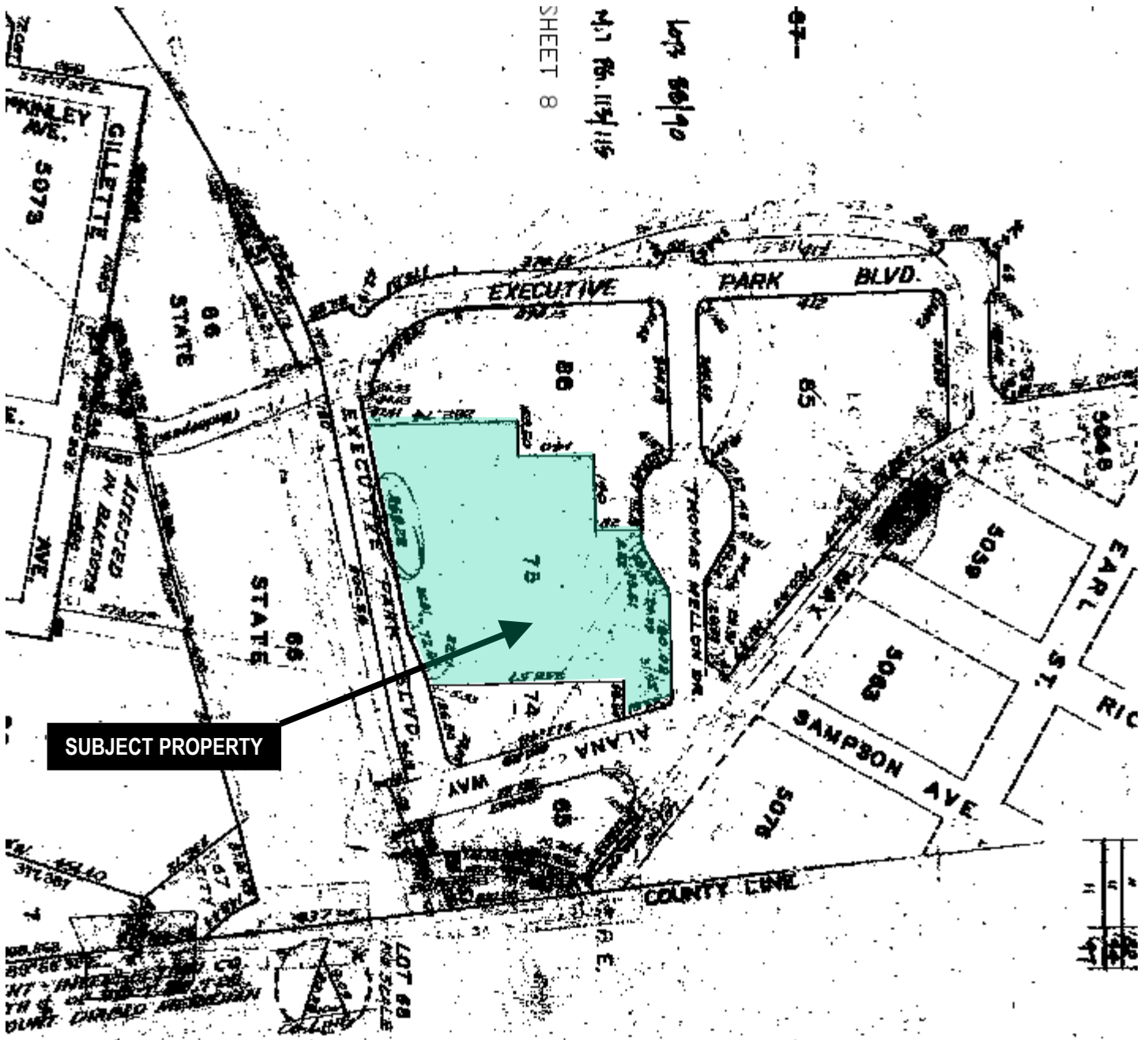
Unit Development with modifications to the requirements for dwelling unit density, street frontage and the measurement of height, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

7. **Mitigation Measures.** Mitigation measures described in the MMRP for the Executive Park Amended Subarea Plan and Yerby Company and UPC Development Project SEIR and the SEIR Addendum #2 (Case No. 2015-009690ENV) 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

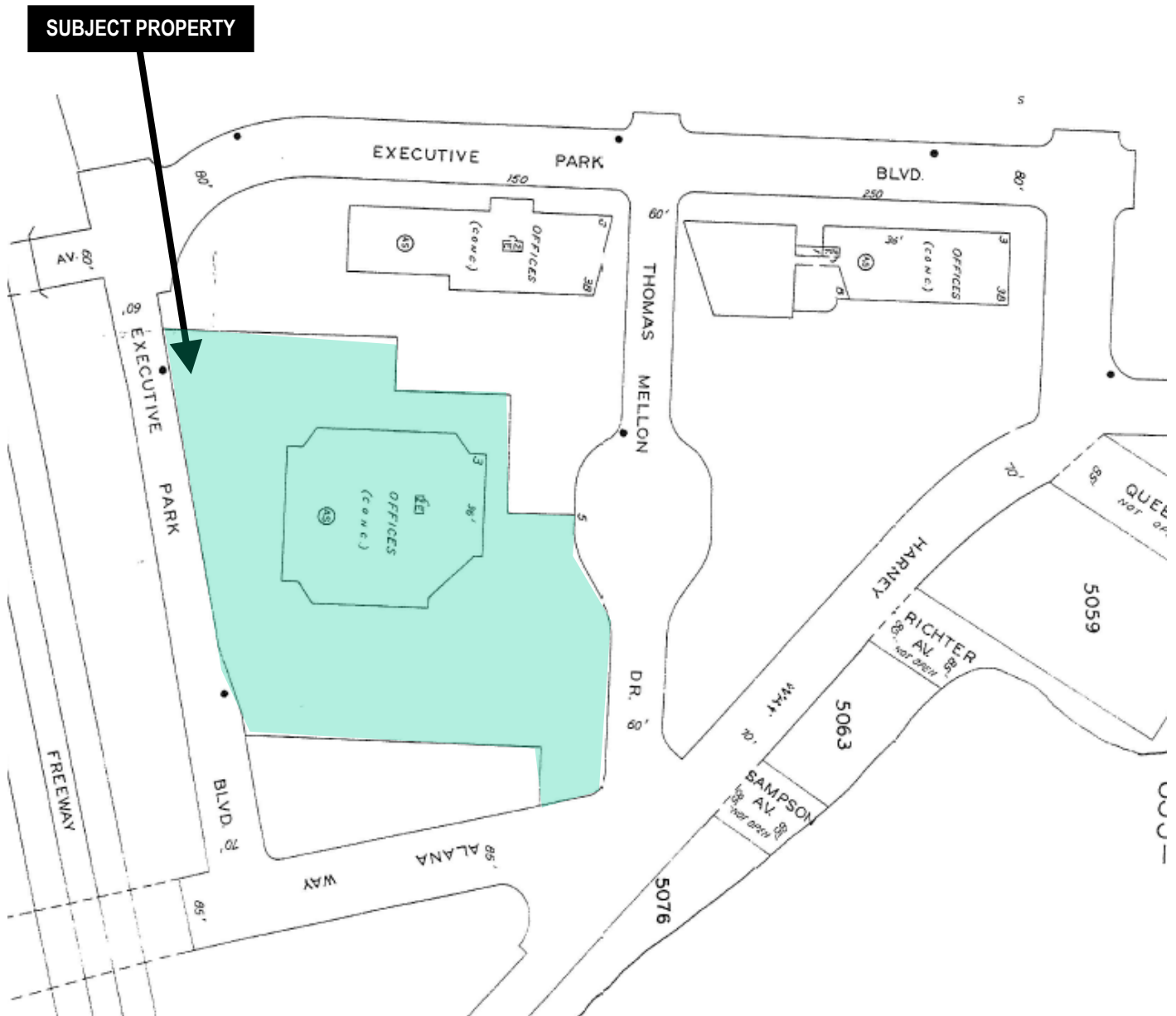
Parcel Map



**SAN FRANCISCO
PLANNING DEPARTMENT**

Planning Commission Hearing
Case Number 2015-009690CUA
 Ocean Landing LLC
 5 Thomas Mellon Circle

Sanborn Map*



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



Aerial Photo

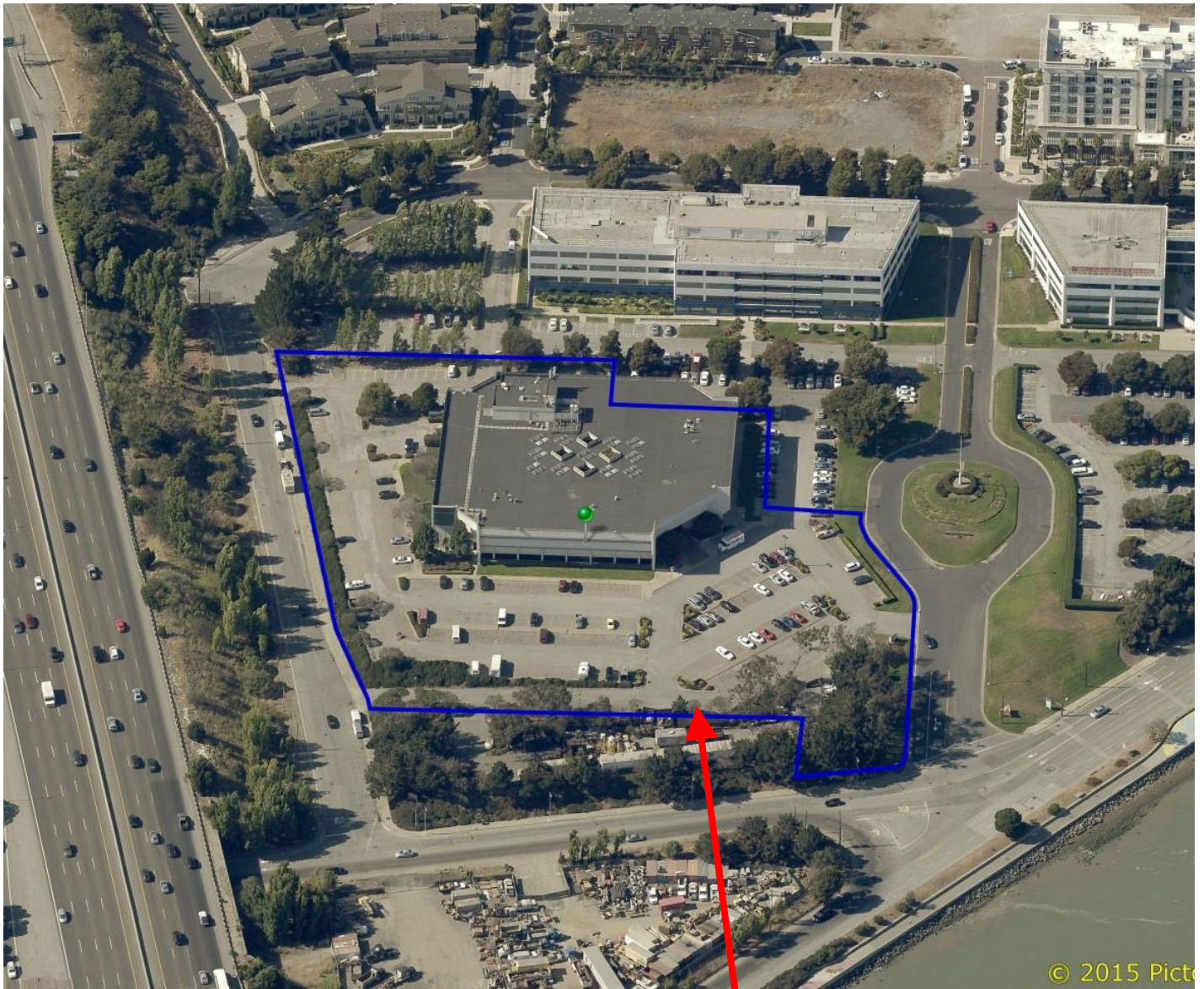


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2015-009690CUA
Ocean Landing LLC
5 Thomas Mellon Circle

