



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Memo to the Planning Commission

HEARING DATE: AUGUST 27, 2020
CONTINUED FROM JUNE 11, 2020 AND JULY 9, 2020

DATE: August 20, 2020
TO: Planning Commission
FROM: Linda Ajello Hoagland, Senior Planner
RE: 1145 Mission Street Update (Record No. 2007.0604X)

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BACKGROUND

On July 9, 2020, at the request of Supervisor Haney's office, the Planning Commission continued the Conditional Use Authorization for 1145 Mission Street to the public hearing on August 27, 2020. No changes have been made to the Project since the June 9, 2020 hearing.

Attachments:

- Revised Motion
- Mitigation Monitoring and Reporting Program (MMRP)
- Plans (for reference)
- Project Sponsor Brief



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: AUGUST 27, 2020

Record No.: 2007.0604X
Project Address: 1145 MISSION STREET
Zoning: Mixed Use-Office (MUO) Zoning District
65-X Height and Bulk District
East SoMa Area Plan
Block/Lot: 3727/168
Project Sponsor: Darren Lee
1167 Mission Street, Floor 1
San Francisco, CA 94103
Property Owner: Landmark Lofts, LLC
San Francisco, CA 94103
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ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 329 AND 842, TO CONSTRUCT A SIX-STORY, 65-FOOT TALL, APPROXIMATELY 37,905 SQUARE FOOT MIXED-USE BUILDING WITH 25 DWELLING UNITS (CONSISTING OF 15 ONE-BEDROOM UNITS AND 10 TWO-BEDROOM UNITS), APPROXIMATELY 4,500 SQUARE FEET OF GROUND FLOOR COMMERCIAL, 9 BELOW-GRADE OFF-STREET PARKING SPACES AND 1 CAR-SHARE SPACE FOR THE PROJECT AT 1145 MISSION STREET WITHIN THE MUO (MIXED USE-OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 21, 2014, Darren Lee of Landmark Lofts, LLC (hereinafter "Project Sponsor") filed Application No. 2007.0604X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new six-story, 65-ft tall, mixed-use building with 25 dwelling units and approximately 4,500 square feet of ground floor commercial (hereinafter "Project") at 1145 Mission Street, Block 3727 Lot 168 (hereinafter "Project Site").

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Western SoMa Project Environmental Impact Report (hereinafter "PEIR"). The PEIR was prepared, circulated for public review and comment, and, at a public hearing on December 6, 2012, by Motion No. 18757, 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 PEIR, which has been available for this Commission's review as well as public review.

The Western SoMa PEIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Western SoMa Community Plan, the Commission adopted CEQA Findings in its Motion No. 18757 and hereby incorporates such Findings by reference.

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

On July 29, 2016, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the zoning controls that were analyzed in the Western SoMa Community Plan PEIR and was rezoned as an adjacent parcel in the Eastern SOMA area as part of the Western SOMA Community planning process. The site was encompassed within the analysis contained in the Western SoMa Final PEIR. Since the Western SoMa Final PEIR was finalized, there have been no substantial changes to the Western SoMa Community Plan or this site, and no substantial changes in circumstances that would require major revisions to the Final PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final PEIR. The file for this project, including the Western SoMa Final PEIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, and is available online at: <https://sfplanning.org/environmental-review>.

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

On June 11, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2007.0604X. At this hearing, the Commission continued the Project to the Public Hearing on July 9, 2020. At this hearing, the Commission continued the Project to the Public Hearing on August 27, 2020, at the request of Supervisor Haney.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2007.0604X is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 Large Project Authorization as requested in Application No. 2007.0604X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes new construction of a six-story, 65-foot tall, mixed-use building (approximately 37,905 square feet) with 25 residential dwelling units, 4,500 square feet of ground floor commercial, 9 below-grade off-street parking spaces, 1 car-share parking space, 30 Class 1 bicycle parking spaces, and 3 Class 2 bicycle parking spaces on a vacant lot. The Project includes a dwelling-unit mix consisting of 15 one-bedroom units and 10 two-bedroom units.
3. **Site Description and Present Use.** The Project is located on a 6,750 square foot vacant lot. The site was previously occupied by a two-story brick commercial building constructed in 1907. The building was demolished in violation of a previously approved project (Planning Case No. 2000.531E, Building Permit No. 200007145147) for a vertical and horizontal addition to the existing 2-story commercial building. A demolition permit (No. 200908144870) has been submitted and will be processed in conjunction with the permit for new construction.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the MUO Zoning District in the East SoMa Area Plan. The immediate context is mixed in character with commercial, office, light industrial, residential and government uses. Land uses adjacent to the site include a 2-story office building for the San Francisco Fire Department to the east and a 5-story live/work building to the south. Across the street from the building on Mission Street is an 18-story Federal Building and three connected 23-story multi-family residential towers. Other zoning districts in the vicinity of the project site include: C-3-G (Downtown General Commercial), WMUG (Western SoMa Mixed Use-General), and RED (Residential Enclave) Zoning Districts.

The project site is also located in the SoMa Pilipinas - Filipino Cultural Heritage District, which was adopted by the Board of Supervisors in April 2016. The Filipino Cultural Heritage District encompasses the area between 2nd Street, 11th Street, Market Street and Brannan Street. This district

has been recognized the home to the largest concentrations of Filipinos in San Francisco and as the cultural center of the regional Filipino community.

Public Outreach and Comments. To date, the Department has received two public comments in support of the Project. Opposition to the Project was received from several property owners of 638 Minna, which is the building adjacent to the Project site, expressing concerns in regard to light, air, privacy, loss of property line windows and construction related impacts. Additionally, opposition was received from the SoMa Pilipinas that the Project does not adequately address the needs of the neighborhood in this area. Subsequent to the first public hearing, the Project Sponsor has conducted additional outreach with the SoMa Pilipinas and the other neighbors. SoMa Pilipinas still expresses 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. **Permitted Uses in the MUO Zoning District.** Planning Code Section 842 states that residential uses and retail sales and service uses are principally permitted use within the MUO Zoning District.

The Project would construct 25 new residential units with ground floor commercial uses within the MUO Zoning District; therefore, the Project complies with Planning Code Sections 842. Depending on the specific commercial tenant, they will comply as principally permitted retail sales and service uses per Sec. 842 or seek a Conditional Use, as required by the Planning Code.

A. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) for non-residential uses of 3.0 to 1 for properties within the MUO Zoning District and within 65-X Height and Bulk District.

The Project site is 6,750 square feet, thus resulting in a maximum allowable floor area of 20,250 square feet of non-residential space. The Project would construct a total of 4,500 square feet of non-residential space and would comply with Planning Code Section 124.

B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 22.5 feet from the rear lot line.

The Project site is located on a 75-foot wide by 90-foot deep lot with frontage on Mission Street. The Project provides a rear yard of 22-feet 6-inches at each residential level and, therefore, complies with Planning Code Section 134.

C. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 sq. ft. of open space per dwelling unit, if not publicly accessible, or 54 sq. ft. of open space per dwelling unit,

if publicly accessible. Private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq. ft. if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq. ft. if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sq. ft. In addition, 1 sq. ft. for every 250 sq. ft. of open space is required for retail uses.

The Project provides a 1,703 square foot common roof deck open space for all building tenants and three units include private, code-compliant open space in excess of 80 square feet. Therefore, the Project complies with Planning Code Section 135.

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

The subject lot is not located in close proximity to an Urban Bird Refuge as defined in Section 139, and the Project meets the requirements for feature-related hazards.

- E. Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, code compliant rear yard or other open area that meets minimum area and horizontal dimensions. Planning Code Section requires that an open area be a minimum of 25 feet in every horizontal dimension and at the level of the dwelling unit and the floor above and then increase of five feet in every horizontal dimension at each subsequent floor above the fifth floor.

The Project organizes the dwelling units to have exposure either on Mission Street or the code-compliant rear yard, therefore, the Project complies with Planning Code Section 140.

- F. Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires that active uses occupy the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street; that non-residential uses have a minimum floor-to-floor height of 14 feet; that off-street parking be set back a minimum of 25 from any street facing facade and screened from the public right-of-way; that entrances to off-street parking be no more than one third the width of the street frontage or 20 feet, whichever is less; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project provides 4,500 square feet of ground floor commercial with residential units on the floors above, both of which are active uses. The ground floor commercial space will have a floor-to-floor ceiling height of 14-feet, a depth in excess of 25-feet and no less than 60 percent of the ground level fenestrated with transparent windows on the ground floor frontage. Off-street parking for the Project is located below grade with a 10-foot wide entrance, which is less than the maximum of 20-feet that is allowed. Therefore, the Project complies with Planning Code Section 145.1.

- G. Off-Street Parking.** Off-Street vehicular parking is not required within the MUO Zoning District. Rather, per Planning Code Section 151.1, a maximum of 1.5 parking spaces for each dwelling unit and 1.5 spaces for every 500 square feet of occupied floor area of retail sales and service uses.

The Project provides 10 off-street parking spaces, including 1 car-share parking space, which is below the maximum number of spaces permitted and, therefore, complies with Planning Code Section 151.1.

- H. Bicycle Parking.** Planning Section 155.2 of the Planning Code requires one Class 1 bicycle parking space per dwelling unit and one Class 2 bicycle parking spaces for every 20 dwelling units. Additional bicycle parking requirements apply based on classification of non-residential uses, at least two Class 2 spaces are required for non-residential uses.

The Project includes 25 dwelling units; therefore, the Project is required to provide 25 Class 1 bicycle parking spaces and 1 Class 2 bicycle parking spaces for residential uses and 2 Class 2 spaces for the ground floor non-residential uses. The Project will provide 30 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the Project complies with Planning Code Section 155.2.

- I. Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 11 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 5.5 points. As currently proposed, the Project will achieve its required 13 points through the following TDM measures:

1. *Parking Supply (Option K)*
2. *Car Share Parking (Option A)*
3. *Unbundled Parking (Location D)*
4. *Bicycle Parking (Option A)*
5. *On-Site Affordable Housing (Option B)*

- J. 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, or no less than 35 percent of the total number of proposed Dwelling Units shall contain at least two or three bedrooms with at least 10 percent of the total number of proposed Dwelling Units containing three bedrooms.

For the 25 dwelling units, the Project provides 15 one-bedroom and 10 two-bedroom units; therefore, the proposed project complies with Planning Code Section 207.6.

- K. Height and Bulk.** Planning Code Section 250 and 252 outlines the height and bulk districts within the City and County of San Francisco. The Project is located in the 65-X height and bulk district. Therefore, the proposed development is permitted up to a height of 65 feet with no bulk limit.

The Project would construct a new 65-foot tall mixed-use building and, therefore, complies with Planning Code Sections 250 and 252.

- L. 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. A complete Environmental Evaluation Application was submitted prior to January 1, 2013; 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 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 rental units and will remain as rental units for the life of the project. The Project Sponsor first submitted the Affidavit on March 26, 2020, which incorrectly identified an ownership project instead of a rental project. A revised Affidavit was submitted on June 29, 2020. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on July 19, 2007; 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 the total proposed dwelling units as affordable to low-income households, as defined by the Planning Code and Procedures Manual. Three units (1 one-bedroom, and 2 two-bedroom) of the total 25 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.

In addition, the Project Sponsor has been working with the neighborhood to address concerns that this Project needs to better meet the income and housing needs of the community.

- M. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units.

The Project includes approximately 25,000 square feet of housing and 4,500 gross square feet of commercial use. This square footage shall be subject to the Transportation Sustainability Fee, as outlined in Planning Code Section 411A.

- N. 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 approximately 25,000 square feet of new residential use associated with the new construction of 25 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A.

- O. Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the MUO (Mixed Use – Office) Zoning District that results in the addition of gross square feet of non-residential space and at least one new dwelling unit.