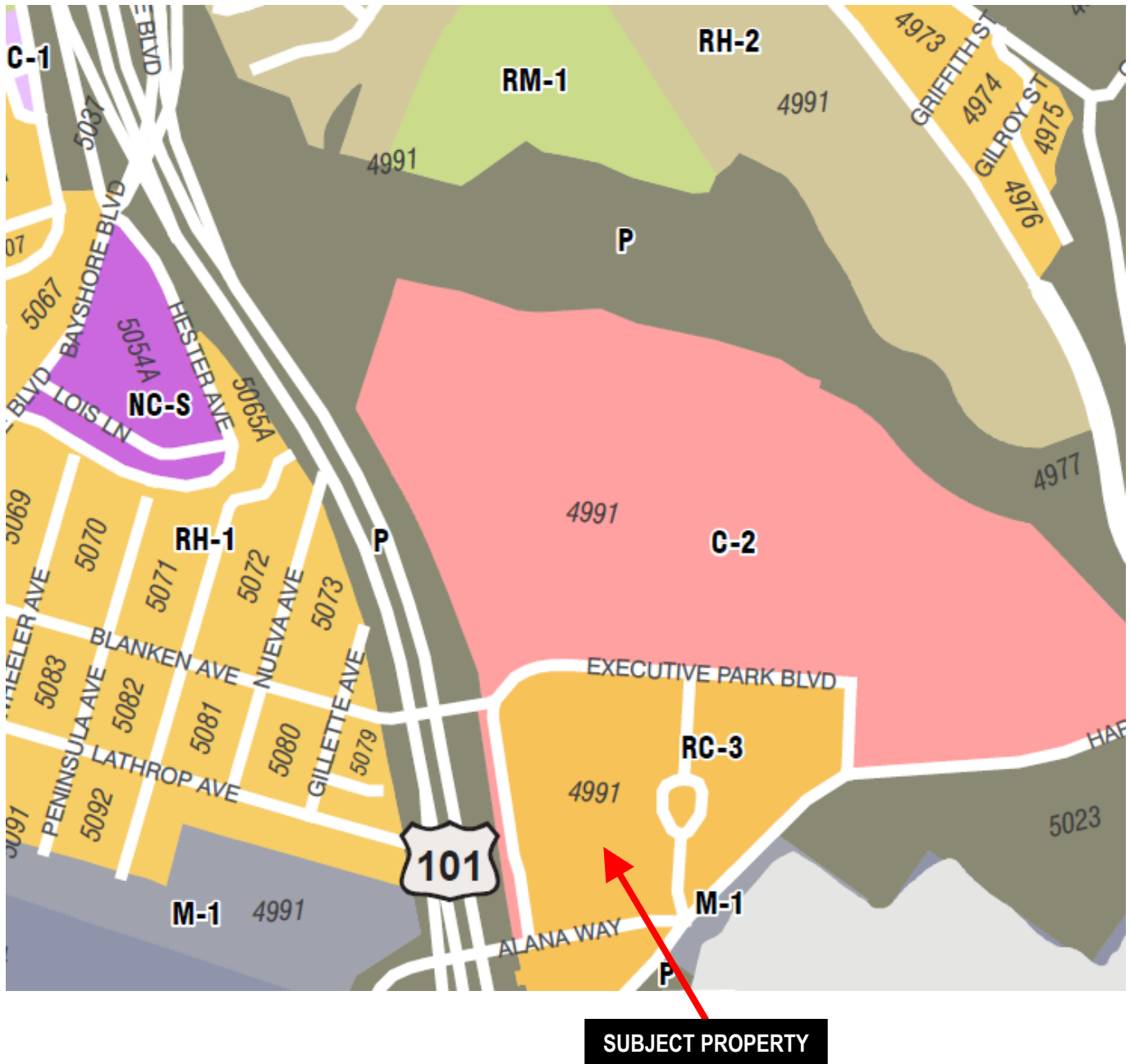
Aerial Photo



SUBJECT PROPERTY

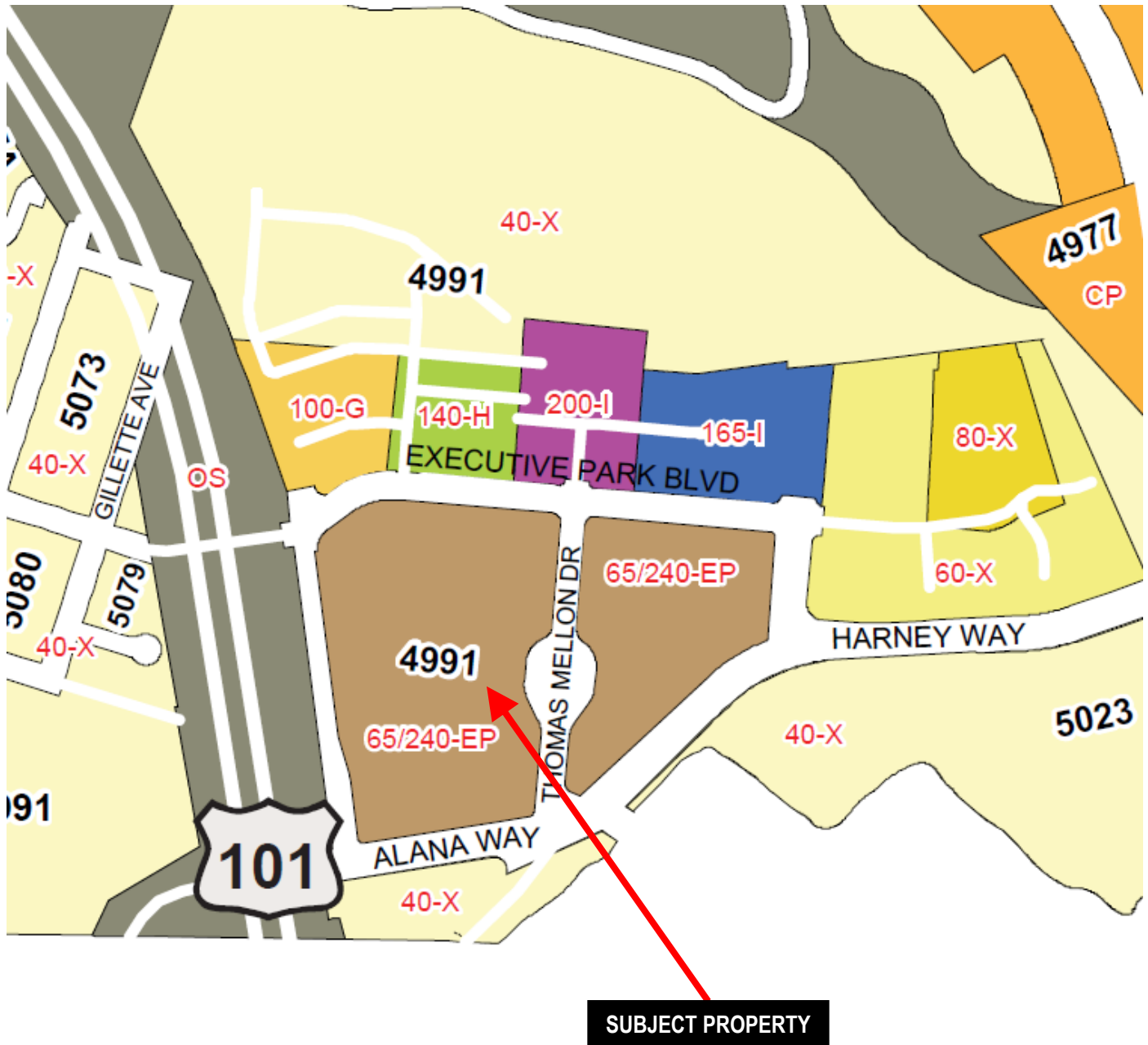


Zoning Map



Planning Commission Hearing
Case Number 2015-009690CUA
Ocean Landing LLC
5 Thomas Mellon Circle

Height and Bulk Map



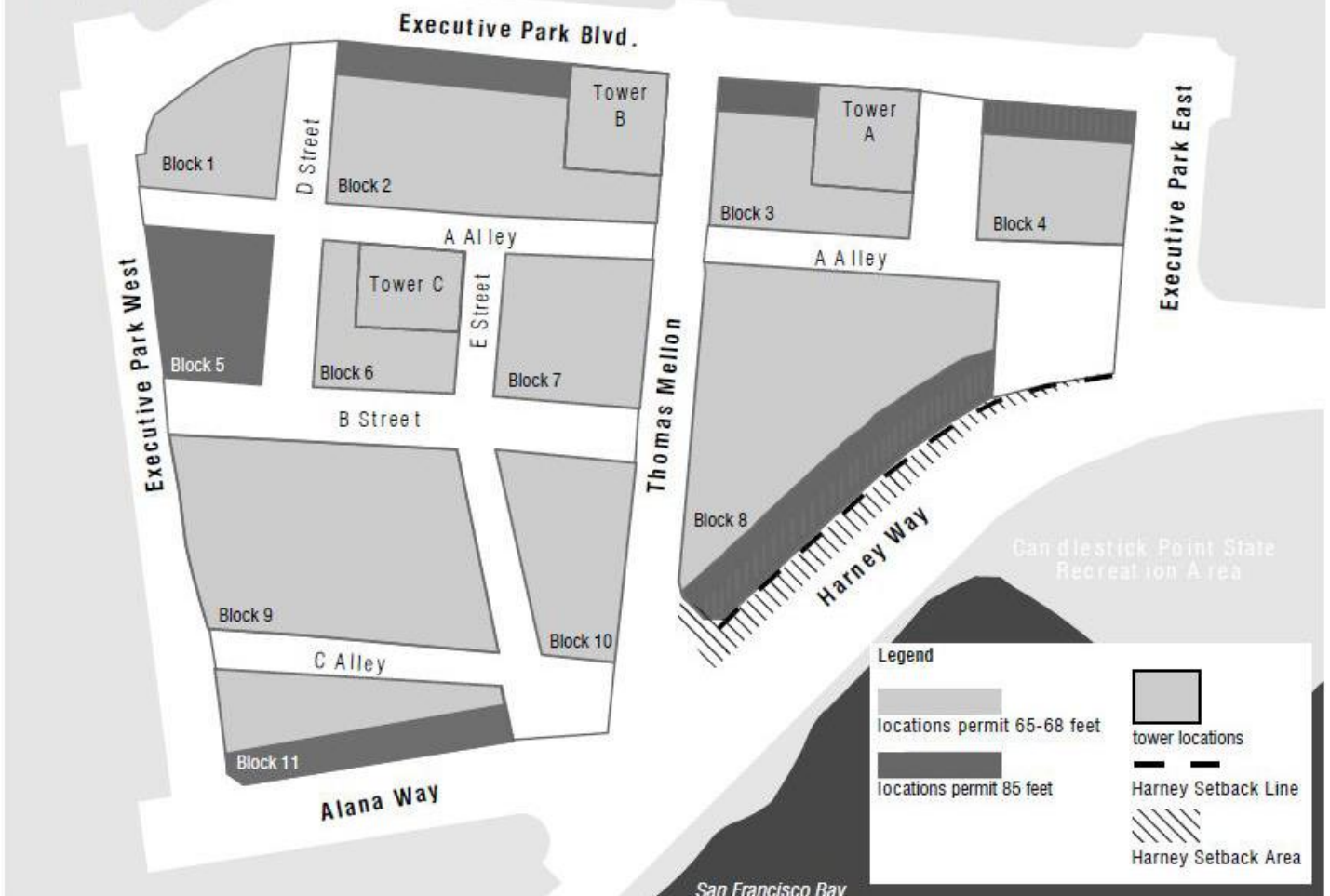
Planning Commission Hearing
Case Number 2015-009690CUA
Ocean Landing LLC
5 Thomas Mellon Circle

Height and Bulk Map

Executive Park Special Use District

Figure 263.27(A)

Note: figure diagrammatic and not to scale



Planning Commission Hearing
Case Number 2015-009690CUA
Ocean Landing LLC
5 Thomas Mellon Circle

Site Photo



Planning Commission Hearing
Case Number 2015-009690CUA
Ocean Landing LLC
5 Thomas Mellon Circle

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

9/28/2016

Date

Jason Mao

I, _____
do hereby declare as follows:

- A** The subject property is located at (address and block/lot):

5 Thomas Mellon Circle, San Francisco, CA 94134

Address

4991 / 075

Block / Lot

- B** The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

2015-009690

Planning Case Number

Building Permit Number

This project requires the following approval:

- ☒ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Ella Samonsky

Planner Name

Is this project an UMU project within the Eastern Neighborhoods Plan Area?

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

This project is exempt from the *Inclusionary Affordable Housing Program* because:

- ☐ This project is 100% affordable.
☐ This project is 100% student housing.

- C** This project will comply with the Inclusionary Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5).
☒ On-site Affordable Housing Alternative (Planning Code Sections 415.6).
☐ Off-site Affordable Housing Alternative (Planning Code Sections 415.7):
☐ Small Sites Affordable Housing Alternative
☐ Land Dedication

D If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative.

☒ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.

*see Footnote

☒ **Rental.** Exemption from Costa Hawkins Rental Housing Act.¹ The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:

- ☐ Direct financial contribution from a public entity.
- ☒ Development or density bonus, or other public form of assistance.
- ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

*see Footnote

E The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

F Affordability Levels:

*see Footnote

No. of Affordable Units: 60	% Affordable Units: 12% (500 units)	AMI Level: *see Footnote
No. of Affordable Units: 12	% Affordable Units: 14.5% (86 units)	AMI Level: *see Footnote

G The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

H I am a duly authorized agent or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:
San Francisco, CA

Location

09/28/2016

Date

Sign Here



Signature

Jason Mao, President

Name (Print), Title

(415) 881-4483

Contact Phone Number

cc: Mayor's Office of Housing and
Community Development
Planning Department Case Docket

¹ California Civil Code Section 1954.50 and following.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
586			346	165	75

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below. If using more than one AMI to satisfy the requirement, please submit a separate sheet for each AMI level. $(500 \times 12\% + 86 \times 14.5\%) / 586 = 12.3\%$; *see Footnote

☒ **On-site Affordable Housing Alternative** (Planning Code Section 415.6): calculated at % of the unit total.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
72			43	20	9

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7): calculated at % of the unit total.

Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

☐ **Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:**

Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

3. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Ocean Landing LLC

Company Name

Michael Liu

Name (Print) of Contact Person

5 Thomas Mellon Circle, Suite 305

Address

(415) 445-4558

Phone / Fax

San Francisco, CA 94134

City, State, Zip

michael@singhaiyi.com

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:



Name (Print), Title:

Jason Mao, President

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:

Footnote:

Pursuant to Planning Code Section 415.3(b), the first 500 units will include 12% affordable units (60 units) in compliance with the on-site affordable housing requirement in effect on January 12, 2016.

Pursuant to Planning Code Section 415.3(b)(1)(C), the additional 86 units over the first 500 as permitted by Conditional Use Authorization (the "CUA Units") will include 14.5% affordable units (12 units).

Project sponsor Ocean Landing LLC may either sell or rent any or all of 586 units, including the affordable units. Any and all affordable rental units will be subject to a Costa Hawkins Agreement between Ocean Landing LLC and City of San Francisco.

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Ocean Landing LLC	
PROPERTY OWNER'S ADDRESS: 5 Thomas Mellon Circle Suite 305 San Francisco, CA 94134	TELEPHONE: (415) 445-4558 EMAIL: michael@singhaiyi.com

APPLICANT'S NAME: <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: () EMAIL:

CONTACT FOR PROJECT INFORMATION: Michael Liu <div style="text-align: right;">Same as Above <input checked="" type="checkbox"/></div>	
ADDRESS:	TELEPHONE: () EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Claude Everhart <div style="text-align: right;">Same as Above <input type="checkbox"/></div>	
ADDRESS: 5 Thomas Mellon Circle Suite 305 San Francisco, CA 94134	TELEPHONE: (510) 383-9343 EMAIL: claudeeverhart@gmail.com

2. Location and Project Description

STREET ADDRESS OF PROJECT: 5 Thomas Mellon Circle, San Francisco, CA		ZIP CODE: 94134
CROSS STREETS: Thomas Mellon Circle and Harney Way		
ASSESSORS BLOCK/LOT: 4991 / 075	ZONING DISTRICT: Executive Park SUD	HEIGHT/BULK DISTRICT: 65/240-EP

PROJECT TYPE: (Please check all that apply) <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	EXISTING DWELLING UNITS: 0	PROPOSED DWELLING UNITS: 586	NET INCREASE: 586
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Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☐ NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
Mullane Ahern at (415)252-2514 or mullane.ahern@sfgov.org

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: _____



Date: _____

9-28-2016

Print name, and indicate whether owner, or authorized agent:

MICHAEL LIU

Owner / Authorized Agent (circle one)

Authorized Agent

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**
☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
Signature: _____ Date: _____	
Printed Name: _____ Phone: _____	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS 5 Thomas Mellon Circle, San Francisco, CA 94134		BLOCK/LOT(S) 4991/075	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE) 2015-009690	MOTION NO. (IF APPLICABLE)	
PROJECT SPONSOR Ocean Landing LLC	MAIN CONTACT Michael Liu	PHONE 415.445.4558	
ADDRESS 5 Thomas Mellon Circle, Suite 305			
CITY, STATE, ZIP San Francisco, CA 94134		EMAIL michael@singhaiyi.com	
ESTIMATED RESIDENTIAL UNITS 586	ESTIMATED SQ FT COMMERCIAL SPACE 5,000	ESTIMATED HEIGHT/FLOORS 6 to 17	ESTIMATED CONSTRUCTION COST \$275M
ANTICIPATED START DATE 2017			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input checked="" type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
NOTES: <ul style="list-style-type: none">If you checked C, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.If you checked A or B, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.orgIf the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.	