The Project includes approximately 37,905 gross square feet of new development consisting of approximately 25,000 square feet of new residential use and 4,500 square feet of non-residential use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- 7. Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine design criteria that must be considered by the Planning Commission when considering LPAs. The Planning Commission finds that the project is compliant with these nine criteria as follows:

- A. Overall building mass and scale.**

The Project's mass and scale are appropriate for a lot fronting on a mixed-use corridor and surrounded by a mix of residential and commercial buildings on Mission Street. The Project complies with the East SoMa Area Plan, which is part of the Eastern Neighborhoods Area Plans, by providing for a new six-story (65-ft tall) mixed-use building with 25 residential dwelling units and ground floor commercial along this portion of Mission Street. Overall, the Project's massing also recognizes the existing block pattern as it relates to the street frontage and block wall along Mission Street. The immediate context is mixed in character with commercial, office, light industrial, residential and government uses. Adjacent properties include a 2-story office building for the San Francisco Fire Department to the east and a 5-story live/work building to the south. Across the street from the building on Mission Street is an 18-story Federal Building and three connected 23-story multi-family residential towers. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood, which is transitioning to a higher density mixed-use area, as envisioned by the East SoMa Area Plan.

- B. Architectural treatments, facade design and building materials.**

Overall, the Project has a contemporary frame architectural style that complements the surrounding residential and non-residential buildings from various time periods. The Project's architectural treatments, façade design and building materials include cement plaster, fiber cement siding, metal panels, glass railings and aluminum windows and storefronts. The facade provides an opportunity for an increased visual interest that enhances and creates a special identity with a unique image of its own in the neighborhood. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood.

- C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.

The Project is consistent with the development density established for the Project Site in the Eastern Neighborhoods Area Plan. The building's ground floor commercial and residential lobby provides an active street frontage which will enhance and offer an effective and engaging connection between the public and private areas. It will enliven the sidewalk offering a sense of security and encouraging positive activities that will benefit, not just the immediate areas, but the overall neighborhood as well. It provides a code compliant rear yard open space at the rear yard to face the adjacent buildings' rear yard, enhancing the natural light exposure and overall livability of the neighbors' units even without an established mid-block open space. The singular driveway on Mission Street and the proposed independently accessible parking spaces in the basement reduces vehicular queuing and minimizes potential conflicts with pedestrians and bicyclists. Overall, the design of the lower floors enhances the pedestrian experience and accommodates new street activity.

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site.

The Project provides required open space for the 25 dwelling units in the form of a roof deck and private terraces. In total, the Project provides approximately 2,800 square feet of open space.

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2.

Planning Code Section 270.2 does not apply to the Project, since the project does not possess more than 200-ft of frontage along any single street.

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

The Project provides the required number of new street trees, as well as new sidewalks and bicycle racks. These improvements will enhance the public realm.

- G. Circulation, including streets, alleys and mid-block pedestrian pathways.

Since the subject lot has one street frontage, automobile access is limited to the one entry/exit (measuring 10-ft wide) along Mission Street, minimizing impacts to pedestrian and vehicular traffic along Mission Street. Pedestrian access is provided to the residences via a lobby and two secondary exits directly to the sidewalk. The Project includes ground floor commercial along Mission Street with an independent pedestrian entry from Mission Street.

- H. Bulk limits.

The Project is within an 'X' Bulk District, which does not restrict bulk.

- I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

On balance the Project meets the Objectives and Policies of the General Plan. See Below.

8. **Large Project Authorization Exceptions.** Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts:

The Project is code-complying and seeks no exceptions from the Planning Code.

9. **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.

Policy 1.1

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

Policy 1.10

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

OBJECTIVE 11:

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4:

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

Policy 11.6

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

Policy 11.8

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

OBJECTIVE 12:

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

Policy 12.2

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

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 1.3

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

Policy 1.7

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 25:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 25.2:

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

Policy 25.4:

Preserve pedestrian-oriented building frontages.

OBJECTIVE 36:

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

Policy 36.1:

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

The Project is a mixed-use development containing a total of 25 new dwelling units with ground floor commercial. The building contemporary design of the building incorporates elements from both the historic and newer buildings in the area. The Project provides a mix of one and two-bedroom units, ranging in size from approximately 600 to 1,000 square feet, which will suit range of households. The Project includes 3 on-site affordable dwelling units, which complies with the inclusionary affordable housing requirements. Additionally, the Project site is located along a major transportation network with access to BART and over 20 Muni Lines within walking distance.

The Project will install new street trees along Mission Street, as permitted by the Department of Public Works (DPW). The proposed building will provide active spaces oriented at the pedestrian level.

The Project proposes 9 accessory vehicular parking spaces (.36 spaces per unit) and 1 car-share space. The Project also includes transportation demand management measures in compliance with Planning Code Section 169, and thereby promotes the City's transit first policies and strategies that encourage the use of alternative modes of transportation.

EAST SOMA AREA PLAN

Objectives and Policies

OBJECTIVE 1.1

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USR DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER.

Policy 1.1.8

Permit small and moderate retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

OBJECTIVE 1.2

MAXIMIZE HOUSING POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Encourage development of new housing throughout East SoMa.

Policy 1.2.2

Encourage in-fill housing development is compatible with its surroundings.

Policy 1.2.3

For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

Policy 1.2.4

In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

OBJECTIVE 2.3

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO THE TENURE, UNIT MIX AND COMMUNITY SERVICES

Policy 2.3.5

Explore a range of revenue- generating tools including impact fees, public funds, grants, assessment districts, and other private funding sources, to fund community and neighborhood improvements.

Policy 2.3.6

Establish an Eastern Neighborhoods Public Benefit Fund to mitigate the impacts of new development on transit, pedestrian, bicycle, and street improvements, park and recreational facilities, and community facilities such as libraries, childcare and other neighborhood services in the area.

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REINFORCES THE EAST SOMA'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.1

Adopt heights that are appropriate for SoMa's location in the city, the prevailing street and block pattern, and the anticipated land uses, while preserving the character of its neighborhood enclaves.

Policy 3.1.6

New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the the best of the older buildings that surrounds them.

Policy 3.1.8

New development should respect existing patterns of rear yard and open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

OBJECTIVE 3.2

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS DIVERSE, ACTIVE AND SAFE PUBLIC REALM

Policy 3.2.1

Require high quality design of street-facing exteriors.

Policy 3.2.2

Make ground floor retail and PDR uses as tall, roomy and permeable as possible.

Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

The Project is mixed-use with ground floor commercial and 25 residential units above. The Project provides the mix of uses encouraged by the Area Plan for this location. In addition, the Project is located within the prescribed height and bulk guidelines, and includes the appropriate dwelling unit mix, since approximately 40% or 10 units are two-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which responds to the prevailing scale and neighborhood fabric and which compliments the broader context of large buildings along Mission Street. The Project provides an exterior which features a variety of materials, including cement plaster, fiber cement siding, metal panels, glass railings and aluminum windows and storefronts. The Project will pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees, Transportation Sustainability Fee and the Residential Child-Care Fee.

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

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

The Project site is vacant and, therefore, does not possess any neighborhood-serving retail uses. The Project provides ground floor commercial space and 25 new dwelling units, which will enhance the nearby provide new retail opportunities for new and existing residents in the neighborhood who may patron and/or own these businesses.

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

The Project site does not possess any existing housing. The Project would provide 25 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project site does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing 3 below-market rate dwelling units for sale. Therefore, the Project will increase the stock of affordable housing units in the City.

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

The Project Site is served by nearby public transportation options. The Project is located within ¼ mile of more than 20 Muni Lines and is within walking distance of the Civic Center BART Station. Future residents would be afforded proximity to a bus line and BART Station. The Project also provides off-street parking at the principally permitted amounts and 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 site is currently vacant and does not include commercial office development as part of the proposed project.

- 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 will be 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.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The Planning Department prepared a preliminary shadow fan analysis and determined that the proposed project would not cast shadows on any parks or open spaces at any time during the year.

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

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

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Large Project 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 Large Project Authorization Application No. 2007.0604X** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 6, 2020, 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 329 Large Project Authorization 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 August 27, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

**Draft Motion
August 27, 2020**

**RECORD NO. 2007.0604X
1145 Mission Street**

ADOPTED: August 27, 2020

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow new construction of a six-story, 65-foot tall, mixed-use building (approximately 37,905 square feet) with 25 residential dwelling units, 4,500 square feet of ground floor commercial located at 1145 Mission Street, Block 3727, and Lot 168 pursuant to Planning Code Section(s) 329 and 842 within the Mixed Use-Office (MUO) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated January 6, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2007.0604X and subject to conditions of approval reviewed and approved by the Commission on August 27, 2020 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 August 27, 2020 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 Large Project 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 Large Project 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. **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

DESIGN – COMPLIANCE AT PLAN STAGE

7. **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

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

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

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

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

10. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

11. **Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred

locations. Therefore, the Planning Department in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: if an electrical transformer is required, the preferred location is within the project's property lines. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

PARKING AND TRAFFIC

- 12. Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

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

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

- 14. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 28 bicycle parking spaces (25 Class 1 spaces for the residential portion of the Project and 3 Class 2 spaces for the both the commercial and residential portions of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the

SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

15. **Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than 1.5 off-street parking spaces per dwelling unit ($25 \times 1.5 = 38$) and 1.5 parking spaces for each 500 square feet of Occupied Floor Area for retail, sales and service uses ($4,500/500 = 9$) off-street parking spaces.

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

16. **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

17. **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

18. **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

19. **Residential Child Care Impact Fee.** 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

20. **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.

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project Sponsor also elected to provide a total of 16% of the units as Inclusionary Units by adding one additional affordable unit beyond what's required by Section 415. The Project Sponsor requested that the additional unit be subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual") for ease of implementation. Accordingly, all affordable units will be subject to the same requirements and the Procedures Manual. 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

- b. **Voluntary Affordable Unit.** The Project Sponsor elected to provide a total of 16% of the proposed units as Inclusionary Units by adding one additional, one-bedroom affordable unit beyond what is required by Section 415. The additional unit will be provided to qualifying low-income households at a rental rate of 55% of Area Median Income. The additional unit is subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco. Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual").

- c. **Unit Mix.** The Project contains 15 one-bedroom and 10 two-bedroom units; therefore, the required affordable unit mix is 1 one-bedroom unit and 2 two-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.

- d. **Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income. 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.

- e. **Minimum Unit Sizes.** Affordable units are not required to be the same size as the market rate units and may be 90% of the average size of the specified unit type. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type may be calculated for the lower 2/3 of the building as measured by the number of floors.

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.

- f. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to architectural addenda.

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.

- g. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%), or the applicable percentage as discussed above, of 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.

- h. **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.

- i. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

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.

- j. **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.

- i. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households with a minimum of 12% of the units affordable to low-income households. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- ii. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, with a minimum of 12% of the units affordable to low-income households such 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
- iii. 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.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.

- v. 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.
- vi. 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'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, including penalties and interest, if applicable

21. **Eastern Neighborhoods Infrastructure Impact Fee.** The Project is subject to the Eastern Neighborhoods Infrastructure Impact Fee, as applicable, pursuant to Planning Code Section 423. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

MONITORING - AFTER ENTITLEMENT

22. **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*

23. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

24. **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

25. **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>

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

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

27. **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



DATE: May 28 2020

TO: 1145 Mission Street, Case No. 2007.0604E

FROM: Jeanie Poling, Environmental Planning

RE: Revision to Mitigation Monitoring and Reporting Program

A community plan exemption for the proposed project was published on July 29, 2016. The project has not been approved yet; however, a public hearing before the Planning Commission is scheduled for June 11, 2020. While there have been no changes to the project requiring updated environmental analysis, the Planning Department has updated its practices regarding implementation of mitigation measures and mitigation monitoring. This memo explains the changes to the mitigation measures cited in the 2016 community plan exemption.

Mitigation measure language has been updated to clarify that measures are the project sponsor's responsibility (e.g., "the project sponsor shall...") and to reduce redundancy. In addition, the following changes have also been made to individual mitigation measures.

Project Mitigation Measure 1 – added a sentence to clarify how this measure relates to Project Mitigation Measure 2.

Project Mitigation Measure 2 – renamed the construction monitoring program to the vibration management and monitoring plan.

Project Mitigation Measure 3 – added language regarding discovery of tribal cultural resources, which is now required under CEQA. Made minor updates to the archeological testing program to address other agency comments on previous documents and minor process changes since 2016.

Project Mitigation Measure 5 – updated the language of the Construction Emissions Minimization Plan for Health Risks and Hazards mitigation measure.

These change to the mitigation measures do not change the project analysis or conclusion that the project is exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3. No additional environmental review is required.

**MITIGATION MONITORING AND REPORTING PROGRAM –
 MITIGATION AND IMPROVEMENT MEASURES FOR 1145 MISSION STREET PROJECT**

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
Cultural Resources				
<p><u>Project Mitigation Measure 1 - Protect Historical Resources from Adjacent Construction Activities (Mitigation Measure M-CP-7a of the Western SoMa PEIR)</u></p> <p>The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings. Such methods may include maintaining a safe distance between the construction site and the historic buildings at 1151-1153 Mission Street and 1139 Mission Street, using construction techniques that reduce vibration, appropriate excavation shoring methods to prevent movement of adjacent structures, and providing adequate security to minimize risks of vandalism and fire. This information shall inform the construction monitoring program and be added to a vibration management and monitoring plan as required under Project Mitigation Measure 2.</p>	Project sponsor and contractor	Project sponsor to provide a list of measures to ensure avoidance of damage to nearby buildings to the Planning Department prior to issuance of site permit.	Planning Department Preservation Technical Specialist	Considered complete upon Planning Department's approval of avoidance measures to be included in construction specifications and in the vibration management and monitoring plan (see Project Mitigation Measure 2)
<p><u>Project Mitigation Measure 2 - Construction Monitoring Program for Historical Resources (Mitigation Measure M-CP-7b of the Western SoMa PEIR)</u></p> <p>The project sponsor shall undertake a monitoring program laid out in a vibration management and monitoring plan to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program, which shall apply within 25 feet, shall include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of historical resource(s) identified by the San Francisco Planning Department within 125 feet of planned construction to document and photograph the buildings' existing conditions. Based on the construction and condition of the resource(s), the consultant shall also establish a maximum vibration level that shall not be exceeded at each</p>	Project sponsor, contractor, and qualified historic preservation professional	Pre-construction survey and vibration monitoring plan to be submitted to the Planning Department prior to issuance of site permit. Monitoring throughout construction period	Planning Department Preservation Technical Specialist in consultation with qualified historic preservation professional	Considered complete after project sponsor submits and Planning Department preservation staff approves a post-construction report that notes that any damage has been repaired to pre-construction condition

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Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inch per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard.</p> <p>Should vibration levels be observed in excess of the standard, construction shall be halted and alternative construction techniques put in practice, to the extent feasible. (For example, pre-drilled piles could be substituted for driven piles, if feasible based on soils conditions; smaller, lighter equipment might be able to be used in some cases.) The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the site.</p>				
<p><u>Project Mitigation Measure 3: Archeological Testing Program (Mitigation Measure M-CP-4a in the PEIR)</u></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QACL.</p> <p>The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological interpretation, monitoring, and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be</p>	<p>Project sponsor's qualified archeological consultant and construction contractor</p>	<p>Prior to issuance of site permits and throughout the construction period</p>	<p>Environmental Review Officer Planning Department's ERO or archeologist and qualified archeological consultant</p>	<p>Considered complete after the FARR is approved</p>

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<p>conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p>				
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the final archaeological resources report shall be provided to the representative of the descendant group.</p>	<p>The archaeological consultant, Project Sponsor and project contractor at the direction of the ERO</p>	<p>Monitoring of soils disturbing activities</p>	<p>Consultation with ERO on identified descendant group</p>	<p>Considered complete after the FARR is approved and provided to descendant group</p>
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected</p>	<p>Project sponsor’s qualified archaeological consultant and cons</p>	<p>Prior to soil-disturbing activities</p>	<p>Planning Department</p>	<p>Considered complete after approval of the ATP</p>

¹ By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

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<p>archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>struction contractor</p>			
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include preservation in place, additional archeological interpretation, monitoring, testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist.</p> <p>If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, the ERO, in consultation with the project sponsor, shall determine whether preservation of the resource in place is feasible. If so, the proposed project shall be redesigned so as to avoid any adverse effect on the significant archeological resource. If preservation in place is not feasible, a data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>at the discretion of the project sponsor either:</p> <p>The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>				

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

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Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p>				
<p><i>Tribal Cultural Resources.</i> In the event of the discovery of an archaeological resource of Native American origin, the Environmental Review Officer (ERO), the project sponsor, and the tribal representative, shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the tribal cultural resource (TCR) would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan (ARPP), which shall be implemented by the project sponsor during construction.</p> <p>If the Environmental Review Officer (ERO), in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. A Tribal Cultural Resources Interpretation Plan (TCRIP) produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>	<p>Project sponsor archeological consultant, and ERO, in consultation with the affiliated Native American tribal representatives</p> <p>Project sponsor in consultation with the tribal representative</p>	<p>If significant archeological resource is present, during implementation of the project</p> <p>After determination that preservation in place is not feasible, and subsequent to archaeological data recovery</p>	<p>Planning Department</p> <p>Planning Department</p>	<p>Considered complete upon project redesign, completion of ARPP</p> <p>Complete upon sponsor verification to ERO that interpretive program was implemented prior to project occupancy</p>

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. 	<p>Project sponsor’s qualified archaeological consultant and construction contractor</p>	<p>In the event that an archaeological site is uncovered during the construction period</p>	<p>Planning Department</p>	<p>Considered complete after FARR is reviewed and approved</p>

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (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. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD</p>	<p>In the event that human remains are uncovered during the construction period</p>	<p>Planning Department</p>	<p>Considered complete after approval of the final ARDP and disposition of human remains has occurred as specified in the agreement</p>
<p><i>Public Interpretation.</i> If project soils disturbance results in the discovery of a significant archeological resource, the ERO may require that information provided by archeological data recovery be made available to the public in the form of a non-technical, non-confidential archeological report, archeological signage and displays or another interpretive product. The project</p>	<p>Archaeological consultant at the direction of the ERO</p>	<p>Following completion of cataloguing, analysis, and interpretation of recovered</p>	<p>ERO in consultation with archeological consultant.</p>	<p>APIP is complete on review and approval of ERO. Interpretive program is complete on certification to</p>

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<p>archeological consultant shall submit an archeological public interpretation plan (APIP) that describes the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. Copies of the Draft APIP shall be sent to the ERO for review and approval.</p>		archeological data.		ERO that program has been implemented
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a draft final archeological resources report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the 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 Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with GIS shapefiles of the site and features if encountered and 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>	Project sponsor's qualified archaeological consultant at the direction of the ERO	At completion of archeological investigations	Planning Department	Considered complete after FARR is approved and certification to ERO that copies of FARR have been distributed
Noise				
<p><u>Project Mitigation Measure 4 - General Construction Noise Control Measures (Mitigation Measure M-NO-2a of the Western SoMa PEIR)</u></p> <p>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the sponsor of a subsequent development project shall</p>	Project sponsor and construction contractor	Submit list of tracking measures prior to issuance of building permit and comply with tracking	Planning Department and DBI	Considered complete upon completion of construction

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>undertake the following:</p> <ul style="list-style-type: none"> • Require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). • Require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible. • Require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA. • Include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to: performing all work in a manner that minimizes noise to the extent feasible; undertaking the noisiest activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible. • Prior to the issuance of each building permit, along with the submission of construction documents, the sponsor shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during 		measures during construction		

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Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
<p>regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.</p>				
<p><u>Project Mitigation Measure 5 – Noise Control Measures During Pile Driving (Mitigation Measure M-NO-2b of the Western SoMa PEIR)</u></p> <p>The project sponsor shall develop a set of site-specific noise attenuation measures that are identified under the supervision of a qualified acoustical consultant and which shall be implemented during construction. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels by 5 to 10 dBA, although the precise reduction is a function of the height and distance of the barrier relative to receptors and noise source(s); • Require the construction contractor to implement “quiet” pile-driving technology (such as pre-drilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; • Require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Require that the construction contractor limit pile-driving activity to result in the least disturbance to neighboring uses. <p>Additionally, if pile driving would occur within proximity to historical resources, the project sponsor shall incorporate Mitigation Measures M-CP-7a, Protect</p>	<p>Project sponsor and construction contractor</p>	<p>Submit list of noise attenuation measures prior to issuance of building permit and comply with noise attenuation measures during construction</p>	<p>Planning Department and DBI</p>	<p>Considered complete upon completion of pile driving</p>

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
Historical Resources from Adjacent Construction Activities, (Project Mitigation Measure 1 , above) and Mitigation Measure M-CP-7b, Construction Monitoring Program for Historical Resources (Project Mitigation Measure 2 , above).				
Noise				
<p><u>Project Mitigation Measure 6 – Construction Emissions Minimization Plan for Health Risks and Hazards (Mitigation Measure M-AQ-7 of the Western SoMa PEIR)</u></p> <p>The project sponsor or the project sponsor’s Contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> 1. 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. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, 	Project sponsor and construction contractor	Prior to construction activities requiring the use of off-road equipment	Project sponsor or contractor to submit certification statement to the ERO	Considered complete upon submittal certification statement

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule															
<p>and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p><i>B. Waivers.</i></p> <ol style="list-style-type: none"> The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1). The ERO may waive the equipment requirements of Subsection (A)(1) 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 ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to the table below. <table border="1" data-bbox="107 1036 972 1183"> <thead> <tr> <th colspan="3">Off-Road Equipment Compliance Step-down Schedule</th> </tr> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emission Control</th> </tr> </thead> <tbody> <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> </tbody> </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. * Alternative fuels are not a VDECS.</p>	Off-Road Equipment Compliance Step-down Schedule			Compliance Alternative	Engine Emission Standard	Emission Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Off-Road Equipment Compliance Step-down Schedule																			
Compliance Alternative	Engine Emission Standard	Emission Control																	
1	Tier 2	ARB Level 2 VDECS																	
2	Tier 2	ARB Level 1 VDECS																	
3	Tier 2	Alternative Fuel*																	
<p><i>C. Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the contractor shall submit a construction emissions minimization</p>	Project sponsor or contractor	Prior to issuance of a permit specified in	Project sponsor or contractor to prepare	Considered complete on findings by ERO															

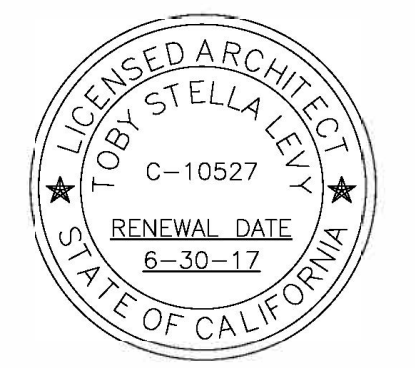
Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>plan (plan) to the ERO for review and approval. The plan shall state, in reasonable detail, how the contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> 1. 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 reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The project sponsor 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. 3. The contractor shall make the plan available to the public for review on-site during working hours. The contractor shall post at the construction site a legible and visible sign summarizing the plan. The sign shall also state that the public may ask to inspect the plan for the project at any time during working hours and shall explain how to request to inspect the plan. The contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way. 		Section 106A.3.2.6 of the San Francisco Building Code	and submit the plan to the ERO	that the plan is complete
<p>D. <i>Monitoring.</i> 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</p>	Project sponsor or contractor	Quarterly	Project sponsor or contractor to submit quarterly reports to the ERO	Considered complete upon findings by the ERP that the plan is being/has been implemented

Mitigation or Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Schedule
duration of each construction phase, and the specific information required in the plan.				
Biological Resources				
<p><u>Project Mitigation Measure 7 –Pre-Construction Special-Status Bird Surveys (M-BI-1a of the Western SoMa PEIR)</u></p> <p>The project sponsor shall conduct pre-construction special-status bird surveys when trees or shrubs would be removed. Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. If bird species protected under the Migratory Bird Treaty Act or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game and/or United States Fish and Wildlife Service may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work activities may proceed. Special-status birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.</p>	Project sponsor	Prior to issuance of demolition or building permits when trees or shrubs would be removed	Planning Department.	Prior to issuance of demolition or building permits and during construction

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**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
 PROJECT NO.: 00-08

DATE	SET ISSUE
07-29-09	PLANNING SUBMITTAL
09-12-16	PLANNING SUBMITTAL REV.01

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE: N.T.S.