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	33.45	4	12	Laborer	49.29	12	40
Boilermaker	N/A			Operating Engineer	66.88	4	12
Bricklayer	N/A			Painter	61.88	8	20
Carpenter	68.07	12	40	Pile Driver	68.04	4	12
Cement Mason	53.68	4	12	Plasterer	62.59	12	36
Drywall/Latherer	68.95	12	40	Plumber and Pipefitter	108.44	12	36
Electrician	83.94	8	20	Roofer/Water proofer	51.42	8	20
Elevator Constructor	92.69	8	20	Sheet Metal Worker	84.96	8	20
Floor Coverer	38.99	4	12	Sprinkler Fitter	82.19	12	36
Glazier	68.55	12	36	Taper	68.95	12	40
Heat & Frost Insulator	N/A			Tile Layer/ Finisher	56.06	8	20
Ironworker	62.29	12	40	Other:			
		TOTAL:	232			TOTAL:	292

- | | | |
|--|-------------------------------------|--------------------------|
| | YES | NO |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | | <u>75</u> |

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Michael Liu, VP Property Development	michael@singhaiyi.com	415.445.4558
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
 (SIGNATURE OF AUTHORIZED REPRESENTATIVE)		<u>09-28-2016</u> (DATE)
FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG		
Cc: Office of Economic and Workforce Development, CityBuild Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org		



SAN FRANCISCO PLANNING DEPARTMENT

Addendum #2 to Subsequent Environmental Impact Report

Addendum Date: November 15, 2016
Case No.: 2015-009690E
Project Title: **Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects**
EIR: 2006.0422E, certified May 5, 2011
Project Sponsor: Michael Liu, SingHaiyi US Operations, Inc. for Ocean Landing LLC (415) 445-4558
Lead Agency: San Francisco Planning Department
Staff Contact: Julie Moore – (415) 575-8733
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1.0 BACKGROUND

Since 1976, the 71-acre Executive Park Subarea Plan Area has been the subject of numerous development plans, environmental analyses, and City actions. In addition to plans, environmental analysis, and approvals in 2011, discussed below, development plans for the area were prepared or amended in 1978, 1980, 1981, 1984, 1992, 2000, 2005, and 2007. Environmental analyses of Executive Park development included an Environmental Impact Report (EIR) in 1976, a Subsequent EIR in 1985, Supplemental EIR in 1999 and EIR Addenda in 1992, 2005, and 2007.¹ During these years, City actions included the approval of the development plans and issuance of permits for the construction of the three existing office buildings and the residential developments of Signature Properties and Top Vision (see **Exhibit A** for the overall layout of Executive Park Subarea Plan Area.)

In 2011, the San Francisco Planning Commission certified the Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects (“the 2011 Executive Park Plan”) Final Subsequent Environmental Impact Report (“2011 SEIR” or “the EIR”).² The project analyzed in the EIR was the 71-acre Executive Park Subarea Plan Area located in the southeastern part of San Francisco, just east of U.S. Highway 101 and along the San Francisco/San Mateo County boundary. The approval actions taken in 2011 consisted of amendments to the General Plan, the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Planning Code, and the Zoning Map to provide for the transition of the existing office park development within a 14.5-acre southern portion of the Subarea Plan Area (the Yerby and UPC development sites) to a new, primarily residential area with 1,600 residential units and about 73,200 gross square feet (gsf) of retail. The amended Subarea Plan established the

¹ San Francisco Planning Department, *Case No. 2006.422E: Subsequent Environmental Impact Report, Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects*, certified May 5, 2011. This document (and all other documents cited in this report, unless otherwise noted), is on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, and is available for public review as part of Case File No. 2015-009690E.

² Ibid.

Executive Park Residential Special Use District, changed the zoning within this area from a C-2 (Community Business) District to an RC-3 (Residential-Commercial Combined, Medium Density) District, and raised the maximum allowable heights throughout the area to heights ranging from 65 to 240 feet. With existing and previously approved developments, the Executive Park Subarea Plan area would potentially accommodate 2,800 residential units. The amended Subarea Plan also addressed land use, streets and transportation, urban design, community facilities and services, and recreation and open space by implementing objectives and policies and providing design guidance for buildings, streets, pathways, and parking, as well as green building approaches.

The project analyzed in the 2011 SEIR also included two specific development projects that would implement and complete the buildout of the proposed amended Subarea Plan: The Yerby Company (Yerby) development project and the Universal Paragon Corporation (UPC) development project. No approvals related to these two developments have occurred. The Yerby Project proposed the demolition of an existing office building and removal of an existing surface parking lot, and construction of five residential-commercial mixed-use buildings, ranging in height from 68–170 feet (6–16 stories) containing approximately 500 residential units and up to 750 below-grade parking spaces. The UPC Project proposed to demolish the two existing office buildings and surface parking, and redevelop the site with 8 residential and commercial mixed-use buildings, ranging from 65-240 feet (6 to 24 stories) containing approximately 1,100 residential units. The Yerby and UPC development projects would also include residential private and common open space, several areas of publicly accessible open space, new streets, alleyways, and pedestrian walkways. The layout of the Yerby and UPC developments (Executive Park Residential Special Use District) is shown on **Exhibit B**.

An addendum to the 2011 SEIR was issued on June 13, 2011 to address minor project revisions.³ The revised project traded the respective building heights and volumes between Block A and Block B within the Yerby site. As originally proposed in the EIR, Block A contained a 16-story tower; the 2011 Addendum relocated the 16-story tower from Block A to Block B. The amount and types of uses, the proposed street grid, and site access were unchanged from the project analyzed in the EIR.

On September 14, 2016, the Planning Department issued Addendum #2 to the SEIR for an earlier version of this project. Due to subsequent project changes, this document supercedes and replaces the previous Addendum #2.

2.0 PROPOSED MODIFICATIONS TO THE PROJECT

The Yerby Company has transferred its site to Ocean Landing, which is now proposing to construct the Thomas Mellon Waterfront Residences (TMWR) on the former Yerby site. Ocean Landing proposes to increase the number of residential units from 500 units to 585 dwelling units. The building locations and site layout are largely the same as the original project. **Table 1** summarizes the proposed changes between the Yerby Project and the proposed TMWR project. A revised site layout is attached as **Exhibit C**.

³ San Francisco Planning Department, *Case No. 2006.0422E: Addendum to Environmental Impact Report, Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects*, June 13, 2011.

As shown in Table 1, the TMWR Project would increase the number of dwelling units from the original Yerby project by 85, primarily in Buildings A and B; however, the total amount of residential square footage would decrease by approximately 10 percent and the overall TMWR project's gross square feet would decline by 4.6 percent. Neighborhood commercial use would increase by 239 percent to 9,845 sf with the establishment of shops and restaurants near the corner of Thomas Mellon Drive, Alana Way and Harney Way. The underground parking and building services area would increase by 1 percent with the addition of 6 vehicle parking spaces, although the parking ratio would decrease from 1.5 spaces per unit to 1.3 spaces per unit. The number of bicycle parking spaces would more than double, resulting in 252 bicycle spaces. Open space would increase slightly, with a shift from private open space to public open space.

Table 1. Comparison of Yerby Project Proposed in 2011 SEIR with the TMWR Project

Project Element	Yerby Project	TMWR Project	Change
Number of buildings	5	5	None
Total Number of Residential Units	500	585	+85 units
Units per Building	A = 69 B = 102 C = 82 D = 117 E = 130	A = 90 B = 174 C = 76 D = 113 E = 133	
Height (feet), Stories of Buildings A - E	A = 85', 8 B = 65'/170', 6/16 C = 68', 6 D = 68', 6 E = 68', 6	A = 85'-0", 8 B = 65'/170'-0", 17 C = 68'-0", 6 D = 68'-0", 6 E = 66'-8", 6	None: all heights within maximum limits analyzed in EIR
Residential gsf	596,200	535,802	-60,398 sf
Neighborhood commercial gsf	2,900	9,845	+6,945 sf
Amenities gsf ⁽¹⁾	17,100	16,114	-986 sf
Underground parking + above grade bldg. services & circulation gsf	300,500 + 125,400 = 425,900	292,711 + 139,730 = 432,441	+ 6,541 sf
Total Project ⁽²⁾ gsf	1,042,100	994,202	- 47,898 sf
Common Open Space ⁽³⁾ gsf	24,440	27,022	+2,582
Private Open Space	21,600	15,343	-6,257
Publicly Accessible Open Space (Northwest & Southeast Corners)	5,470	10,974	+5,504
Vehicle parking spaces	750	756	+6
Bicycle spaces	123	252	+129
Off-Street Loading Spaces ⁽⁴⁾	4	0	- 4

Notes:

gsf = gross square feet

The Yerby Project includes the minor project revisions analyzed in the 2011 Addendum.

- (1) Yerby Project amenities in the 2011 SEIR described as “common activity space” per building: 4,600 (A); 2,700 (B); 3,800 (C); 6,000 (E). Amenities in TMWR Project: fitness centers, co-working business centers, community room, residential lounges, child play & music rooms, bike storage, personal storage, pet care.
- (2) Excludes common and private open spaces, and publicly accessible open spaces (northwest and southeast corners).
- (3) Yerby Project common open space described as landscaped courtyards at each building and pedestrian corridor between Buildings D and E. In addition, the Yerby project would provide 5,470 sf of a 18,200 sf publicly accessible park at the southeastern corner of Building C. Common open space in the TMWR Project would include a landscaped pedestrian way and park at northwest side of Building A; mid-block open landscape courtyard between Buildings D & E; a ground-level deck south of Building C and open space at Thomas Mellon/Harney Way.
- (4) Per Planning Code Section 249.54(c)(12), off-street loading pursuant to Section 152 through 152.2 is not required within the Executive Park Special Use District.

As discussed above, the 2011 Executive Park Plan includes both the Yerby and the UPC development projects. The Yerby and UPC projects together would total approximately 3.4 million square feet of building space with approximately 1,600 residential units and about 73,000 gsf of neighborhood-serving retail space. With the proposed changes to the TMWR, the modified Executive Park Amended Subarea Plan (Modified Project) would be altered correspondingly. **Table 2** summarizes the Modified Project’s key overall changes from the 2011 Executive Park Plan based on the TMWR proposed changes.

Table 2. Comparison of 2011 Executive Park Plan and the Modified Project

Project Element	2011 Executive Park Plan (Yerby & UPC)	Modified Project (TMWR & UPC)	Change
Number of buildings	13	13	None
Total Number of Residential Units	1,600	1,685	+85 units
Residential gsf	1,946,200	1,885,802	-60,398 sf
Retail gsf	73,200	80,145	+6,945 sf
Total Number of Vehicle Parking Spaces	2,427	2,433	+ 6
Parking gsf	916,300	902,696	-13,604 sf
Total Project gsf	3,352,800	3,304,902	-47,898 sf

3.0 PURPOSE OF THE ADDENDUM

Section 31.19(c)(1) of the San Francisco Administrative Code states that a modified project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of the California Environmental Quality Act (CEQA), that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter." In addition, CEQA Section 21166 and CEQA Guidelines Sections 15162-15164 provide that when an EIR has been prepared for a project, no subsequent or supplemental EIR shall be required unless one or more of the following events occurs: (1) Substantial changes are proposed in the project which will require major revisions of the EIR; (2) Substantial changes occur with respect to the circumstances under which the project is being undertaken will require major revisions in the EIR; or (3) New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. The lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of these conditions has occurred.

This addendum evaluates the potential environmental effects of the proposed project changes of the Modified Project described above.

Since certification of the EIR, no changes have occurred in the circumstances under which the Modified Project as currently proposed would be implemented. No new information has emerged that would materially change the analyses or conclusions set forth in the EIR. Therefore, these issues are not discussed further in the addendum.

This addendum also analyzes three mitigation measures that were imposed at the time of project approval for which the City has either adopted comprehensive regulations that address the same impacts or the City has developed additional guidance to facilitate mitigation measure implementation. The analysis evaluates whether the regulations, which will apply to the project would provide the same or more effective mitigation than that provided by the two adopted mitigation measures. These regulations are discussed below in Section 4 and the relevant impact analyses in Section 5.2. The revision to the 2011 SEIR construction air quality mitigation measure is proposed to clarify the requirements needed to meet the performance standard established by the measure. The proposed revised Mitigation and Monitoring Program is presented in Exhibit D, and this topic is discussed further in Section 5.3.

This Addendum will be used to support the following project approvals by City agencies needed for implementation of the TMWR Project:

- Conditional Use Authorization and Planned Unit Development pursuant to Planning Code Sections 303 and 304 (Planning Commission);
- Permit Review in the Executive Park Special Use District pursuant to Planning Code Section 309.2 (Planning Department);
- Approval of street improvements and other public infrastructure improvements (Public Works);
- Approval of traffic control and striping changes, changes to MUNI routes and stops; and improvements in the public right-of-way related to MUNI (Municipal Transportation Agency);

- Roadway changes and reconfiguration, including land exchange and street vacation within the Executive Park Subarea (Board of Supervisors);
- Approval of Tentative and Final Subdivision Maps for the TMWR and UPC development projects (Public Works); and,
- Demolition, site, and building permits for the TMWR and UPC development projects (Department of Building Inspection).

4.0 CHANGES TO APPROACH TO ANALYSIS

This addendum uses an updated approach to analysis from the 2011 SEIR for impacts related to the exposure of sensitive receptors to toxic air contaminants and noise resulting from the project's location near U.S. 101 based on local regulations enacted since the 2011 SEIR was adopted. In addition, this addendum provides an analysis of transportation impacts in accordance with new guidance from the State Office of Planning and Research (OPR) adopted by the San Francisco Planning Commission in March 2016. These regulatory and statutory changes are discussed below.

4.1 Article 38 Amendments

The San Francisco Health Code Article 38 was adopted in 2008 to require new residential construction projects located in areas where models show poor air quality and pollution from roadways to install enhanced ventilation systems to protect residents from the adverse health effects of living in a poor air quality area. Subsequent to certification of the 2011 SEIR, the San Francisco Board of Supervisors amended Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014). The 2014 amendments included revisions to the underlying map and establishment of an Air Pollution Exposure Zone (APEZ). Projects proposing sensitive land uses (residences, day care facilities, senior care facilities, etc.) within the APEZ are required to install an enhanced ventilation system with a Minimum Efficiency Reporting Value (MERV) 13 rating. Under the amended Article 38, the southern portion of the Executive Park Subarea Plan area that was the subject of the 2011 SEIR (the Executive Park Special Use District, including the TMWR and UPC development sites) is included within the APEZ and subject to Article 38 ventilation requirements.

For all proposed sensitive uses within the APEZ as defined by Article 38, such as residential uses proposed by the Modified Project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM_{2.5} (fine particulate matter) equivalent to that associated with a MERV 13 filtration. The Department of Building Inspection (DBI) will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal. The regulations and procedures set forth by Article 38 include the requirements of the 2011 SEIR Mitigation Measure M-AQ-2 (Air Pollution from U.S. 101 Traffic). Therefore, this EIR mitigation measure that required MERV 13 filtration for properties within 800 feet from U.S. 101 is no longer necessary to protect sensitive receptors. Air quality impacts of the Modified Project related to siting new sensitive land uses in an APEZ would be less than significant through compliance with San Francisco Health Code Article 38 regulations.

4.2 BAAQMD CEQA Guidelines

At the time of 2011 SEIR preparation, the Bay Area Air Quality Management District (BAAQMD) had recently adopted new CEQA guidelines, the *BAAQMD CEQA Guidelines, 2010*. Those guidelines however, did not apply to the project because the Notice of Preparation for the EIR was issued before the new guidelines were adopted. To provide a comprehensive analysis, the EIR analyzed the air quality effects of the project under the 1999 BAAQMD significance thresholds that were in effect at the time, as well as the more stringent 2010 BAAQMD significance thresholds. The Planning Department recognizes the thresholds established in 2010 as appropriate thresholds for evaluating air quality impacts of criteria air pollutants. Therefore, this Addendum evaluates air quality effects of the Modified Project under the 2010 BAAQMD thresholds used in the EIR.

4.3 San Francisco Noise Regulations

Since certification of the 2011 EIR, San Francisco adopted Ordinance 70-15 (effective June 19, 2015) amending the Building, Administrative, Planning, and Police Codes to require attenuation of exterior noise for new residential structures, including analysis and field testing in some circumstances. The pertinent regulations are codified in the San Francisco Building Code, Section 1207, Sound Transmission. The intent of the regulations is to address noise conflicts between residential uses and noise sources in noise critical areas, such as in proximity to highways, country roads, city streets, railroads, rapid transit lines, airports, nighttime entertainment venues or industrial areas. Residential structures to be located where the day-night average sound level (Ldn) or community noise equivalent level (CNEL) exceeds 60 decibels (dB) require an acoustical analysis with the application of a building permit showing that the proposed design will limit exterior noise to the 45 dB in any habitable room. Noise measurements presented in the EIR indicate that noise levels in the vicinity of the Modified Project exceed 60 dB, primarily due to proximity to Highway 101. Therefore, the project sponsor will be required to submit an environmental noise study demonstrating that the Modified Project can feasibly attain acceptable interior noise levels. This regulation mirrors the noise insulation requirements in Title 24 of the California Building Code, enforced by DBI. Because these noise regulations include the requirements of EIR Mitigation Measure M-Noise-2 (Interior Noise Levels), this mitigation measure is no longer necessary to reduce noise impacts to a less-than-significant level. Noise impacts of the Modified Project related to siting new sensitive land uses in a noisy environment would be less than significant through compliance with California Title 24 and San Francisco Building Code Section 1207 regulations.

4.4 CEQA Section 21099

CEQA Section 21099(b)(1) requires that OPR develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that promote the “reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA Section 21099(b)(2) states that upon certification of the revised CEQA Guidelines for determining transportation impacts pursuant to Section 21099(b)(1), automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.

In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*⁴ (proposed transportation impact guidelines) recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. VMT measures the amount and distance that a project might cause people to drive, accounting for the number of passengers within a vehicle.

OPR's proposed transportation impact guidelines provide substantial evidence that VMT is an appropriate standard to use in analyzing impacts to protect environmental quality and a better indicator of greenhouse gas, air quality, and energy impacts than automobile delay. Acknowledging this, San Francisco Planning Commission Resolution 19579,⁵ adopted on March 3, 2016:

- Found that automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion, shall no longer be considered a significant impact on the environment pursuant to CEQA, because it does not measure environmental impacts and therefore it does not protect environmental quality.
- Directed the Environmental Review Officer to remove automobile delay as a factor in determining significant impacts pursuant to CEQA for all guidelines, criteria, and list of exemptions, and to update the Transportation Impact Analysis Guidelines for Environmental Review and Categorical Exemptions from CEQA to reflect this change.
- Directed the Environmental Planning Division and Environmental Review Officer to replace automobile delay with VMT criteria which promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses; and consistent with proposed and forthcoming changes to the CEQA Guidelines by OPR.

Planning Commission Resolution 19579 became effective immediately for all projects that have not received a CEQA determination and all projects that have previously received CEQA determinations, but require additional environmental analysis. Accordingly, this Addendum provides a VMT impact analysis of the transportation effects of the Modified Project in Section 5.1, Transportation. The Addendum also provides a discussion of automobile delay, based on impacts considered in the 2011 SEIR, for informational purposes. Automobile delay may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

5.0 ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

The 2011 SEIR analyzed the environmental effects of implementing the Executive Park Amended Subarea Plan and the Yerby and UPC development projects as well as the environmental effects under alternatives to the proposed plan: the No Project alternative; Development under Existing Zoning and Height and Bulk Controls; and Alanna Way Realignment.

⁴ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

⁵ San Francisco Planning Department, *Planning Commission Resolution No. 19579, Transportation Sustainability Program – Align Component, Case No. 2012.0726E*, March 3, 2016.

The proposed Thomas Mellon Waterfront Residences (the former Yerby project) has been modified to increase density, as described in Section 2.0, Proposed Modifications to the Project; however, as shown in the analysis below, this would not create new impacts or substantially increase the severity of the physical impacts of implementing the Modified Project, and no new information has emerged that would materially change the analyses or conclusions set forth in the 2011 SEIR and Addendum. Further, the Modified Project, as demonstrated below, would not result in any new significant environmental impacts, substantial increases in the significance of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the EIR. The effects associated with the Modified Project would be substantially the same as those reported for the project in the EIR and would neither increase the severity of any significant impacts associated with the development, nor result in new or substantially different environmental effects. The following discussion provides the basis for this conclusion.

5.1 Less-than-Significant Impacts

The EIR identified less-than-significant environmental impacts as they relate to land use, aesthetics, population and housing, transportation, noise, air quality, greenhouse gases, wind, shadow, recreation, water supply, and police and fire services. The Modified Project would not result in any significant impacts in subtopics of these environmental topic areas, as discussed below.

Land Use

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to land use. The land uses would not change under the Modified Project. The Modified Project would not materially alter the development site plan; it would only increase the number of dwelling units by 85 units, or approximately 5 percent, primarily in the 17-story building on Block B. The Modified Project also includes increases of 6,945 sf in commercial space and 2,219 sf open space areas. Development of the 2011 Executive Park Plan would have resulted in a mixture of medium density residential use in five buildings, together with lesser amounts of commercial space and public and private open space. The Modified Project would result in essentially the same type, density and mix of land uses. Relative to the originally analyzed project, the proposed revisions would not change the future character of the vicinity or result in incompatible land uses. Therefore, the modifications to the development project would not change the analysis or conclusions reached in the EIR and would have less-than-significant land use impacts.

Aesthetics

The EIR and 2011 Addendum found that the 2011 Executive Park Plan would result in less-than-significant impacts related to aesthetics. The Modified Project would not change the height or location of the proposed residential buildings from that analyzed in the EIR. Therefore, the proposed revisions would not result in impacts on scenic resources or the visual character of the vicinity. The Modified Project would not change the analysis and conclusions reached in the EIR and would have less-than-significant aesthetics impacts.

Population and Housing

The EIR found that the 2011 Executive Park Plan would result in less-than-significant population and housing impacts. The Modified Project would increase the number of dwelling units by 85, which would increase the population in the Subarea Plan area at full buildout by about 193 people above the 6,520 people anticipated in the EIR.⁶ The net population increase in the plan area of less than one percent would not change the analysis or conclusions reached in the EIR. Therefore, the Modified Project would have less-than-significant population and housing impacts.

Transportation

Vehicle Miles Traveled Analysis

As discussed above in Section 4.4, since preparation of the 2011 EIR, the San Francisco Planning Commission has adopted the use of the VMT metric to evaluate the impacts of projects. Accordingly, the impacts of the Modified Project are analyzed below using the guidelines set forth in the San Francisco Guidelines and Planning Commission Resolution 19579 and supporting materials. Although an addendum focuses on how the project, new information, or changes in circumstances may have changed the impact conclusions in the original EIR analysis, because the 2011 EIR did not evaluate impacts based on the VMT metric, the analysis in this addendum first uses the VMT screening criteria to determine whether the entire Executive Park Plan project (assuming the modifications), is presumed to have a significant impact on VMT. If not, no further analysis is required of how the Modified Project would affect VMT as compared to the original 2011 Executive Park Plan project.

According to the impact assessment methodology adopted by the Planning Commission, a project would have a significant transportation effect on the environment if it would cause substantial additional VMT. OPR's proposed transportation impact guidelines⁷ provide guidance for establishing significance thresholds for Area Plans, such as the Executive Park Amended Subarea Plan. The OPR guidance considers that a land use plan may have a significant impact on transportation if it is not consistent with the relevant Regional Transportation Plan/Sustainable Communities Strategy (SCS). For this purpose, consistency with the SCS means the following must be true:

- Development specified in the plan is also specified in the SCS (e.g., the plan does not specify developing in outlying areas specified as open space or Priority Conservation Area in the SCS); and,
- Taken as a whole, development specified in the plan leads to a VMT that is equal to or less than the VMT per capita and VMT per employee specified in the SCS.

The Metropolitan Transportation Commission's 2013 Regional Transportation Plan, *Plan Bay Area*, adopted in July 2013, is the region's SCS. *Plan Bay Area* set a VMT per capita reduction target of 10 percent below the Bay Area 2005 regional average VMT levels by 2040 for residential development. No

⁶ Based on the 2.27 persons per household forecast for 2025, from ABAG *Projections 2009*, as calculated in the 2011 SEIR.

⁷ OPR, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743* (Steinberg, 2013), January 20, 2016.

VMT per employee target was set.⁸ The Executive Park Amended Subarea Plan area is located within a Priority Development Area in *Plan Bay Area*. Therefore, if the Executive Park plan area is located within an area that is projected to have a residential VMT per capita 10 percent or more below 2005 VMT levels by 2040, the development is presumed not to have a significant VMT impact under CEQA.

The Metropolitan Transportation Commission used a regional activity-based travel model, Travel Model One, to estimate VMT for *Plan Bay Area*.⁹ The following VMT data was used in *Plan Bay Area*.¹⁰ The estimated 2005 VMT per capita by place of residence for the transportation analysis zone in which the project site is located was 13.1.¹¹ The future 2040 VMT per capita by place of residence for the transportation analysis zone in which the project site is located is 9.9,¹² a 24 percent reduction in VMT per capita compared to 2005.

The travel analysis zone geographic area from Travel Model One includes both the Executive Park Plan and Visitacion Valley Redevelopment Plan (aka Schlage Lock site). Therefore, the following analysis further relies on the San Francisco County Transportation Authority's San Francisco Chained Activity Model Process (SF-CHAMP) to estimate VMT for the transportation analysis zone in which the project site is located. The geographic area for the transportation analysis zone in which the project site is located from SF-CHAMP nearly matches the area of the Executive Park Plan project.

SF-CHAMP uses 2040 residential and job growth estimates prepared by Association of Bay Area Governments and adjusted by the San Francisco Planning Department. The land use scenario uses projections from the Sustainable Communities Strategy: Jobs-Housing Connections from *Plan Bay Area*. SF-CHAMP includes transportation network changes that are reasonably foreseeable transportation projects included in the latest adopted Regional Transportation Plan, San Francisco Transportation Plan and/or are actively undergoing environmental review or is anticipated to take undertake environmental in the near future because sufficient projection definition has been established.¹³

Using SF-CHAMP projections, the future 2040 VMT per capita in the Executive Park Plan area is estimated to be 10.2, a 22 percent reduction in VMT per capita compared to 2005. Thus, development specified in the 2011 Executive Park Plan would lead to a VMT reduction greater than the VMT per capita reduction specified in the SCS and, therefore, the Executive Park Plan project would not have a significant VMT impact. Accordingly, no additional VMT analysis of the Modified Project is necessary.

⁸ Association of Bay Area Governments and Metropolitan Transportation Commission, Plan Bay Area. Available online at: http://files.mtc.ca.gov/s3.amazonaws.com/pdf/Plan_Bay_Area_FINAL/pbafinal/index.html.

⁹ Documentation regarding Travel Model One and the use of Travel Model One for Plan Bay Area is available online. Association of Bay Area Governments and Metropolitan Transportation Commission, Model Documentation and Presentations, available online at: <http://analytics.mtc.ca.gov/foswiki/Main/Development>. Association of Bay Area Governments and Metropolitan Transportation Commission, Model Documentation and Presentations, available online at: <http://analytics.mtc.ca.gov/foswiki/Main/PlanBayArea>.

¹⁰ Note: the VMT per capita outputs presented in this paragraph represent resident, non-commercial travel, consistent with OPR's proposed transportation impact analysis guidelines, whereas the VMT per capita outputs presented in *Plan Bay Area* includes commercial travel.

¹¹ Data available online at: <http://analytics.mtc.ca.gov/foswiki/Main/VmtPerCapita>.

¹² Data available online at: <http://analytics.mtc.ca.gov/foswiki/Main/PlanBayAreaVmtPerCapita>.

¹³ Manoj Madhavan and Chris Espiritu, San Francisco Planning Department, Memo to Transportation Team, "CEQA – 2040 SF-CHAMP Modeling Methodology Assumptions", April 25, 2016.

2011 SEIR Updates

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to project impacts on pedestrian and bicycling conditions. A transportation analysis of the Modified Project was conducted that included updated trip generation, mode split, trip distribution, and impact assessment.¹⁴ The Modified Project could result in increased pedestrian activity within the Executive Park area, primarily between the residential units and the expanded commercial areas, and to the neighborhood's transit and shuttle stops. As part of the updated street network, sidewalks would be provided on all new or revised streets, and crosswalks would be striped at all intersections. Given the low existing bicyclist volumes in the area, the EIR anticipated that the project's bicycle activity could be accommodated on the existing streets and bicycle facilities. According to the transportation analysis, the Modified Project would generate up to 35 additional transit trips and 13 trips by other modes (including walking and bicycling) during the weekday p.m. peak hour than the 2011 Executive Park Plan. This modest increase would not substantially change the analysis or conclusions reached in the EIR related to these pedestrian and bicycling conditions; therefore the Modified Project would have less-than-significant impacts on pedestrian and bicycling conditions.