SITE PHOTOS



1 LOOKING EAST ON MISSION STREET (WITH PROPOSED BUILDING)
 N.T.S.



2 1145 MISSION STREET (WITH VACANT LOT)
 N.T.S.



3 BUILDINGS ACROSS THE STREET FROM SITE (PHOTO TAKEN FROM 7TH ST AND MISSION ST)
 N.T.S.

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9:00 AM



NOON



4:00 PM

1 SHADOW STUDIES FOR THE EQUINOX (MARCH & SEPTEMBER)
 N.T.S.

**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



9:00 AM

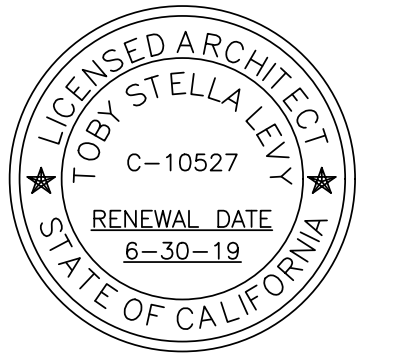


NOON



4:00 PM

2 SHADOW STUDIES FOR THE SOLSTICE (JUNE & DECEMBER)
 N.T.S.



1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
 PROJECT NO.: 00-08

DATE	SET ISSUE
07-29-2009	PLANNING SUBMITTAL
09-12-2016	PLANNING SUBMITTAL REV.01
07-13-2018	PLANNING SUBMITTAL REV.02
02-11-2019	PLANNING SUBMITTAL REV.03
04-01-2019	PLANNING SUBMITTAL REV.04

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

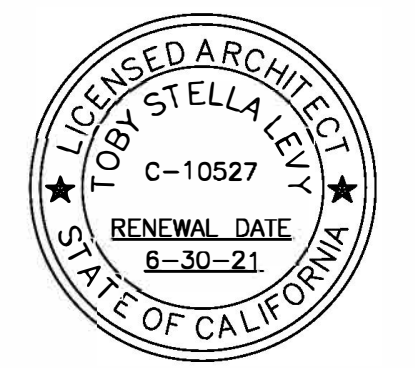
SCALE: N.T.S.

SHADOW
 STUDIES

A0.2

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**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
 PROJECT NO.: 00-08

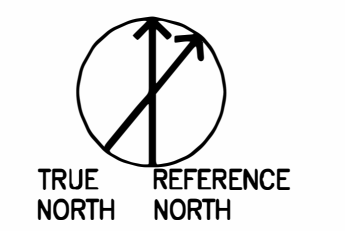
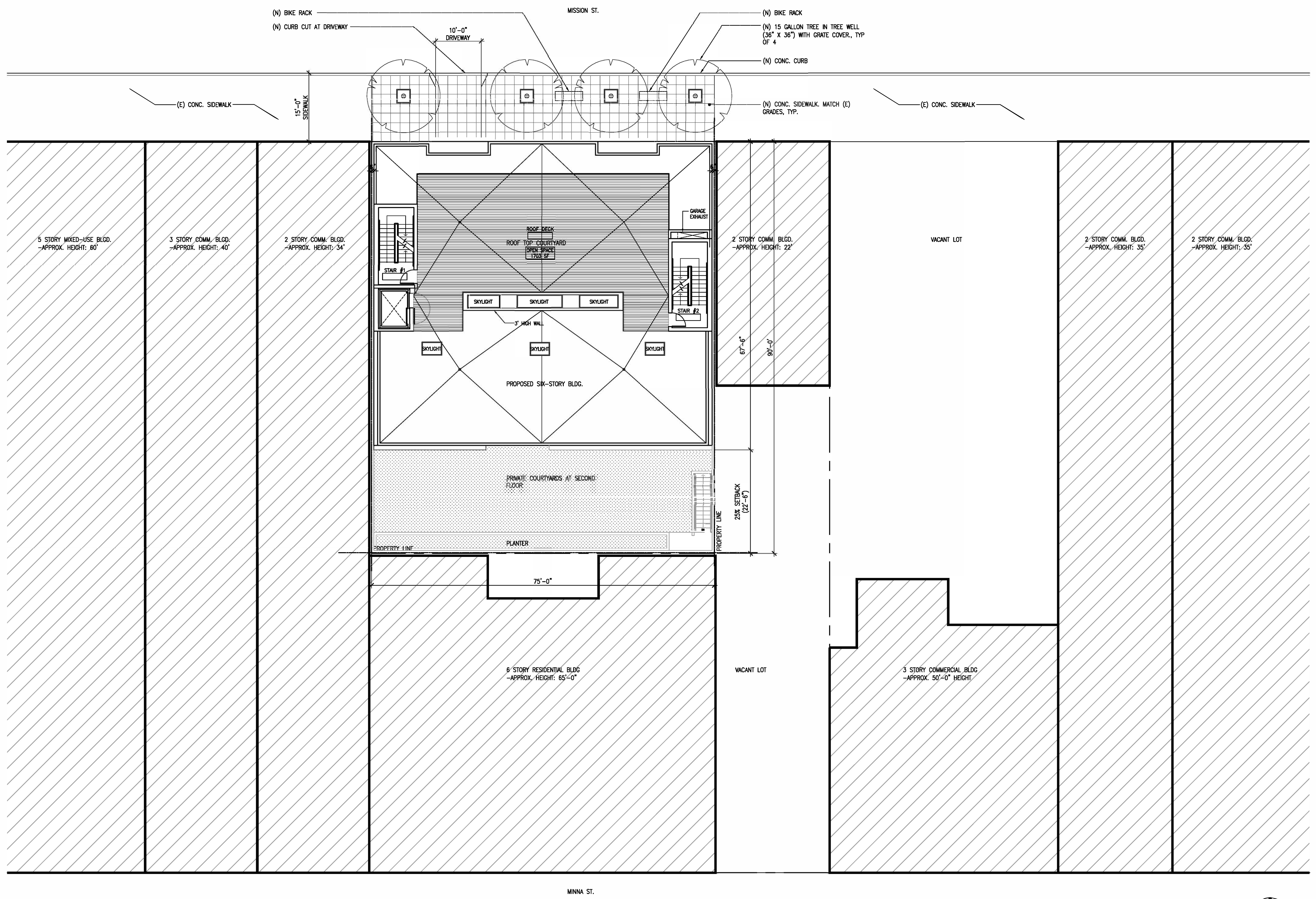
DATE	SET ISSUE
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04-01-2019	PLANNING SUBMITTAL REV.04
01-08-2020	PLANNING SUBMITTAL REV.05

CONTACT: TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

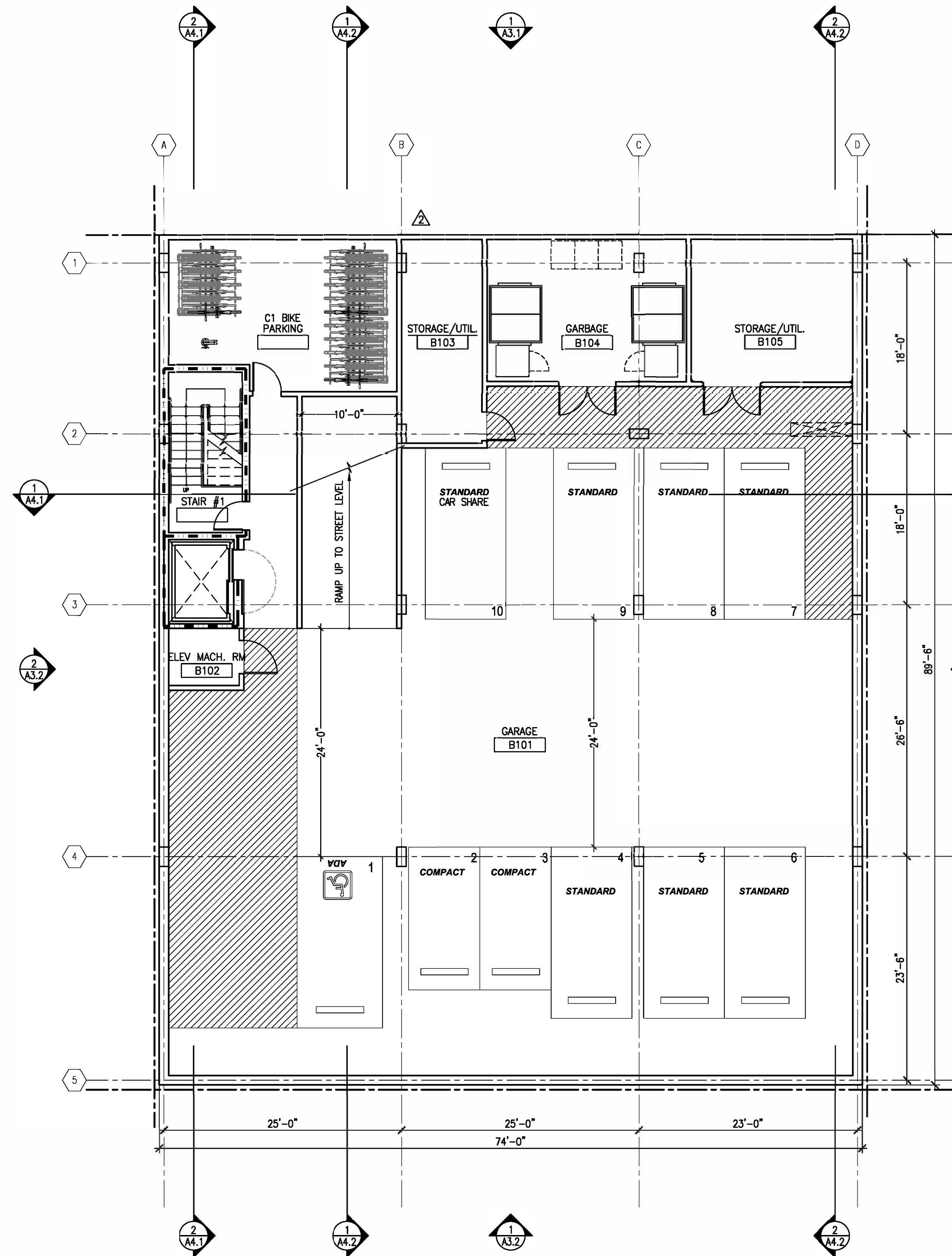
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SITE PLAN

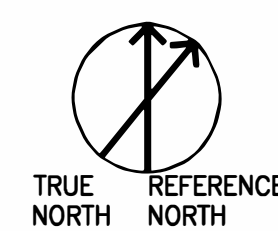
A1.1



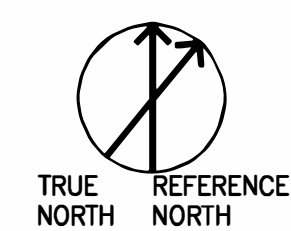
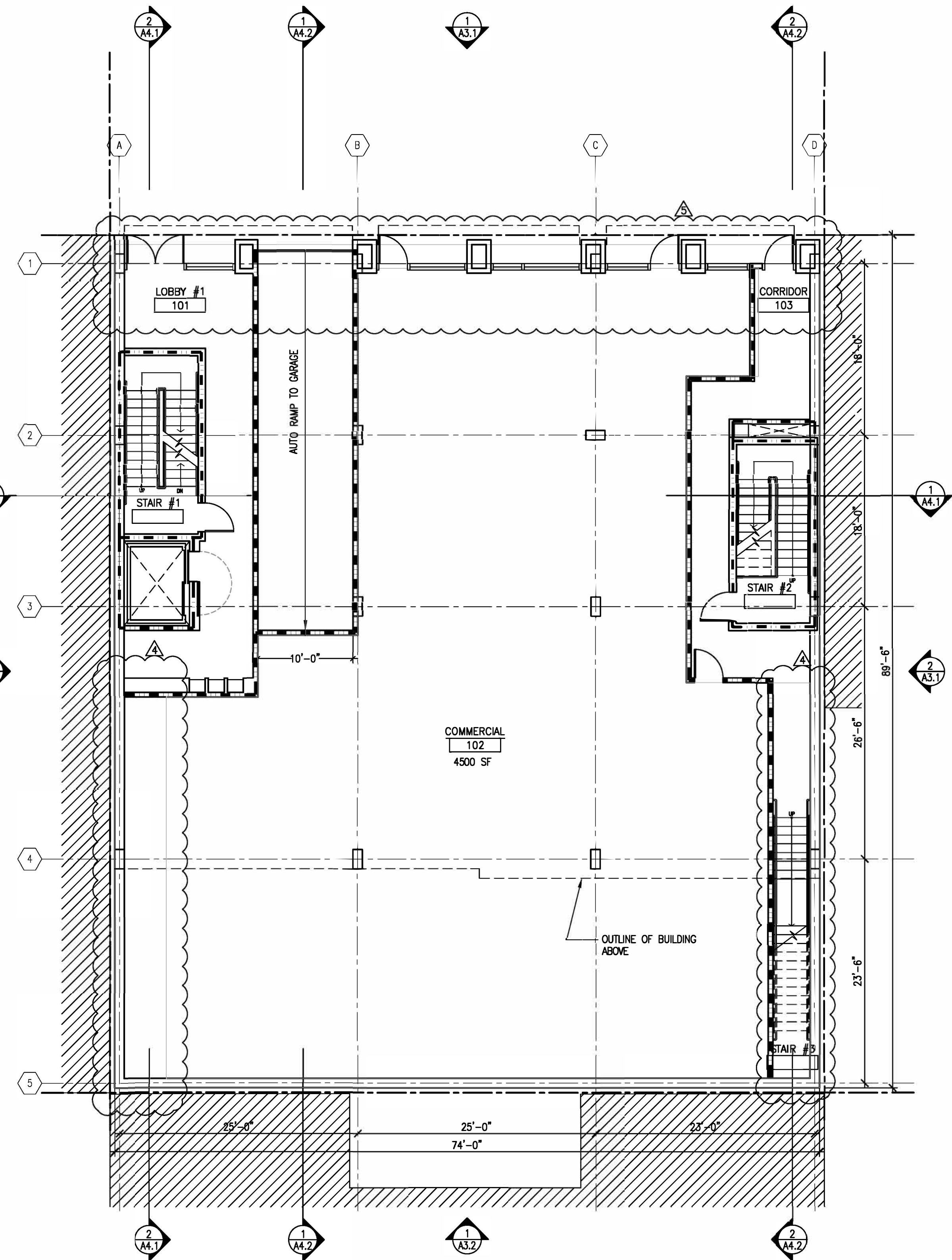
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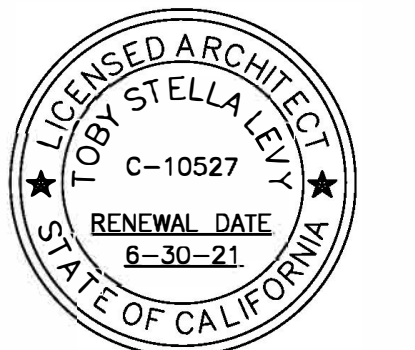
1 BASEMENT FLOOR PLAN
 1/8"=1'-0"



2 STREET FLOOR PLAN
 1/8"=1'-0"



1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS



1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
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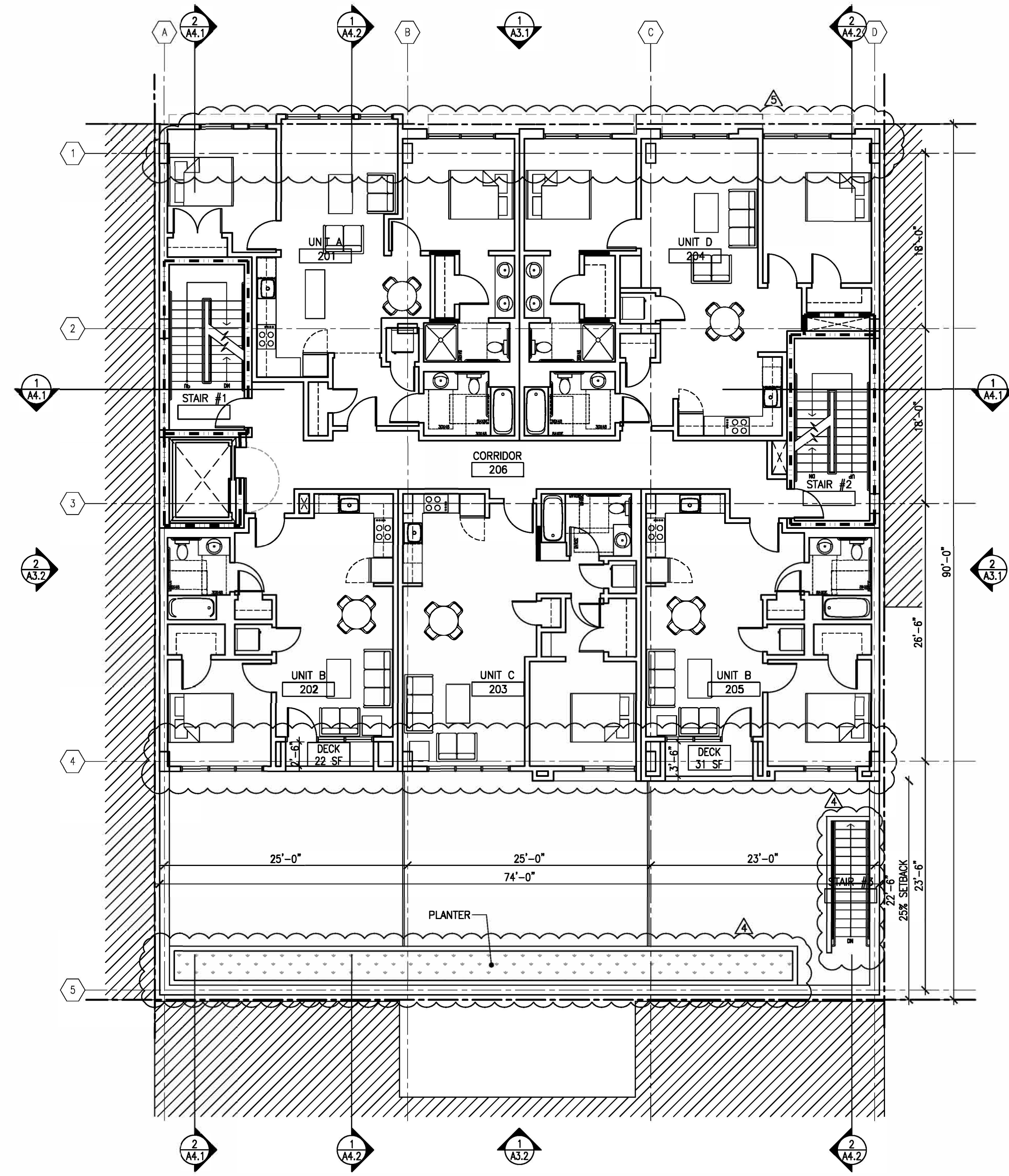
CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

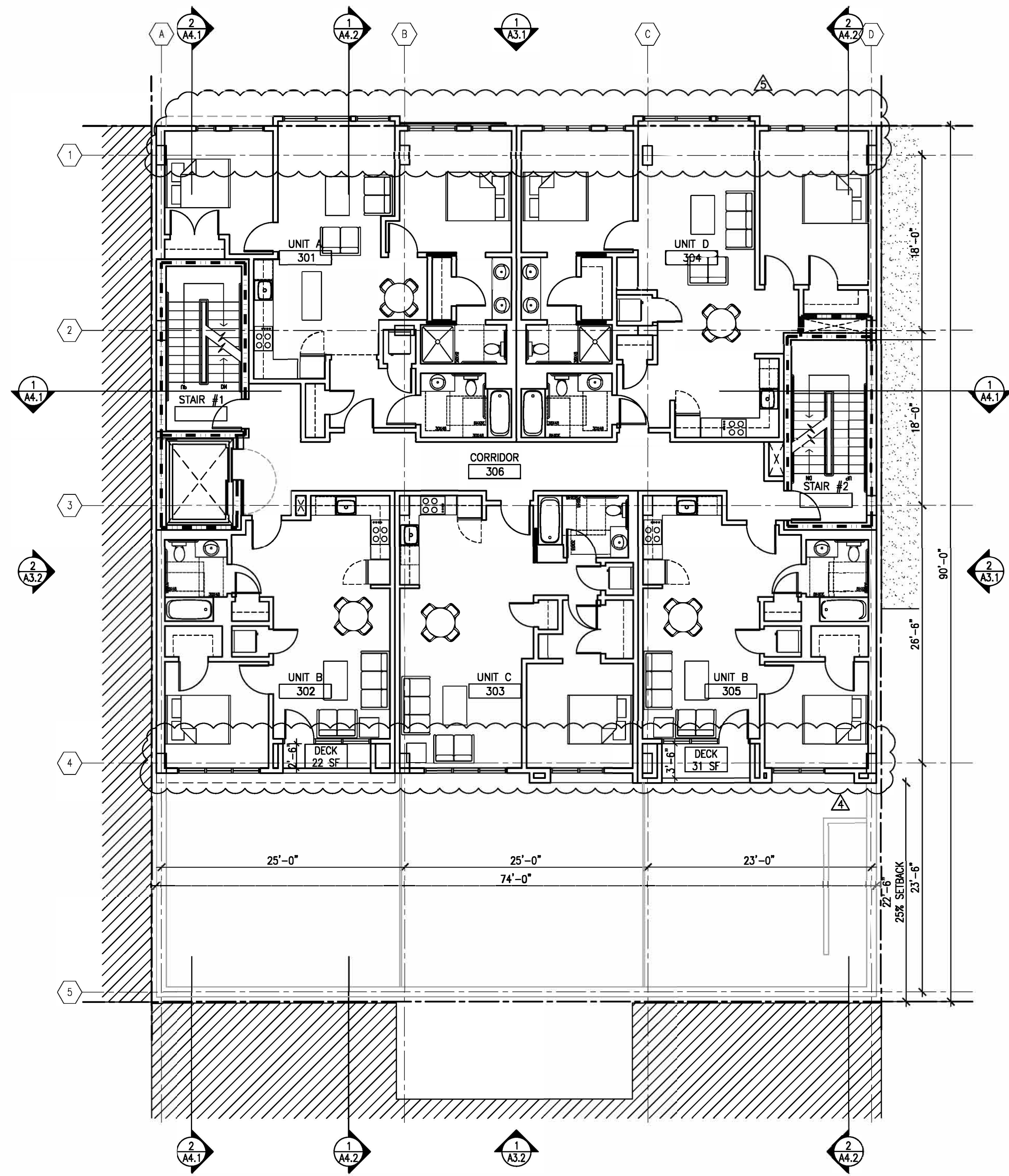
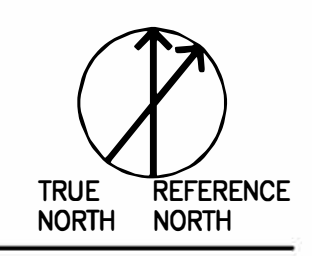
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FLOOR PLANS:
 BASEMENT &
 GROUND FLOOR