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to parking and loading. The Modified Project proposes an increase of 6 vehicle parking spaces, a less than one percent increase. The Modified Project proposes to eliminate off-street loading in the TMWR in accordance with the Executive Park Special Use District (Planning Code Section 249.54(c)(12) and provide seven on-street loading spaces. The provision of on-street loading spaces, instead of off-street loading spaces, would continue to provide adequate space for retail deliveries, trash pick-up, residential moving, and general deliveries.¹⁵ The Modified Project's parking and loading provisions would not materially alter the EIR conclusions and would continue to have less-than-significant impacts on parking and loading.

The EIR found that the construction activities for the 2011 Executive Park Plan would not result in a significant transportation impact. Construction of the Yerby Project was estimated to last approximately 46 months, with the highest truck traffic during the excavation and concrete pouring, approximately 100 round-trip truck trips per day and approximately 100 workers per day. Construction of the Modified Project, which contains less overall square footage than the 2011 Executive Park Plan, would be similar to that of the original project and would not change the analysis or conclusions reached in the EIR and would have a less-than-significant transportation impact.

The EIR found that the 2011 Executive Park Plan would not result in a significant impact related to event conditions at Candlestick Park stadium. Because Candlestick Park stadium is no longer present, this impact is not relevant to the Modified Project.

¹⁴ Kittelson & Associates, Inc. *Supplementary Transportation Impact Analysis for Modified Yerby Project ("Thomas Mellon Waterfront Residences") at Executive Park*, November 3, 2016.

¹⁵ Ibid.

Noise

The EIR found that the 2011 Executive Park Plan would result in a 0.3 dBA increase in traffic noise along roadways that would be used to access the project, a less-than-significant impact. According to the EIR, a 5 dB increase is the minimum required for a change in community reaction. The proposed revisions do not alter the configuration of project access routes. According to the transportation analysis performed for the Modified Project, the additional 85 units proposed would result in up to 83 additional p.m. peak hour vehicles above the 1,131 vehicle trips estimated for the 2011 Executive Park Plan.¹⁶ This represents an increase of approximately seven percent. These vehicles would be distributed along local roadways and would not be expected to appreciably increase traffic noise, given the slight increase in projected traffic. The Modified Project would not change the analysis or conclusions reached in the EIR and the noise impacts would be less than significant.

Air Quality

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to construction dust, vehicle trips contributing to carbon monoxide levels, exposure of sensitive receptors to toxic air contaminants (TACs), odors, and conflicts with adopted air quality plans. The proposed revisions, which slightly reconfigure and increase by 85 units, the number of residential units while reducing overall square footage, would not substantially alter project construction dust effects, TAC exposures, odors, or conflict with adopted air quality plans. Because the project is over one half acre, the San Francisco's Dust Control Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Department of Public Health. The site-specific Dust Control Plan would require implementation of additional dust control measures such as installation of dust curtains and windbreaks and to provide independent third-party inspections and monitoring, provide a public complaint hotline, and suspend construction during high wind conditions.

Project traffic under the Modified Project operations would continue to be well below the Bay Area Air Quality Management District (BAAQMD) carbon monoxide screening thresholds. According to the transportation impact analysis for the Modified Project,¹⁷ the Modified Project would result in up to 83 new p.m. peak hour vehicle trips above the original project. The increase of 83 vehicles to the approximately 10,000 vehicles per peak hour at the study intersections with the highest volumes under the project and cumulative scenarios,¹⁸ would be below the BAAQMD screening criteria of 44,000 vehicles per hour¹⁹ and, therefore, would not have the potential to increase localized carbon monoxide concentrations to such an extent as to exceed ambient carbon monoxide air quality standards. The additional 83 peak hour vehicle trips would result in a nominal change in local concentrations of TACs and associated local health risks and impacts would continue to be less than significant. The Modified Project would not change the analysis or conclusions reached in the EIR and these air quality impacts would be less than significant.

¹⁶ Kittelson & Associates, *Supplementary Transportation Impact Analysis for Modified Yerby Project ("Thomas Mellon Waterfront Residences") at Executive Park*, November 3, 2016

¹⁷ Ibid.

¹⁸ Planning Department, *Case No. 2006.0422E Draft SEIR, Executive Park Amended Subarea Plan and the Yerby Company and Universal Paragon Corporation Development Projects*. October 13, 2010. Page V.G.38.

¹⁹ BAAQMD, *CEQA Air Quality Guidelines*, Updated May 2011.

Greenhouse Gases

The EIR found that the 2011 Executive Park Plan would result in less-than-significant greenhouse gas (GHG) emissions impacts. Project operational emissions were estimated to result in 4.2 MTCO₂E²⁰ per service population per year, which is below the BAAQMD threshold of 4.6 MTCO₂E. GHGs would increase with population increase under the Modified Project, but, on a GHGs per service population basis, would be substantially similar to the EIR findings and therefore would be less than significant. Construction emissions from the Modified Project would be about the same. Similar to the original proposal, the Modified Project would not conflict with San Francisco's Climate Action Plan or GHG reduction goals. The Modified Project would not change the analysis or conclusions reached in the EIR and would have less-than-significant GHG impacts.

Wind and Shadow

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to wind and shadow. Because the proposed revisions do not change the height or location of buildings from that analyzed in the 2011 Addendum, the Modified Project would not change the analysis or conclusions reached in the EIR and wind and shadow impacts would be less than significant.

Recreation

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts on existing neighborhood and regional parks or other recreational facilities in the vicinity that could result from an increase in use from new residents. On-site recreational space created under the 2011 Executive Park Plan would consist largely of pedestrian paths, small parks or plazas. Residents within the Plan area were expected to utilize off-site recreational areas, but not to a level would result in physical deterioration of those off-site areas, and hence the 2011 Plan was found to have a less-than-significant impact. The Modified Project would not substantially change any of those original conclusions. In light of the number of existing open space and recreational facilities serving the vicinity, the project's contribution to the Visitation Valley Community Facilities and Infrastructure Fee and Fund, and the less than one percent increase in the residential population that would result due to proposed revisions, the Modified Project would not cause an increase in the physical deterioration of recreational resources in the vicinity. In addition, the EIR and 2011 Addendum found that the wind effects of the development projects would not substantially degrade the recreational value of the nearby windsurfing recreational resource at Candlestick Point State Recreation Area. The Modified Project would not alter building heights and location and, therefore, would not result in substantial changes in wind patterns. The Modified Project would not change the analysis or conclusions reached in the EIR and the recreation impacts would be less than significant.

Water Supply

The EIR found that implementation of the Executive Park Plan would result in a water demand of about 189,900 gallons per day. The proposed revisions would increase the water demand by about 12,000 gallons per day (a less than one percent increase) based on the consumption of 62 gallons per capita per day²¹ for an estimated additional 193 residents. The City would continue to have sufficient water supply

²⁰ Metric tons of carbon dioxide equivalent

²¹ Based on the residential use factor of the 2005 Urban Water Management Plan referenced in the 2011 SEIR.

to accommodate this modest increase from the Executive Park development as described in the EIR and updated by the 2013 Water Supply Availability Study.²² The Modified Project would not change the analysis or conclusions reached in the EIR and would have less-than-significant water supply impacts.

Public Services

The EIR found that the 2011 Executive Park Plan would result in less-than-significant impacts related to police and fire protection services. The slight increase in the residential population within the same overall land use plan would not substantially increase the need for police and fire protection services compared to the 2011 Executive Park Plan. The Modified Project would not change the analysis or conclusions reached in the EIR and the impacts on police and fire protection services would be less than significant.

Other Environmental Topics

The Initial Study for the 2011 SEIR also determined that the following effects of the Executive Park Plan and development projects would be less than significant: Land Use (division of established community); Aesthetics (light and glare); Population and Housing (displacement of housing or people); Cultural and Paleontological Resources (historic architectural resources, unique paleontological or geoarcheological resources); Transportation and Circulation (air traffic patterns); Noise (groundborne vibration and noise, aircraft noise, existing noise); Recreation (construction of new facilities and degrade existing recreational sources); Utilities and Service Systems (wastewater and stormwater); Public Services (schools and community facilities); Biological Resources (special status species, sensitive natural communities, wetlands, conflicts with local ordinances and adopted conservation plans); Geology and Soils (fault hazards, seismic ground shaking, landslides, soil erosion, soils, and unique geologic features); Hydrology and Water Quality; Hazards and Hazardous Materials (routine use of hazardous materials, hazardous emissions near schools, location on a hazardous materials site or in vicinity of airport, emergency response, and fire hazards); Mineral and Energy Resources; and Agricultural Resources. The Modified Project would not change the analysis or conclusions reached in the Initial Study/EIR and the impacts on these other environmental topics would be less than significant.

5.2 Effects That Can Be Avoided or Reduced to a Less-than-Significant Level with Mitigation Measures

The EIR found that the Executive Park Plan has the potential to result in significant impacts in subtopics of the following environmental topic areas that can be avoided or reduced to a less-than-significant level with mitigation measures incorporated: Archeology, Transportation, and Air Quality. The Executive Park Plan Mitigation Monitoring and Reporting Program (MMRP) describes the mitigation measures adopted as conditions of approval, the responsible party(ies) for implementation of those measures, and the responsible party(ies) for monitoring and reporting. As discussed in Section 4.0, certain mitigation measures are no longer necessary due to the promulgation of air quality and noise regulations. In addition, the San Francisco Planning Department has clarified the equipment requirements to achieve the performance standard required by the construction air quality mitigation measure. The project sponsor

²² San Francisco Public Utilities Commission, *2013 Water Availability Study for the City and County of San Francisco*, May 2013. Available at <http://sfwater.org/modules/showdocument.aspx?documentid=4168>

has agreed to these mitigation measure modifications.²³ A proposed Revised MMRP is attached as **Exhibit D**, with revisions shown in underline and strikethrough. The Modified Project, with the proposed Revised MMRP, would not result in new impacts or require new mitigation measures to address more severe environmental impacts in these topic areas.

Archaeology

The EIR found that the Executive Park Plan has the potential to result in significant impacts on archaeological resources or human remains due to disturbance of known archaeological resources and anticipated human remains that may be present at the site. The Modified Project would have the same potential impacts. Mitigation Measure M-CP-1 (Archaeological Testing, Monitoring, Data Recovery and Reporting), as described in the MMRP would reduce potential impacts on archaeological resources to less-than-significant levels. The Modified Project would not increase the severity of the cultural resource impact, result in new or substantially different effects, or require new or modified mitigation measures for archaeological resources.

Transportation

The EIR found that the Executive Park Plan would increase ridership in the Executive Park Shuttle service, which could cause a significant impact on the shuttle service capacity. The Modified Project would have the same potential impact, and is anticipated to result in an additional 35 new person-trips by transit during the weekday p.m. peak hour. As a result, the Modified Project would result in a demand for one to two additional shuttle trips during the peak hours.²⁴ Mitigation Measure M-TR-3 (Executive Park Shuttle Service) as described in the MMRP would reduce this impact to a less-than-significant level by requiring additional shuttle service levels when warranted to accommodate the expected transit demand. The Modified Project's transit ridership increase would not result in new or substantially different effects, or require new or modified mitigation measures to reduce this impact to a less-than-significant level.

As discussed in Section 4.4, the City and County of San Francisco no longer considers automobile delay, as described by LOS or traffic congestion, to be a significant impact on the environment under CEQA. The following discussion is provided for informational purposes. The EIR found that the Executive Park Plan would deteriorate the operating conditions at the Tunnel Avenue/ Blanken Avenue intersection. Mitigation Measure M-TR-1 (Tunnel Avenue/ Blanken Avenue) would reduce the significant impact at this intersection to a less-than-significant level. Mitigation Measure M-TR-1 would restripe and signalize the intersection. In addition, the EIR found that the project's traffic would represent a cumulatively considerable contribution to adverse cumulative conditions at the Tunnel Avenue/ Blanken Avenue intersection. Mitigation Measure M-TR-12 (Tunnel Avenue/ Blanken Avenue) would signalize the intersection and prohibit left turns from Blanken Avenue, which would reduce this impact to a less-than-significant level. According to the transportation analysis, the Modified Project would add up to 83 vehicle trips during the weekday p.m. peak hour, distributed throughout the streets that provide access to Executive Park. With implementation of the signalization improvements required by these mitigation

²³ San Francisco Planning Department, Agreement to Implement Mitigation Measures, September 14, 2016.

²⁴ Kittelson & Associates, *Supplementary Transportation Impact Analysis for Modified Yerby Project ("Thomas Mellon Waterfront Residences") at Executive Park*, November 3, 2016

measures, it is anticipated that the Tunnel Avenue/ Blanken Avenue intersection could accommodate the additional vehicle trips associated with the Modified Project.²⁵ Therefore, the Modified Project would not change the analysis or the conclusions reached in the EIR regarding impacts on the Tunnel Avenue/ Blanken Avenue intersection.

The EIR evaluated the contribution of the Executive Park Plan to the 2030 cumulative conditions at various nearby intersections and transportation facilities that would result from the planned developments in the vicinity. The 2030 cumulative scenario assumes a number of roadway improvement measures identified in earlier studies have been implemented. In addition, the EIR evaluated two alternative cumulative scenarios that include a diamond interchange option, and Harney Way alternatives without a westbound right-turn pocket at Executive Park Boulevard East (Alternative A) and with a right-turn pocket (Alternative B). Under 2030 Cumulative Conditions Alternative A, Tunnel/Blanken signalization would be required as Mitigation Measure M-TR-21 to reduce cumulative impacts at the Tunnel/ Blanken intersection to a less-than-significant level. Under this Alternative A scenario, the EIR also found that the Executive Park Plan would contribute to significant cumulative impacts at the Harney Way/ Executive Park Boulevard East intersection, which would be reduced to a less-than-significant level with implementation of Mitigation Measure M-TR-22 (Harney Way/ Executive Park Boulevard East) which would create a right-turn pocket to improve intersection efficiency. It is anticipated that the additional 83 vehicle trips during the weekday p.m. peak hour associated with the Modified Project would not result in new significant intersection impacts under the 2030 cumulative scenario alternatives evaluated in the 2011 EIR.²⁶ Therefore, the Modified Project would not result in a substantially more severe impact, or change the analysis or EIR conclusions with respect to the cumulative impacts at the Tunnel/ Blanken and Harney Way/ Executive Park Boulevard East intersections.