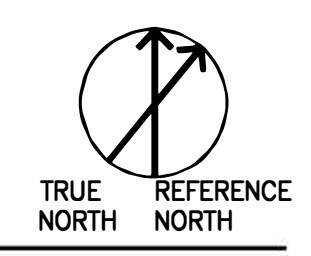
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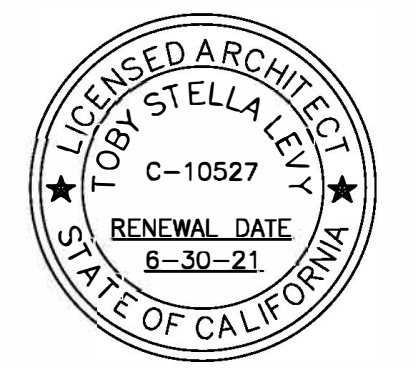
2 SECOND FLOOR PLAN
 1/8"=1'-0"



3 THIRD FLOOR PLAN
 1/8"=1'-0"



**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



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 SAN FRANCISCO, CA
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04-01-2019	PLANNING SUBMITTAL REV.04
01-08-2020	PLANNING SUBMITTAL REV.05

CONTACT: TOBY LEVY

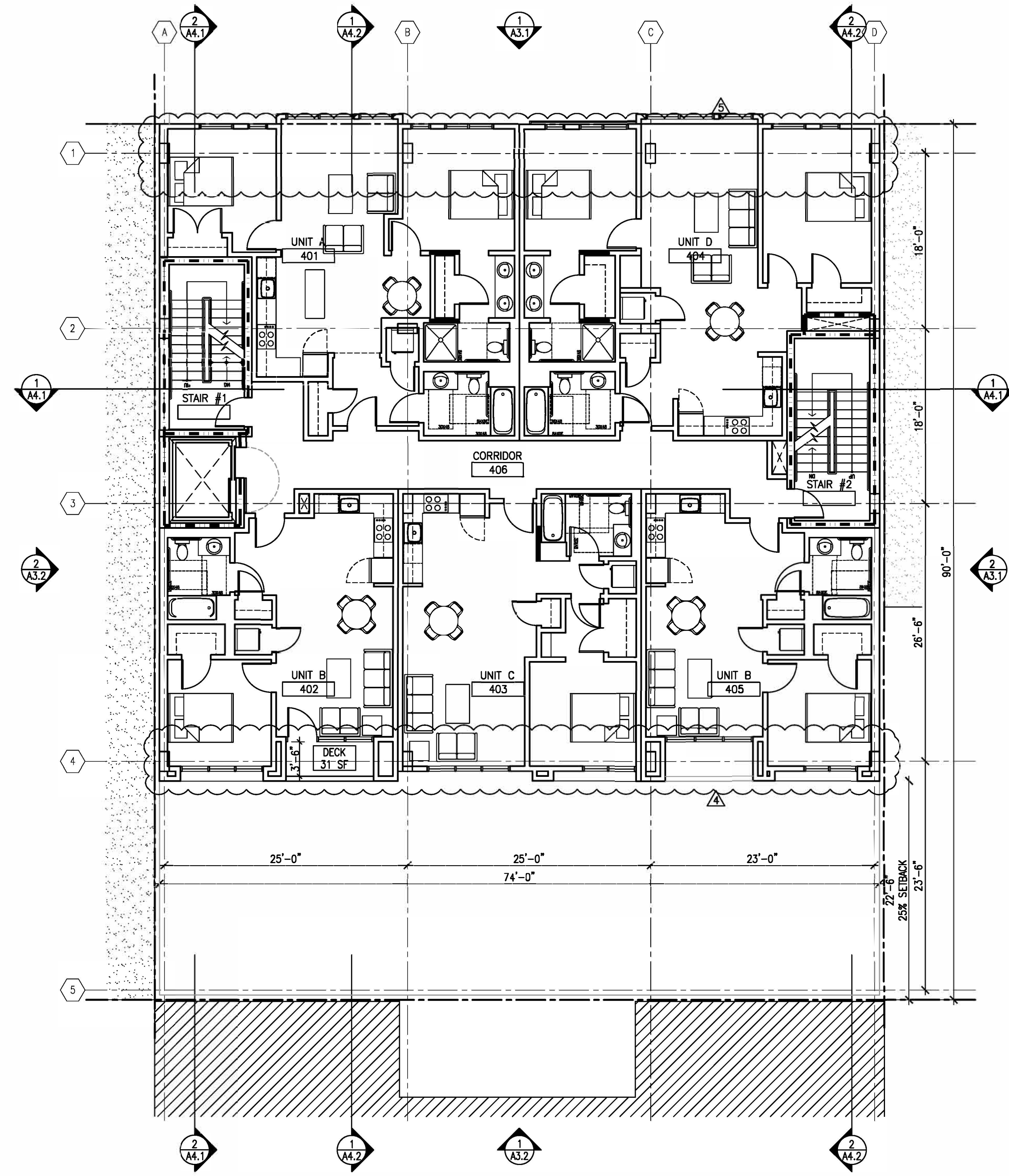
(415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

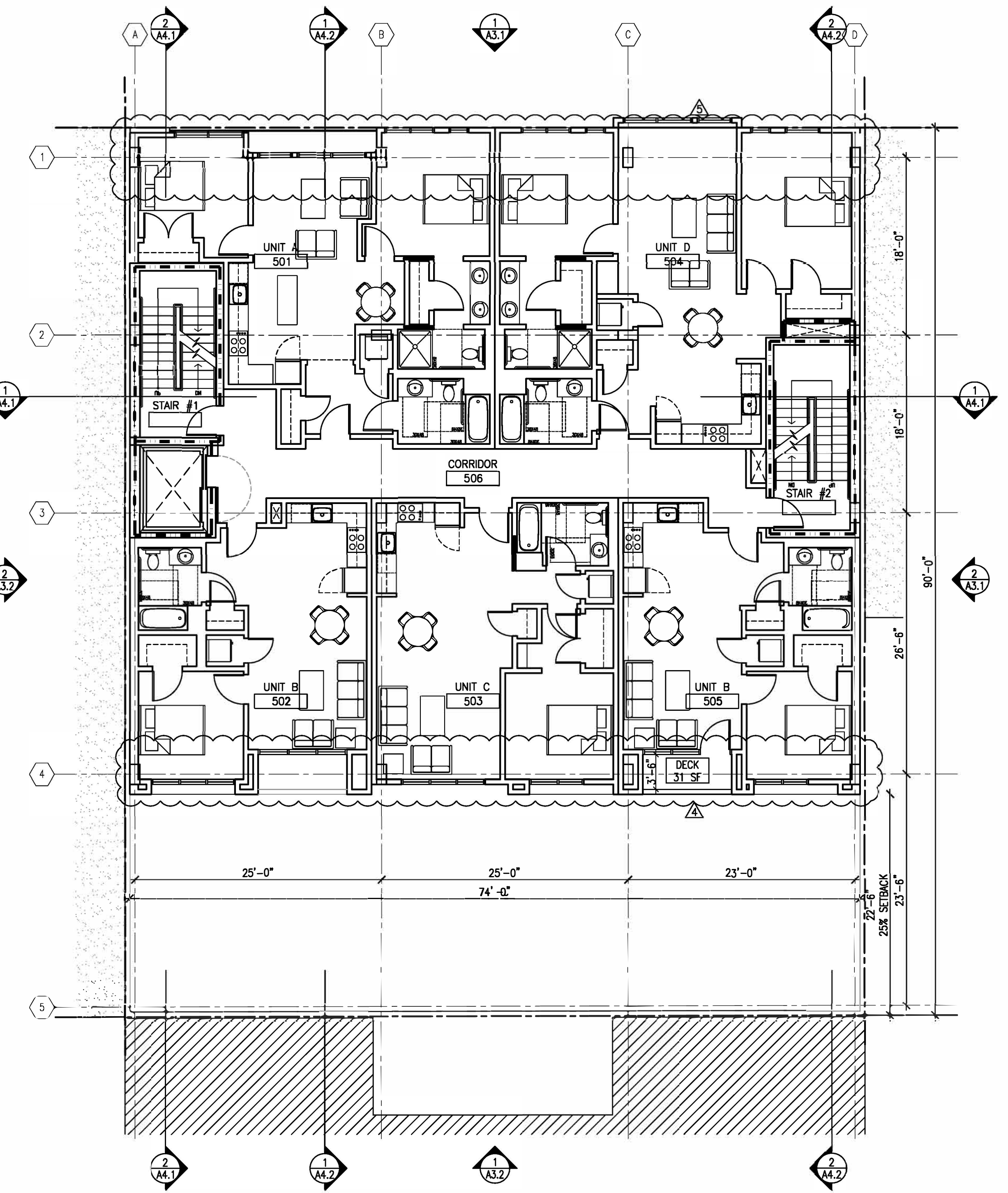
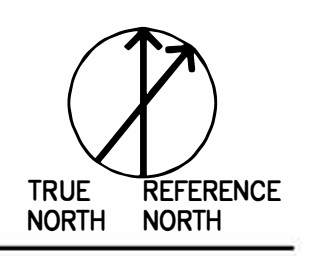
**FLOOR PLANS:
 SECOND &
 THIRD FLOOR**

A2.2

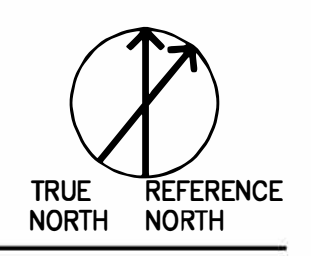
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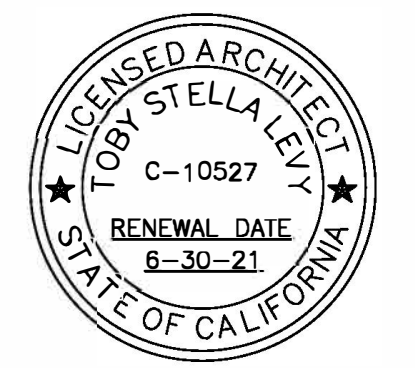
1 FOURTH FLOOR PLAN
 1/8"=1'-0"



2 FIFTH FLOOR PLAN
 1/8"=1'-0"



**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



1145 MISSION STREET
 SAN FRANCISCO, CA
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01-08-2020	PLANNING SUBMITTAL REV.05