Air Quality

The EIR found that the Executive Park Plan has the potential to expose sensitive receptors to toxic air contaminants resulting from vehicular exhaust due to the project's proximity to Highway 101. The Modified Project would have the same potential impacts. Mitigation Measure M-AQ-2 (Air Pollution from U.S. 101 Traffic), was applied to reduce potential air quality impacts to less-than-significant levels by requiring that all new residential units within 800 feet of U.S. 101 be equipped with a ventilation system that achieves performance compliant with Article 38 requirements. As discussed above in Section 3.1, Article 38 has been updated since the EIR and the proposed development is located entirely within an Air Pollutant Exposure Zone and is therefore subject to Article 38 ventilation and filtration requirements. Because the regulations and procedures set forth by Article 38 would provide the same protections as EIR Mitigation Measure M-AQ-2 (Air Pollution from U.S. 101 Traffic), this measure is no longer necessary to reduce air quality impacts on sensitive receptors and has been removed from the MMRP. The Modified Project, including its Revised MMRP, would not increase the severity of these air quality impacts, result in new or substantially different effects, or require new or modified mitigation measures for this impact.

²⁵ Ibid.

²⁶ Ibid.

Other Environmental Topics

The Initial Study for the 2011 SEIR also determined that the following effects of the Executive Park Plan would be reduced to a less-than-significant level by mitigation measures included in the project:

Noise (construction noise, interior noise levels); Biological Resources (migratory birds); Geology and Soils (liquefaction potential, sea level rise and groundwater); Hydrology and Water Quality (stormwater runoff); Hazards and Hazardous Materials (hazardous materials in soil, naturally occurring asbestos dust). The Modified Project would have the same potential impacts. Mitigation Measures Noise-1 (Construction Noise), Bio-1 (Protection of Birds During Tree Removal), Geo-1 (Liquefaction Potential, Excavation and Dewatering), Geo-2 (Sea Level Rise and Groundwater), Stormwater-1 (Minimizing Stormwater/Wastewater Runoff), Haz-1 (Hazardous Materials/Contaminated Soil), and Haz-2 (Dust Program for Asbestos-Containing Serpentine Materials) would reduce impacts from the Modified Project to less-than-significant levels. The Modified Project would not change the analysis or conclusions reached in the Initial Study/EIR and the impacts on these other environmental topics would be less than significant with implementation of mitigation measures.

With respect to the project's impact on interior noise levels, the Initial Study/EIR applied Mitigation Measure Noise-2 (Interior Noise Levels) to reduce the effect of the project's siting of noise-sensitive receptors in a noisy environment by requiring the project sponsor to conduct an acoustical study and demonstrate the feasibility of meeting the 45 dB interior noise limit in any habitable room required by Title 24. As discussed in Section 3.3, because the interior noise standard is required by law, Mitigation Measure Noise-2 is not necessary to reduce exterior noise impacts on project residents. Noise impacts on sensitive receptors would be less than significant with compliance with the San Francisco and California Building Codes. Removal of Mitigation Measure Noise-2 would not result in any new or more severe noise impacts associated with the Modified Project.

5.3 Significant and Unavoidable Impacts

The EIR found that the Executive Park Plan has the potential to result in significant impacts in the subtopics of transportation, noise, and air quality that cannot be avoided or reduced to a less-than-significant level with mitigation measures. The Modified Project, with the proposed Revised MMRP (as discussed above), would not result in new impacts or substantially more severe impacts in these topic areas.

Transportation

As discussed in Section 4.4, the City and County of San Francisco no longer considers automobile delay, as described by LOS or traffic congestion, to be a significant impact on the environment under CEQA. The following discussion is provided for informational purposes. The 2011 EIR found that the Executive Park Plan would have the potential to result in significant and unavoidable transportation impacts on various aspects of the transportation network in the project area. These include baseline plus project impacts on the U.S. 101 mainline north of Alanna Way/ Harney Way (southbound) and 2030 cumulative impacts on intersection operation, U.S.101 freeway segment operation and on-ramps including the following: Bayshore Boulevard/ Tunnel Avenue; Bayshore Boulevard/ Blanken Avenue; Alanna Way/ Beatty Road; Harney Way/ Alanna Way/ Thomas Mellon Drive; Geneva Avenue/ U.S. 101 southbound ramp; Geneva Avenue/ U.S. 101 northbound ramp; U.S. 101 mainline northbound, both north and south of Alanna Way/

Harney Way; U.S. 101 northbound on-ramp at Harney Way; U.S. 101 southbound on-ramp at Alanna Way. Because mitigation is considered infeasible for most of these impacts, or would not reduce impacts to a less-than-significant level in the case of Mitigation Measures M-TR-23 (Geneva Avenue/ U.S. 101 Southbound Ramps) and M-TR-24 (Geneva Avenue/ U.S. 101 Northbound Ramps), these transportation impacts remain significant and unavoidable.

The transportation analysis of the Modified Project found that it would have similar impacts to those identified in the EIR. As discussed earlier, the Modified Project would result in an increase of 83 vehicle trips during the weekday p.m. peak hour, a relatively small contribution to the roadway volume, which would result in minimal change in intersection operation conditions and percent contributions to poorly performing critical movements.²⁷ Implementation of the Modified Project would neither substantially increase the severity of significant transportation impacts, nor result in new or different effects. Therefore, the Modified Project would not change the analysis or conclusions reached in the EIR with respect to transportation.

Noise

The 2011 EIR found that project-related traffic, in combination with that from other development projects proposed in nearby areas, would result in significant cumulative traffic noise impacts along project access routes. Because some of the existing homes along the Blanken Avenue access route likely predate the State's noise standards and there are no practical means of retrofitting off-site homes or installing noise barriers, the EIR found this impact to be significant and unavoidable. The Modified Project would increase vehicle trips by 83 during the p.m. peak hour. Because these trips would be distributed along the local roadway network and would be a nominal addition, traffic noise effects along Blanken Avenue would not substantially increase beyond the already-identified significant level disclosed in the EIR. The new homes developed as part of the Modified Project would be subject to California Title 24 noise standards (California Building Code Section 1207) and the San Francisco noise standards (San Francisco Building Code Section 1207) that require noise insulation features to be included to reduce indoor noise levels to 45 dBA.

Air Quality

The 2011 EIR found that average daily construction equipment exhaust emissions could exceed the BAAQMD 2010 CEQA thresholds for ozone precursors which would affect regional air quality. In addition, construction equipment exhaust emissions could expose the closest sensitive receptors to significant concentrations of toxic air contaminants, including diesel particulate matter (DPM) and fine particulate matter (PM_{2.5}), at concentrations exceeding BAAQMD's health risk thresholds. Given the preliminary construction details available, the Executive Park Plan project's construction emissions were conservatively assumed for phased construction activity over the years 2011-2021, and assumed that simultaneous construction of the Yerby and UPC development projects could occur. Even with implementation of all feasible mitigation for equipment exhaust emissions as required by Mitigation Measure M-AQ-1 (Construction Exhaust Emissions), project construction air quality impacts were considered significant and unavoidable.

²⁷ Ibid.

Construction activities for the Modified Project would be similar to those estimated for the Executive Park Plan. The total square footage of the Modified Project would be slightly less and consequently the amount and duration of construction activities would be similar. Because UPC has not yet submitted any entitlement applications, it appears that simultaneous construction of the Modified Project and the UPC development would not occur, reducing the construction-related air quality impacts. However, the construction emissions of DPM and PM_{2.5} could still be exceeded during Modified Project construction. Mitigation Measure M-AQ-1 (Construction Exhaust Emissions) is required for the project. This mitigation measure, derived from the 2011 BAAQMD CEQA Guidelines, establishes a performance standard for construction emissions reductions and requires the project sponsor to develop a plan demonstrating that construction equipment would achieve this performance standard. The San Francisco Planning Department has clarified how the performance standard can be achieved to facilitate implementation of the measure. The revised Mitigation Measure M-AQ-1 (Construction Exhaust Emissions) provides equal or better mitigation for construction exhaust emissions than that provided in the 2011 SEIR. The revised mitigation language is presented in the MMRP, attached as Exhibit D). The Modified Project, with the revised Mitigation Measure M-AQ-1, would not increase the severity of these air quality impacts, result in new or substantially different effects, or require new mitigation measures for construction air quality effects.

The 2011 EIR found that operational emissions due to vehicle trips and project area sources (such as natural gas use, consumer products, and architectural coatings) would result in an increase in criteria pollutant emissions that would exceed BAAQMD thresholds for ozone precursors and large particulate matter (PM₁₀). Ozone precursors include reactive organic gases (ROG) and nitrogen oxides (NOx). Even with incorporation of feasible transportation demand measures, impacts of project emissions on regional air quality would remain significant and unavoidable. Criteria pollutant emissions of the Modified Project were estimated based on the relative increase in vehicle trips and residential units, and decrease in project square footage, as compared with the 2011 Executive Park Plan. The 2011 Executive Park Plan was anticipated to result in approximately 16,000 net new trips per weekday, and 1,131 vehicle trips per weekday peak hour.²⁸ The Modified Project would result in an increase of 83 vehicle trips per weekday p.m. peak hour.²⁹ As noted in Section 2.0, the Modified Project would result in an increase of 85 units and a decrease of about 20,000 square feet in building area. These changes would result an increase in ROG emissions of 1.3 percent, and increases in NOx and PM between 6 and 6.5 percent.³⁰ ROG and NOx interact to form ground level ozone. The increases in ROG and NOx would increase ground level ozone; this impact on regional air quality was identified as significant and unavoidable in the EIR. Similarly, PM emissions were identified as significant and unavoidable in the EIR. The slight increases in ROG, NOx, and PM from the Modified Project would not substantially alter the severity of the Modified Project's operational air quality impacts, result in new or substantially different effects, or require new or substantially more stringent mitigation measures for air quality effects.

²⁸ Ibid.

²⁹ Ibid.

³⁰ San Francisco Planning Department, *Estimated Daily Emissions for the Modified Project*, November 9, 2016

5.4 Mitigation Measures

Mitigation measures established in the 2011 EIR for the Executive Park Plan would still apply to the Modified Project, with some exceptions. As discussed above, two of the mitigation measures are no longer necessary to reduce impacts to a less-than-significant level because regulations have been enacted that encompass the requirements of those mitigation measures. A third mitigation measure has been modified to clarify the requirements for meeting the performance standard specified by the measure. A revised MMRP for the Executive Park Plan describing the mitigation measures, implementing and reporting responsibilities is attached as Exhibit D.

6.0 CONCLUSION

Based on the foregoing, it is concluded that the analyses conducted and the conclusions reached in the final EIR certified on May 5, 2011 remain valid. The proposed revisions to the project would not cause new significant impacts not identified in the EIR, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the proposed project that would cause significant environmental impacts to which the project would contribute considerably, and no new information has become available that shows that the project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this addendum.

Date of Determination:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

11/15/16

Lisa M. Gibson
Lisa M. Gibson
Acting Environmental Review Officer

cc: Michael Liu, SingHaiyi U.S. Operations, Inc.
for Ocean Landing LLC
Michael J. Burke, SSL Law Firm LLP
Matthew Snyder, Citywide Planning
Ella Samonsky, Current Planning
Kenya Wheeler, SFMTA
Oscar Gee, SFDPW
Jonathan Scharfman, UPC

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Exhibits

Exhibit A. San Francisco Planning Department, *Draft Subsequent Environmental Impact Report, Executive Park Amended Subarea Plan and The Yerby Company and Universal Paragon Corporation development Projects, Case No. 2006.0422E*, October 13, 2010. Figure III-2: Executive Park Subarea Plan Properties.

Exhibit B. Ibid, Figure III-5: Proposed Yerby and UPC Development Projects – Combined Site Plan

Exhibit C. Ocean Landing LLC, Thomas Mellon Waterfront Residences Overall Site Plan, August 24, 2016.

Exhibit D. Revised Mitigation Monitoring and Reporting Program, Executive Park Amended Subarea Plan and Thomas Mellon Waterfront Residences and UPC Development Projects, August 2016.

EXHIBIT A. EXECUTIVE PARK SUBAREA PLAN AREA BOUNDARIES



SOURCE: Heller-Manus, Turnstone Consulting

EXECUTIVE PARK
2008.0422E

FIGURE III-2: EXECUTIVE PARK SUBAREA PLAN AREA PROPERTIES

Site plan of the proposed building at the intersection of Highway 101 and Harney Way. The plan shows a large complex with multiple buildings labeled 1 through 7, and parking areas labeled A through F. A legend on the right explains the labels: 1F (Six Floors), -4P (Parking Entry), -1L (Loading Entry), -2LA (Parking & Loading Entry), and 1L (On Street Loading). A north arrow and scale bar (0 to 200 feet) are also present. The plan includes street names: Highway 101, Harney Way, Executive Park North, Executive Park East, and Executive Park West. A shaded area indicates the building reserved for Harney Way widening.

FIGURE III-5: PROPOSED YERBY AND UPC DEVELOPMENT PROJECTS - COMBINED SITE PLAN

SOURCE: Heller-Mannus, C.Y., Lee Architects, Turnstone Consulting

EXCITING

2006.0422E

EXHIBIT C – PROPOSED THOMAS MELLON WATERFRONT RESIDENCES SITE PLAN



EXHIBIT D – REVISED MITIGATION MONITORING AND REPORTING PROGRAM
EXECUTIVE PARK AMENDED SUBAREA PLAN

THOMAS MELLON WATERFRONT RESIDENCES AND UPC DEVELOPMENT PROJECTS
November 15, 2016

[Revisions shown in underline-strikethrough]

EXHIBIT D MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FOR THE EXECUTIVE PARK SUBAREA PLAN AREA AND YERBY COMPANY TMR AND UPC DEVELOPMENT PROJECTS <i>Archaeological Resources</i>				
M-CP-1: Archaeological Testing, Monitoring, Data Recovery and Reporting <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the Planning Department ("Department") pool of qualified archaeological consultants as provided by the Department archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and the requirements of the ARDTP (Archeo-Tec, Archaeological Research Design and Treatment Plan for the Executive Park Project, March 2009) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirements of the project ARDTP and the requirements of this mitigation measure, the requirements of this archaeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks cumulative, as measured from the commencement of site grading to the issuance of a Certificate of Occupancy. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).</p> <p>The Department shall initiate further consultation with Native American/Ohlone representatives through the California State Native American Heritage Commission (NAHC) regarding the significance of the</p>	<p>Project sponsor to retain qualified archaeological consultant</p>	<p>Prior to and during construction</p>	<p>Archaeological consultant to prepare Archaeological Monitoring Program (AMP) in consultation with the ERO.</p> <p>Consultant to prepare Archaeological Data Recovery Program with consultation in the ERO.</p> <p>If applicable, upon discovery of human remains and/or associated or unassociated funerary objects, the consultant shall notify the Coroner of the City and County of San Francisco, and in the event of the Coroner's determination that the human remains, notification of the California State Native American Heritage Commission who shall appoint a Most Likely Descendant (MLD) who shall make reasonable efforts to develop an agreement for the</p>	<p>Archaeological consultant with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.</p>

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<p>remains CA-SFR-7 shell mound and appropriate investigation and treatment protocols. Any NAHC-recognized Ohlone participant in the Department consultation shall be given the opportunity to review and comment on any draft archaeological testing, monitoring, or data recovery plan required by this measure prior to document approval.</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is</p>			<p>treatment of human remains and/or associated or unassociated funerary objects.</p> <p>Archaeological consultant to prepare draft and final Archeological Resources Report reports. The ERO to review and approve the Final Archeological Resources Report</p>	

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<p>feasible.</p> <p><u>Archaeological Monitoring Program (AMP)</u></p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> • The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; • The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; • The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; • The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological 				

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<p>monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p>				

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<ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and De-accession Policy.</i> Description of and rationale for field and post-field discard and de-accession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. <p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO, archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated</p>				

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<p>or unassociated funerary objects (CEQA Guidelines Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive two copies (bound and unbound) and one unlocked, searchable PDF copy on a CD or DVD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
Transportation				
<p>M-TR-1: Tunnel Avenue / Blanken Avenue</p> <p>The intersection would meet signal warrants during both the weekday AM and PM peak hours. The signal would need to be part of the Bayshore Boulevard /</p>	Study and design by SFMTA	Monitor the Tunnel/Blanken intersection biannually by undertaking traffic	SFMTA Planning Department	Completed upon implementation of signalization and restriping of

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<p>Third Street system, and the timing plan would be optimized to minimize queues along Blanken Avenue between Bayshore Boulevard and Tunnel Avenue. The northbound and southbound left turns would be provided with protected phasing, and the corresponding right turns would be provided with overlap phasing.</p> <p>On-street parking would be removed and left-turn pockets installed along Tunnel Avenue and right-turn pockets installed along Blanken Avenue. On the northbound approach, on-street parking would need to be removed on the east side of Tunnel Avenue to accommodate a left-turn pocket. On the southbound approach, parking would need to be removed on the west side of Tunnel Avenue to accommodate a left-turn pocket. On the eastbound approach, parking would need to be removed on the south side of Blanken Avenue to accommodate a right-turn pocket. On the westbound approach, parking would need to be removed on the north side of Blanken Avenue to accommodate a right-turn pocket.</p> <p>To evaluate the feasibility of this measure, a preliminary signal timing / phasing plan was developed and queues at the intersection evaluated. The supplemental analysis indicated that signalization and restriping of this intersection is feasible. After implementing this mitigation measure, the intersection would operate at LOS D in both the AM and PM peak hours under Baseline plus Project Conditions</p>	<p>Project sponsor shall pay its fair share</p>	<p>counts after implementation of the intersection improvements associated with the Visitacion Valley Redevelopment Plan (i.e., signalization). When LOS degrades to unacceptable levels, signalize and restripe intersection as indicated.</p>		<p>intersection.</p>
<p>M-TR-3: Executive Park Shuttle Service</p> <p>Increase outbound shuttle service in the weekday AM peak hour and inbound shuttle service in the weekday PM peak hour. The shuttle operations plan should be sufficient to accommodate the expected transit demand — i.e., 105 inbound and 271 outbound transit trips in the weekday AM peak hour and 283 inbound and 197 outbound transit trips in the weekday PM peak hour. Assuming the current shuttle capacities, this would require approximately five (5) inbound and 13 outbound trips in the weekday AM peak hour and 14 inbound and ten (10) outbound trips in the weekday PM peak hour (average headways of about four to five minutes). Lower service levels could be provided during the midday, evening, and weekend periods. These changes to the shuttle service would be</p>	<p>Project sponsor shall pay for and operate additional shuttle service.</p> <p>Project sponsor shall pay its fair share of ongoing operation of shuttle service.</p>	<p>Prior to issuance of Certificate of Occupancy for any building within the YerbyTMWR and UPC development sites</p>	<p>Each year, project sponsor and other Executive Park property owners shall submit written reports to the Planning Department describing the current weekly operations of the shuttle service, and any revisions that have been made to the shuttle</p>	<p>Ongoing throughout the life of the project.</p>

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<p>implemented as needed, based on the percentage of buildout of the proposed project along with a revised route and stop pattern to make the Bayshore Caltrain Station a permanent stop and include two additional stops—one on Bayshore Boulevard near Arleta Avenue to improve connections to the T-Third Street and the various bus lines and one stop on Bayshore Boulevard between Leland and Visitation Avenues to improve access to the Visitation Valley commercial area. The location of these stops would be coordinated with MTA and the Visitation Valley community.</p> <p>Since these measures were previously identified as project-related mitigation measures in the 1999 FSEIR and were included in the Conditions of Approval for the project in the 1985 FSEIR, it was assumed that these measures would be included as part of the proposed project and not represent new mitigation measures. However, they would still be considered required mitigation for the proposed project.</p>			service during the previous year.	
<p>M-TR-12: Tunnel Avenue/ Blanken Avenue</p> <p>The intersection would meet the MUTCD peak hour signal warrant in both the AM and PM peak hours. In addition to the mitigations proposed under Mitigation Measure TR-1, left turns from Blanken Avenue would need to be prohibited in both directions and the eastbound and westbound approaches programmed to run concurrently instead of on split phases. This would have minimal effect on the eastbound approach, since the volumes on the eastbound left movement are very low and alternative access is provided via Bayshore Boulevard / Tunnel Avenue. On the westbound approach, the volumes on the westbound left movement are also very low and could be prohibited without substantial impacts on neighboring roadways. It is expected that this traffic would switch to Lathrop Avenue—one block south of Blanken Avenue—or find alternative routes to reach the freeway (e.g., via eastbound Blanken Avenue, Executive Park Boulevard West, and Alanna Way). After implementing these measures, the intersection would operate at LOS C in the weekday AM peak hour and LOS D in the weekday PM peak hour. The YerbyTMWR Project sponsor and UPC Project sponsor would be required to make a fair-share contribution to the implementation of this mitigation</p>	<p>SFMTA</p> <p>Project sponsor shall pay its fair share</p>	<p>Prior to issuance of Certificate of Occupancy for any building within the YerbyTMWR and UPC development sites</p>	<p>SFMTA</p> <p>Planning Department</p>	<p>Completed upon payment of fair-share contribution to Tunnel Avenue/Blanken Avenue signalization and restriping.</p>

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measure.				
M-TR-21: Tunnel Avenue/ Blanken Avenue The intersection would meet the MUTCD peak hour signal warrant in both the AM and PM peak hours. If the mitigation measure described in Mitigation Measure TR-12 for 2030 Cumulative Conditions without Improvements were implemented, the intersection would operate at LOS C in the weekday AM peak hour and LOS D in the weekday PM peak hour. The Yerby TMWR Project sponsor and UPC Project sponsor would be required to make a fair-share contribution to the implementation of this mitigation measure.	SFMTA Project sponsor shall pay its fair share	Prior to issuance of Certificate of Occupancy for any building within the Yerby TMWR and UPC development sites	SFMTA Planning Department	Completed upon payment of fair-share contribution
M-TR-22: Harney Way/ Executive Park Boulevard East The poor operations of this intersection in the weekday PM peak hour would be a result of conflict on the westbound approach (specifically westbound right turns) with the Harney BRT. Due to a shared westbound through-right lane at this intersection, all movements along westbound Harney Way must be stopped during the BRT phase, reducing the efficiency of the signal and the vehicle throughput at the intersection. If instead, an exclusive right-turn pocket were provided, right-turns and through movements along westbound Harney Way could be segregated and given separate phases and the through movements could occur concurrently with the BRT phase, reducing delay and improving intersection operations.	SFMTA Project sponsor shall pay its fair share	Prior to issuance of Certificate of Occupancy for any building within the Yerby TMWR and UPC development sites	SFMTA Planning Department	Completed upon payment of fair-share contribution

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TR-23: Geneva Avenue / U.S. 101 SB Ramps The City of Brisbane and Caltrans, as part of the Harney Interchange Project, shall account for existing traffic, background traffic growth, and the most recent forecasts of traffic expected to be associated with each of several adjacent development projects, including the proposed project. The San Francisco County Transportation Authority (SFCTA) shall coordinate with the City of Brisbane and Caltrans to ensure project-generated vehicle trips are accounted for in the Harney Interchange analyses and design. Mitigations and associated fair-share funding measures for cumulative regional roadway system impacts, including freeway segment impacts, shall be formulated through the current interjurisdictional Bi-County Transportation Study effort being led by the SFCTA, or through an equivalent process developed by SFCTA in coordination with the City of Brisbane and Caltrans. The project applicant shall contribute its fair share to the entire Harney Interchange Project, including the Geneva Avenue extension.	Project sponsor/ San Francisco County Transportation Authority (SFCTA) / SFMTA / SFDPPW / Caltrans / City of Brisbane	Ongoing as part of the Harney Interchange Project	SFMTA/SFCTA	Completed upon payment of fair-share contribution to the Harney Interchange Project.
M-TR-24: Geneva Avenue / U.S. 101 NB Ramps The City of Brisbane and Caltrans, as part of the Harney Interchange Project, shall account for existing traffic, background traffic growth, and the most recent forecasts of traffic expected to be associated with each of several adjacent development projects, including the proposed project. The San Francisco County Transportation Authority (SFCTA) shall coordinate with the City of Brisbane and Caltrans to ensure project-generated vehicle trips are accounted for in the Harney Interchange analyses and design. Mitigations and associated fair-share funding measures for cumulative regional roadway system impacts, including freeway segment impacts, shall be formulated through the current interjurisdictional Bi-County Transportation Study effort being led by the SFCTA, or through an equivalent process developed by SFCTA in coordination with the City of Brisbane and Caltrans. The project applicant shall contribute its fair share to the entire Harney Interchange Project, including the Geneva Avenue extension.	Project sponsor/ San Francisco County Transportation Authority (SFCTA) / SFMTA / SFDPPW / Caltrans / City of Brisbane	Ongoing as part of the Harney Interchange Project	SFMTA/SFCTA	Completed upon payment of fair-share contribution to the Harney Interchange Project.
<i>Other Applicable Transportation Measures</i>				

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Improvements Included as Part of the Proposed Amended Executive Park Subarea Plan As part of the Proposed Amended Executive Park Subarea Plan, modifications to some of the internal intersections would be required to support the new development and would be the responsibility of the Executive Park property owners, including: <ul style="list-style-type: none"> Establishing STOP signs and turn pockets at the intersection of Executive Park Boulevard North and Executive Park Boulevard East, and Establishing an eastbound left-turn pocket at the Executive Park Boulevard North and Thomas Mellon Drive intersection. 	The Project Sponsor and other owners of Executive Park	Prior to the issuance of a Certificate of Occupancy	The Project Sponsor and other owners of property within Executive Park shall submit drawings and specifications for all such proposed improvements to SFMTA for approval before completion	Considered complete upon receipt by DBI of a writing from SFMTA indicating completion of such improvements as approved
Update and Enhance the Executive Park Transportation Management Plan The Executive Park Transportation Management Plan (TMP) shall be updated and enhanced. The TMP shall include, but not be limited to, the following elements: <ul style="list-style-type: none"> Transportation Coordinator – As part of their responsibilities, the coordinator should conduct annual surveys of residents to determine the aggregated mode split and place of work, and to identify additional measures that would help residents. In addition, the Transportation Coordinator should manage and operate the TMP measures described below; Executive Park Residents Website – Maintained by the Transportation Coordinator, this website should present all shuttle, transit, and carpool information, as described below; Shuttle – As discussed above, the Executive Park shuttle should be expanded to include new stops within Executive Park and in the Visitacion Valley neighborhood and provide substantial increases in service levels. In addition, new shuttle vehicle types should be 	Project Sponsor along with the other owners of property at Executive Park	TMP approval prior to issuance of Certificate of Occupancy for any building within the Yerby TMWR and UPC development sites; Timing of mitigation components to be specified within TMP.	Each year, the Project Sponsor and other Executive Park owners shall submit written reports to the Planning Department describing the current, weekly operations of the TMP, and any revisions that have been made to the TMP during the previous year.	The obligation endures throughout the life of the Project, but shall be considered complete each year upon receipt by the Planning Department of the yearly report.

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<p>considered to provide additional space and rider amenities;</p> <ul style="list-style-type: none"> Carpool Services – A carpool match program should be established, which would allow residents to access a bank of information regarding who is available to drive and ride in carpools. Also, designated casual carpool locations should be identified, to allow drivers a convenient location to pick up passengers. The carpool matching and information entry should be on the Executive Park website and real-time (i.e., if a person is going to be leaving for work, they can log in and see if anybody else is looking to leave at the same time); Carsharing Services – Individual developers should coordinate with one of the various carshare providers to provide carshare spaces throughout the neighborhoods. This would reduce the demand for parking, as not every unit would need to have their own vehicle. Although carshare providers typically provide information on vehicle locations and availability, these should also be included on the Executive Park website. It should be noted that carshare doesn't result in a significant decrease in auto use; instead, it gives some security to residents who don't want to own a vehicle and take transit or carpool to work; Real-Time Transit Information – Real-time information on the current status and arrival times of the Executive Park shuttle, T-Third Street, Caltrain, and BART should be included on the Executive Park website. This could be maintained through the Muni Nextbus, BART, and Caltrain websites. In addition, message boards at Executive Park shuttle stops or at the commercial center should be provided to present arrival times and the current status of the various transit operators (such as whether there are any major system delays). In addition, links to the transit provider websites should be maintained; Transit Pass Sales – A transit store should be included among the new commercial establishments at Executive Park, or agreements made with an independent merchant to sell transit passes (monthly 				

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<p>Muni Fast Pass, one-time fares, BART tickets, Caltrain tickets, etc.); and,</p> <ul style="list-style-type: none"> Other Programs – As appropriate, the Transportation Coordinator should pursue other major tasks, such as coordinating with developers to provide residents with discounted transit passes (or inclusion of transit passes as part of Homeowners Association fees) and incentives for residents who don't own vehicles; working with businesses to encourage hiring of local residents; and investigating the establishment of HOV bypass lanes on the U.S. 101 on-ramps from Harney Way and Alanna Way / Beatty Road. 				
<p>Previous Mitigation Measures Required for Executive Park Property Owners</p> <p>As required by mitigation measures from the 1985 SEIR, Executive Park property owners are required to make local roadway improvements when warranted by poor operating conditions. These include the following short-term and long-term improvements. These measures were also previously identified as project-related mitigation measures in the 1999 FSEIR. It is assumed that these measures are included as part of the proposed project and not represent new mitigation measures. However, they would still be considered required mitigation for the proposed project.</p> <p>Signalization of Harney Way / Executive Park Boulevard East;</p> <ul style="list-style-type: none"> Signalization and reconfiguration of Harney Way / Alanna Way / Thomas Mellon Drive intersection; Widening of Harney Way by one lane; Signalization of Executive Park Boulevard West / Alanna Way and the restriping of the southbound approach from one shared lane to one exclusive left lane and one exclusive right lane; Widening of Alanna Way by one lane and two lanes; and, 	<p>The Project Sponsor and other owners of Executive Park</p>	<p>As such improvements become necessary with the completion of other projects in the cumulative scenarios studied in the EIR. However, if the measures are found not unnecessary, they will not need to be implemented.</p> <p>The reimbursement agreements with the City shall provide for such contingencies.</p>	<p>The Project Sponsor and other owners of property within Executive Park shall submit drawings and specifications for all such proposed improvements to SFMTA for approval before completion</p>	<p>Considered complete upon receipt by DBI of a writing from SFMTA indicating completion of such improvements as approved</p>