CONTACT: TOBY LEVY

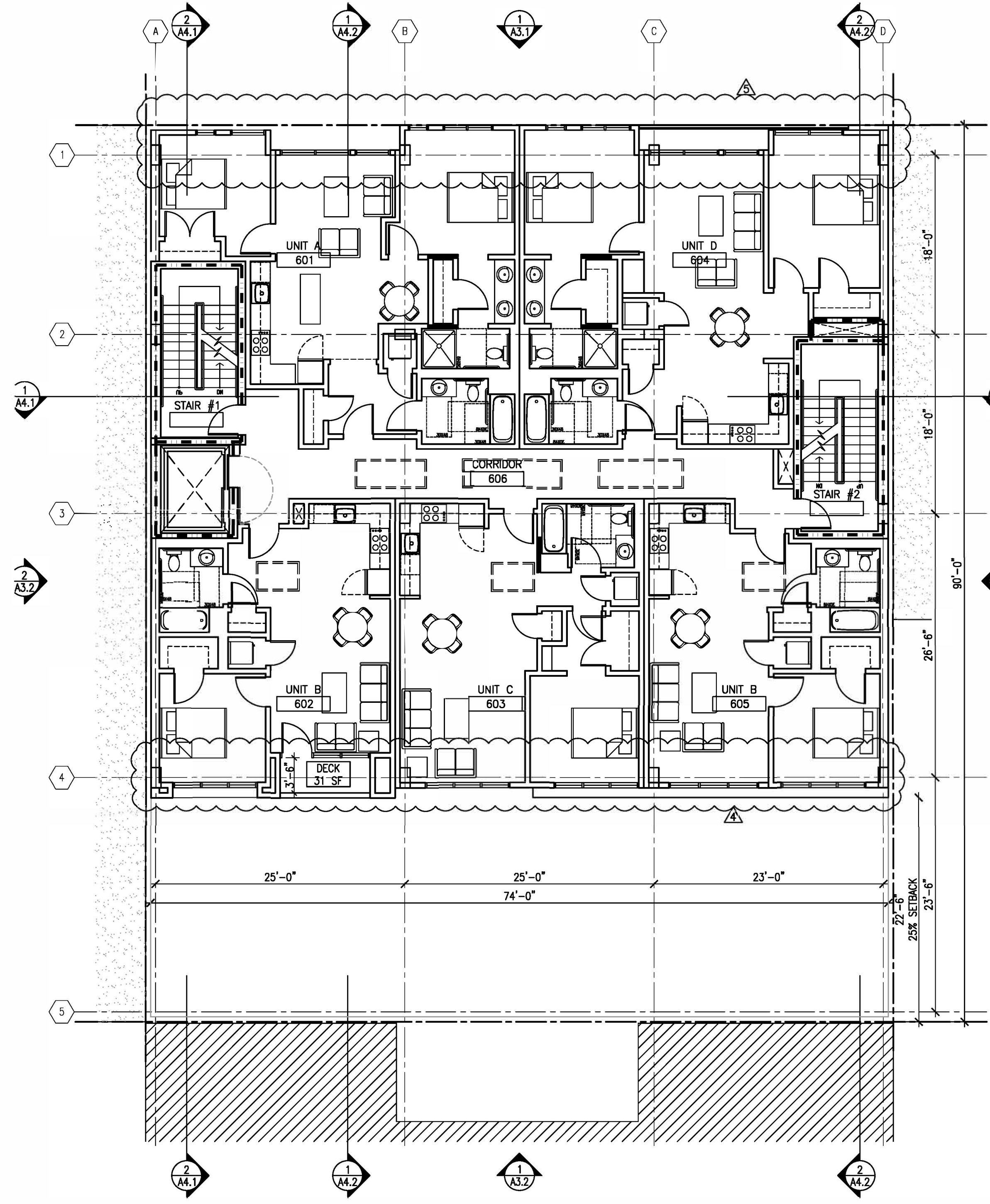
(415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

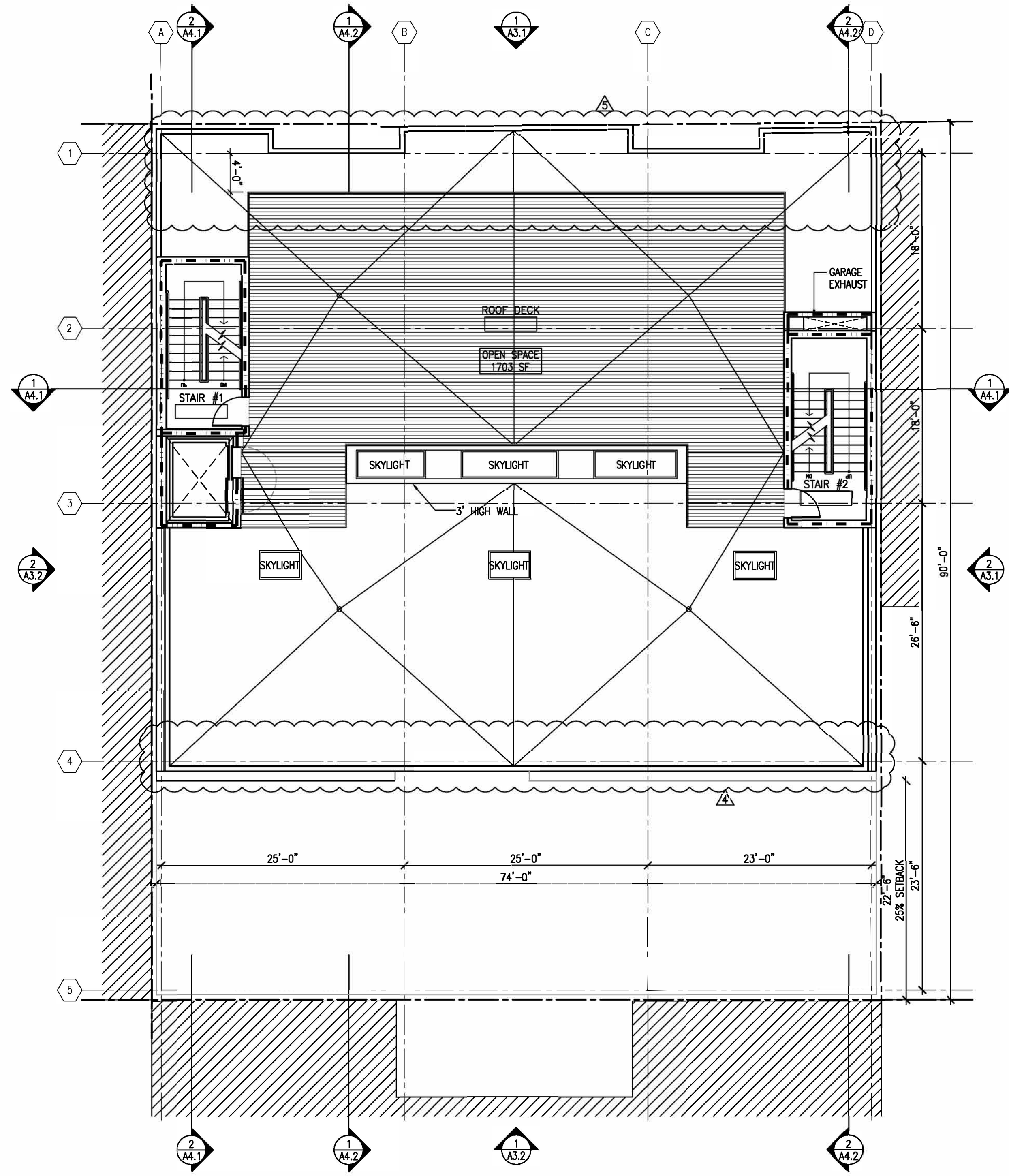
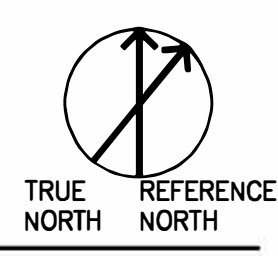
**FLOOR PLANS:
 FOURTH &
 FIFTH FLOOR**

A2.3

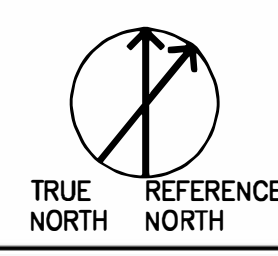
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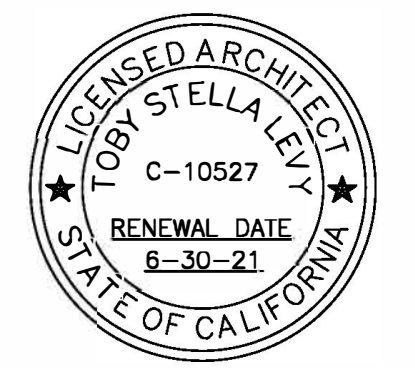
1 SIXTH FLOOR PLAN
 1/8"=1'-0"



2 ROOF PLAN
 1/8"=1'-0"



1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS



1145 MISSION STREET
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01-08-2020	PLANNING SUBMITTAL REV.05

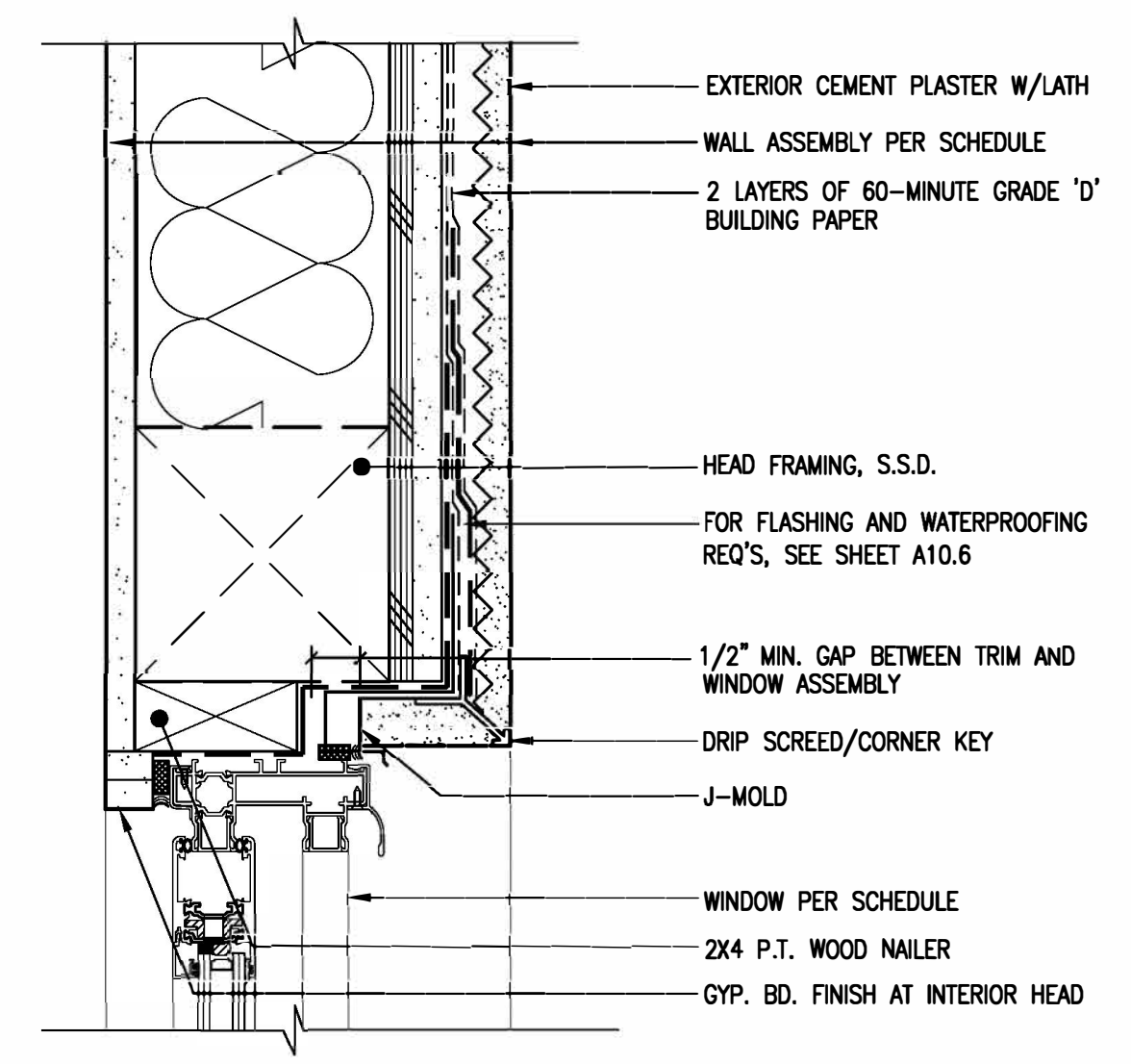
CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