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<ul style="list-style-type: none"> Signalization of Alanna Way / Beatty Road. 				
<p>EIR Alternative C: Realignment of Alanna Way (If Selected)</p> <p>The proposed Amended Subarea Plan and EIR Alternative C include a reconfiguration of the roadways that provides access into Executive Park. As a means to improve access between the east and west sides of the freeway and enhance regional circulation, augment the neighborhood character of the area, and improve local intersection operations, the following modifications would occur:</p> <ul style="list-style-type: none"> Between Executive Park Boulevard West and Thomas Mellon Drive, Alanna Way currently runs east-west and connects to the intersection of Harney Way / Alanna Way / Thomas Mellon Drive. Instead, Alanna Way would be bent to the southeast to create a new intersection with Harney Way about 250 feet to the south of Thomas Mellon Drive; With the removal of the Alanna Way approach, the intersection of Harney Way / Thomas Mellon Drive would be reconfigured into a "T" intersection, with Thomas Mellon Drive bent slightly to the southeast; and, Traffic signals would be established at the intersections of Executive Park Boulevard West / Alanna Way and Harney Way / Alanna Way. 	<p>The Project Sponsor and other owners of Executive Park</p>	<p>Prior to issuance of Certificate of Occupancy for any building within the Yerby <u>TMWR</u> and UPC development sites</p>	<p>SFMTA Planning Department</p>	<p>Completed upon payment of fair-share contribution</p>
Noise				
<p>Mitigation Measure Noise-1: Construction Noise</p> <p>Pile driving might be required for the Yerby <u>TMWR</u> and UPC development projects. If pile driving is required, the project sponsors shall require construction contractors to pre-drill site holes to the maximum depth feasible based on soil conditions. The project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance and in consultation with the Director of Public Works, to disturb the fewest people. Contractors shall be required to use construction equipment with state-of-the-</p>	<p>Project sponsor and construction contractor</p>	<p>Throughout all phases of project construction during periods when pile driving is taking place</p>	<p>Planning Department</p>	

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<p>art noise shielding and muffling devices. At least 48 hours prior to pile-driving activities, the project sponsors shall notify building owners and occupants within 200 feet of the development site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of such activities.</p>				
<p>Mitigation Measure Noise 2: Interior Noise Levels</p> <p>The project sponsors shall conduct site-specific acoustical studies for all of the proposed buildings. The studies shall be consistent with the requirements of the State Building Code, and shall identify appropriate noise reduction measures to be incorporated into project final design. Each noise study must be submitted to and approved by the San Francisco Department of Building Inspection prior to the issuance of a building permit. Potential noise reduction techniques may include, but are not limited to: (a) incorporation of air circulation systems in all affected units so that windows can remain closed to maintain interior noise levels of less than 45 dBA Ldn; and (b) incorporation of sound-rated windows and construction methods in residential units.</p>	<p>Project sponsor shall retain qualified acoustical consultant</p>	<p>Prior to issuance of a building permit for each building within the Yerby and UPC development sites.</p>	<p>Acoustical consultant to submit reports to Department of Building Inspection</p> <p>Building designers to follow the recommendations of the acoustical consultant. DBI to review plans to ensure recommendations are included in plans</p>	
<i>Air Quality</i>				
<p>Mitigation Measure M-AQ-1: Construction Exhaust Emissions</p> <p>The development project sponsors shall include in contract specifications a requirement for the following BAQMD-recommended measures:</p> <ul style="list-style-type: none"> • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes and as required by the California airborne toxics control measures, Title 13, Section 2485 of California Code of Regulations. Clear signage shall be provided for construction workers at all access points. • All construction equipment, diesel trucks, and generators shall be equipped with best available control technology for emission reductions of particulate matter and NOx. 	<p>Project sponsor and construction contractor</p>	<p>For each phase of construction, submit emissions reduction strategies and construction specifications related to construction equipment prior to issuance of the site permit for that phase.</p> <p>Construction contractor</p>	<p>Planning Department</p>	

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<ul style="list-style-type: none"> • All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Develop and adhere to a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after treatment products, add-on devices such as particulate filters, and/or other options as such become available. • All contractors shall use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy-duty diesel engines. • <u>All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</u> <p>The ERO may waive the equipment requirements if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the</p>		shall submit quarterly reports regarding implementation of emissions reduction strategies during construction.		

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<p>ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p> <p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>** Alternative fuels are not a VDECS.</p> <ul style="list-style-type: none">• <u>Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the off-road emissions requirements. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter</u>					Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*
Compliance Alternative	Engine Emission Standard	Emissions Control														
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<p>reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <ul style="list-style-type: none"> Monitoring. After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan. <p>Mitigation Measure M-AQ-2: Air Pollution from U.S. 101 Traffic.</p> <p>The development project sponsors shall ensure that all new residential units within 800 feet of a U.S. 101 traveled lane are equipped with a ventilation system that achieves performance compliant with the requirements in San Francisco Health Code Article 38.</p>	Project sponsor and construction contractor	Prior to issuance of a building permit for each building within the Yerby and UPC development sites.	Department of Public Health and Department of Building Inspection	
Biological Resources				
<p>Mitigation Measure Bio-1: Protection of Birds during Tree Removal</p> <p>The project sponsors would implement the following protective measures to assure implementation of the Migratory Bird Treaty Act and compliance with state regulations during tree removal.</p> <p>Pre-construction surveys for nesting birds shall be conducted by a qualified ornithologist or wildlife biologist to ensure that no nests will be disturbed during project implementation. A pre-construction survey shall be conducted</p>	Project sponsor to retain qualified ornithologist or wildlife biologist	A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the	Planning Department in consultation with California Department of Fish and Wildlife	

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no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect all trees in and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist or wildlife biologist, in consultation with CDFG, shall determine the extent of a construction-free buffer zone to be established around the nest.		breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).		
Geology and Soils				
Mitigation Measure Geo-1: Liquefaction Potential, and Excavation, and Dewatering The UPC and Yerby TMWR development project sponsors would incorporate features into the project foundation designs to address the potential for liquefaction in the soils beneath portions of the development sites, the potential for soil instability, and the potential for groundwater inflow during excavation. The specific measures to be implemented would be specified in the geotechnical reports prepared as part of the final project design. Based on the preliminary geotechnical studies completed for the projects, these features may include (but are not limited to): soil cement columns, reinforced concrete mat foundations, pre-densification, drilled piers, or driven concrete or steel piles, shoring to prevent soils from becoming unstable during excavation, and drawing down groundwater to a depth of at least three feet below the bottom of excavation. The measures specified would incorporate all applicable California Building Code requirements.	Project sponsor	Prior to issuance of a building permit for each building within the Yerby TMWR and UPC development sites.	Department of Building Inspection	
Mitigation Measure Geo-2: Sea Level Rise and Groundwater The UPC and Yerby TMWR development project sponsors would incorporate features into the project foundation designs to address the potential for rising groundwater levels due to predicted global sea level rise. The specific measures to be implemented would be specified in the geotechnical reports prepared as part of the final project design. Based on the preliminary	Project sponsor	Prior to issuance of a building permit for each building within the Yerby TMWR and UPC development sites.	Department of Building Inspection	

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geotechnical studies completed for the projects, the projects would include an appropriate long-term design groundwater level for use in the design of the proposed buildings and other site improvements. Using a predicted sea level rise of 3 feet by 2100, the long-term design groundwater level would be Elevation -3.6 feet in the southern and southeastern portions of the development sites.				
<i>Hydrology and Water Quality</i>				
Mitigation Measure Stormwater-1: Minimizing Stormwater/Wastewater Runoff The project sponsors shall implement design features and stormwater control techniques to achieve no net increase in stormwater runoff from the project site. Potential stormwater control techniques would include, but would not be limited to, vegetated swales, porous pavement, green roofs, and catch basins. The measures implemented would be consistent with the San Francisco Green Building Ordinance (Chapter 13C of the San Francisco Building Code). The sponsors shall work with SFPUC staff to explore and implement feasible techniques prior to detailed project design.	Project sponsor in consultation with SFPUC	Prior to issuance of a building permit for each building within the Yerby TMWR and UPC development sites.	Department of Building Inspection	

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<p><i>Hazards and Hazardous Materials</i></p> <p>Mitigation Measure Haz-1: Hazardous Materials/Contaminated Soil</p> <p>Step 1: Determination of Presence of Contaminated Soil</p> <p>The development sites contain undocumented fill. Therefore, prior to approval of a building permit for the proposed project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for contamination (including, but not limited to, substances such as total lead, petroleum hydrocarbons, and heavy metals). The consultant shall analyze the soil borings as discrete, not composite samples. The consultant shall prepare a report that includes the results of the soil testing and a map that shows the locations from which the consultant collected the soil samples.</p> <p>The project sponsor shall submit the report on the soil testing with the appropriate fee. These fees shall be charged pursuant to Section 31.47(c) of the <i>San Francisco Administrative Code</i>. DPH shall review the soil testing report to determine whether soils on the project site are contaminated at or above potentially hazardous levels.</p> <p>If DPH determines that the soils on the project site are not contaminated at or above a potentially hazardous level, no further mitigation measures with regard to contaminated soils on the site would be necessary.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the type and level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for</p>	<p>Project sponsor to retain qualified professional consultant for Steps 1, 2 and 4. Construction contractor to carry out and report on activities required in Step 3.</p>	<p>Soil report and SMP shall be approved by the San Francisco Department of Public Health prior to permit issuance for each phase, with a copy to the Planning Department.</p> <p>Construction contractor to provide annual reports to Department of Public Health (or quarterly reports if required by SMP), with copies to the Planning Department, of activities carried out pursuant to Step 3 for each construction phase</p> <p>Consultant to submit closure report to DPH for approval pursuant to Step 4 for each phase; a copy of the approved report shall be provided to the Planning Department</p>	<p>Department of Public Health</p>	

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<p>reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils</p> <ol style="list-style-type: none"> Specific work practices: If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA work practices) when such soils are encountered on the site. Dust suppression: Soils exposed during excavation for site preparation and construction activities shall be kept moist throughout the time they are exposed, both during and after work hours. Surface water runoff control: Where soils are stockpiled, Visqueen (a type of polyethylene film) shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather. Soils replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade. Hauling and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the 				

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<p>State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report</p> <p>After excavation and foundation construction activities are completed, the project sponsors shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure Haz-2: Dust Program for Asbestos-Containing Serpentine Materials</p> <p>The project sponsors would implement the following protective measures to assure implementation of the California Air Resources Board Asbestos Airborne Toxic Control Measure (ATCM) for construction-related activities (California Code of Regulations, Title 17, Section 93105).</p> <p>The construction contractor would be required to submit the appropriate notification forms and prepare an asbestos dust mitigation plan specifying measures that would be taken to ensure that no visible dust crosses the property boundary during construction. The plan must specify the following measures:</p> <ul style="list-style-type: none"> • Prevent and control visible track-out from the property. • Ensure adequate wetting or covering of active storage piles. • Control disturbed surface areas and storage piles that would remain inactive for seven days. • Control traffic on on-site unpaved roads, parking lots, and staging 	<p>Project sponsor to submit ATCM to BAAQMD.</p> <p>BAAQMD to approve ATCM</p> <p>Project sponsor and construction contractor(s) to implement ATCM</p>	<p>Prior to issuance of a building permit</p> <p>Prior to issuance of a building permit</p> <p>During each phase of construction</p>	<p>BAAQMD and Department of Building Inspection</p> <p>BAAQMD and Department of Building Inspection</p> <p>Department of Building Inspection</p>	

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<p>areas, including a maximum vehicle speed of 15 miles per hour.</p> <ul style="list-style-type: none"> Control earthmoving activities. Control off-site transport of dust emissions that contain naturally occurring asbestos-containing materials. Stabilize disturbed areas following construction. <p>In addition, excavated materials containing over one percent friable asbestos would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and Federal regulations.</p> <p>The asbestos dust mitigation plan must be submitted to and approved by the BAAQMD prior to the beginning of construction, and the site operator must ensure the implementation of all specified dust mitigation measures throughout the construction project. The BAAQMD may require air monitoring for off-site migration of asbestos dust during construction activities and may change the plan on the basis of the air monitoring results. Compliance with the asbestos ATCM would reduce impacts from airborne asbestos to less-than-significant levels.</p>				
IMPROVEMENT MEASURES FOR THE YERBYTMWR AND UPC DEVELOPMENT PROJECTS				
<i>Noise</i>				
<p>Improvement Measure Noise-1: Construction Noise</p> <p>The project sponsors shall require the construction contractors to implement noise control techniques to minimize disturbance to adjacent residential receptors during project construction. Specific noise control measures shall include the following:</p> <p>(1) The contractors shall implement feasible noise controls to reduce the noise levels generated by construction equipment. Feasible noise controls include improved mufflers; equipment redesign; and use of intake silencers, ducts, engine enclosures, and acoustically-attenuating</p>	Project sponsor and construction contractor(s)	During each phase of construction	Department of Public Health and Planning Department	

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<p>shields or shrouds.</p> <p>(2) Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically-powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.</p> <p>(3) Stationary noise sources shall be located as far from existing sensitive receptors as possible. If stationary sources must be located near existing receptors, they shall be adequately muffled and enclosed within temporary sheds.</p> <p>(4) To the extent feasible, concrete crushers shall be located so that existing buildings block noise for adjacent receptors. Portable sound blankets shall be used wherever feasible to reduce noise generated by concrete crushers. Such blankets can provide up to a 10-dBA noise reduction.</p> <p>(5) During construction of new buildings, the exterior facades facing existing sensitive receptors shall be enclosed as early in the construction process as feasible.</p> <p>(6) During all construction phases, there shall be close coordination between construction staff and staff of the residential buildings. Residential building staff shall be made aware of the construction schedule and activities.</p> <p>(7) During all construction phases, locations of access roads, delivery routes, and loading areas shall be selected to minimize exposure to</p>				

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<p>adjacent residential receptors.</p> <p>(8) A designated complaint coordinator shall be responsible for responding to noise complaints during the construction phase. The name and phone number of the complaint coordinator shall be conspicuously posted at construction areas and on all advanced notifications. This person shall maintain a log of complaints received and take steps to resolve complaints, including periodic noise monitoring, if necessary, to ensure that significance thresholds are not exceeded by project construction activities.</p>				