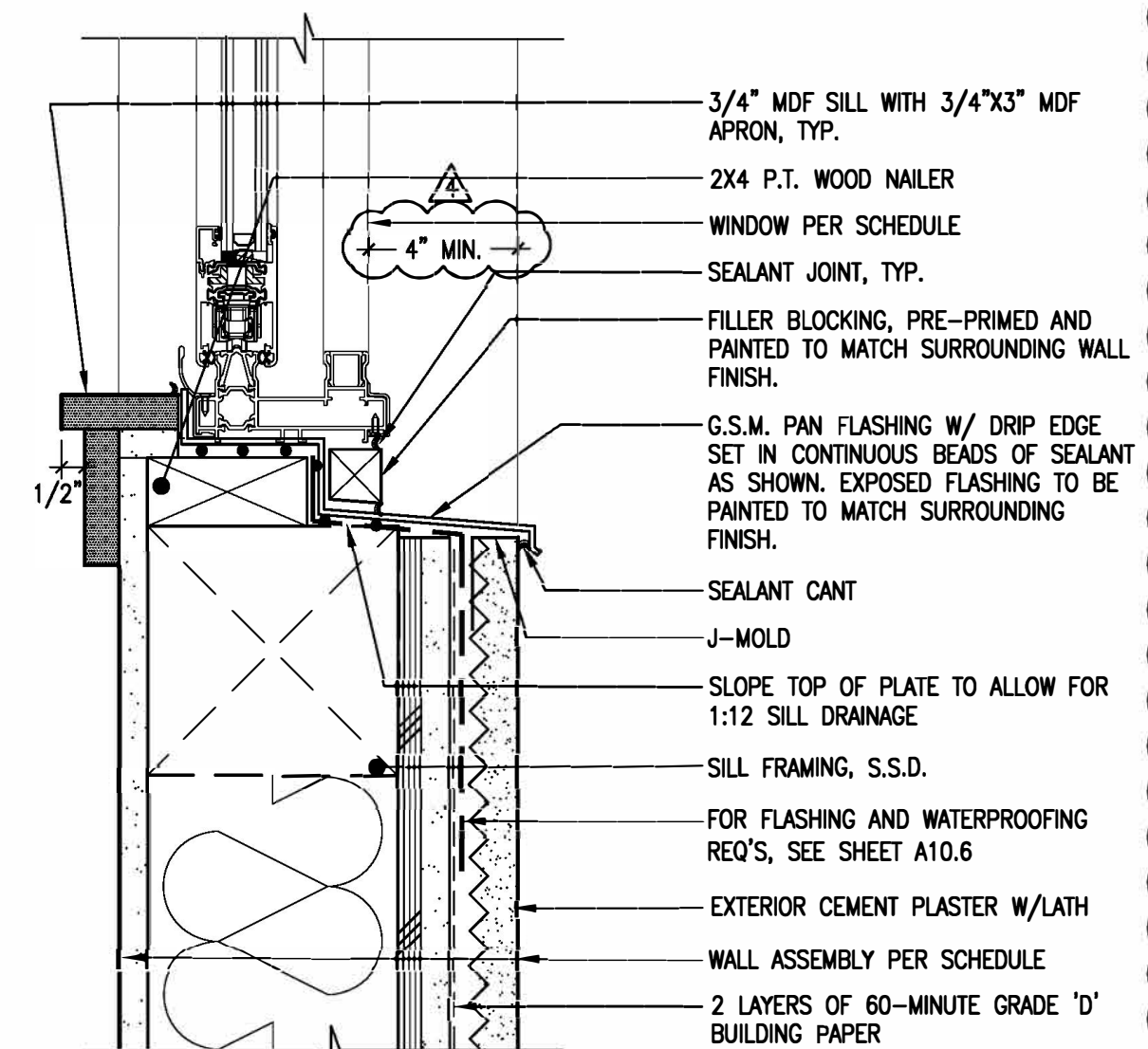
SCALE: 1/8" = 1'-0"

FLOOR PLANS:
 SIXTH FLOOR &
 ROOF

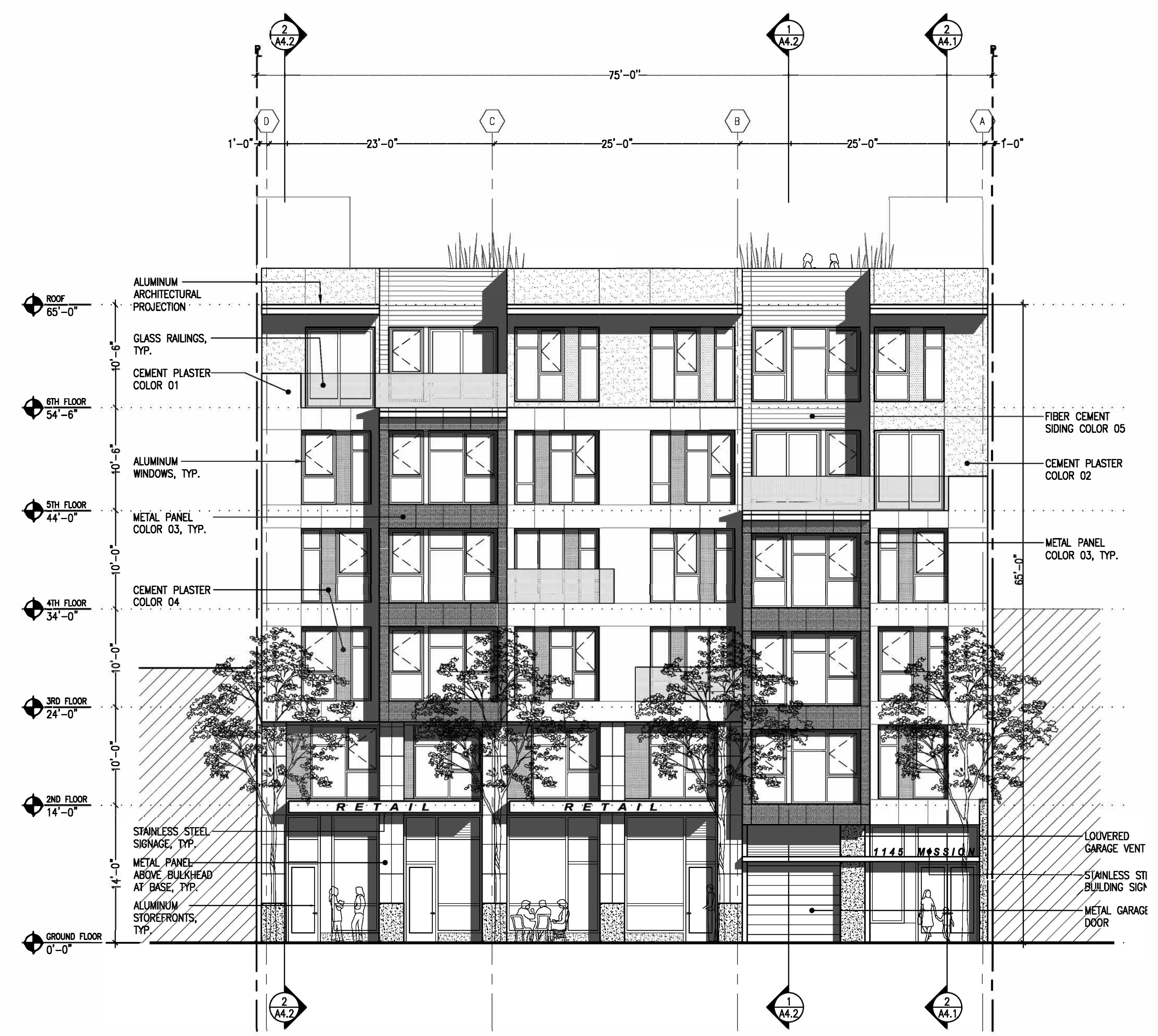
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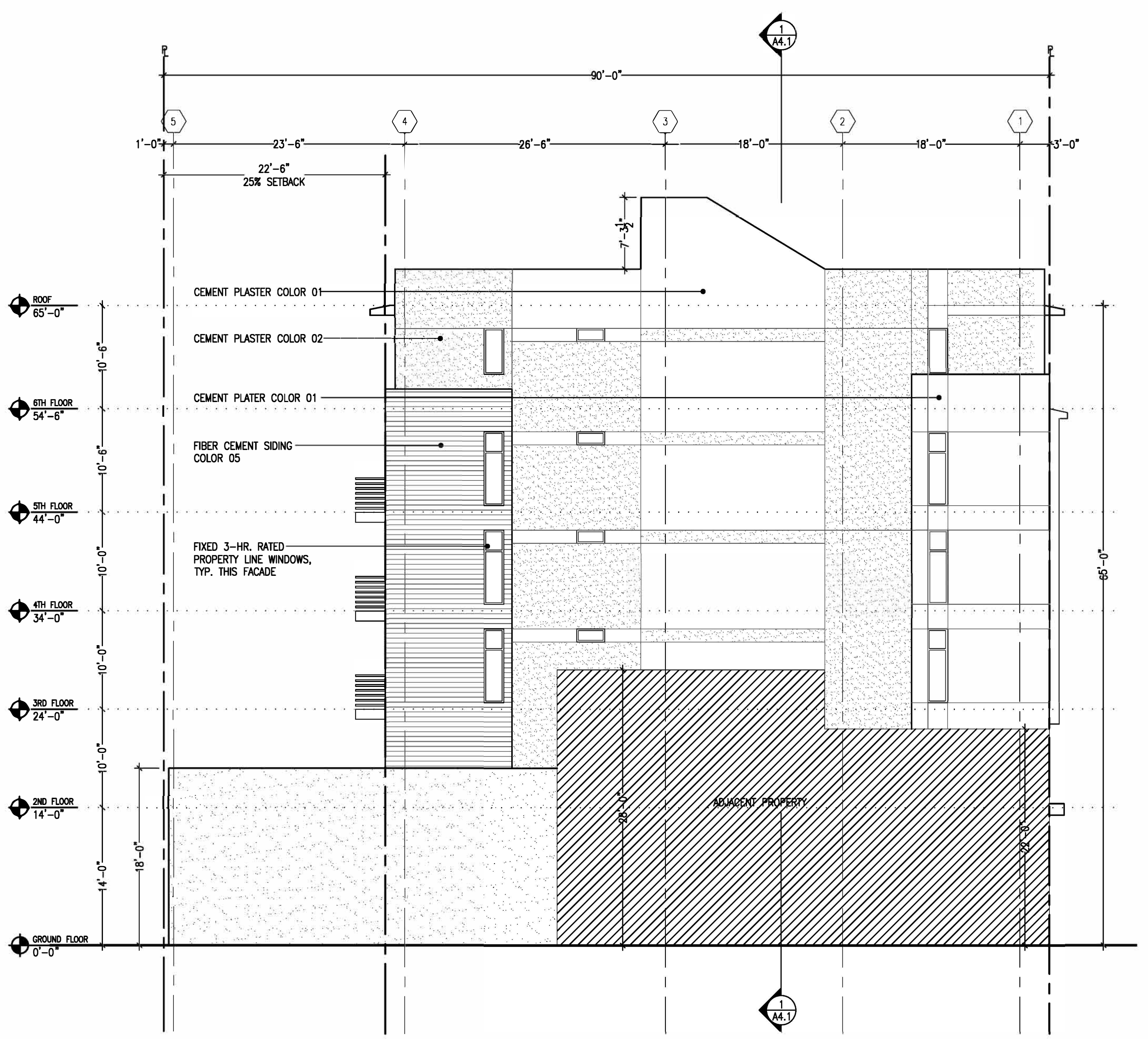
3 WINDOW HEAD DETAIL
 3'-1'-0" CEMENT PLASTER



4 WINDOW SILL DETAIL
 3'-1'-0" CEMENT PLASTER

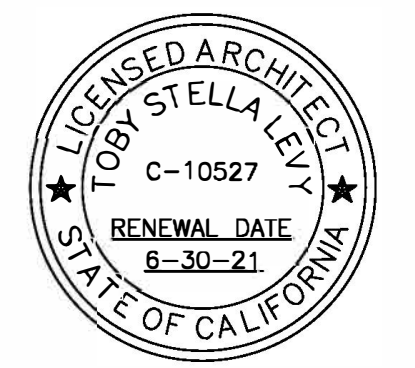


1 MISSION STREET ELEVATION
 1/8"=1'-0"



2 SIDE ELEVATION
 1/8"=1'-0"

**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
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02-11-2019	PLANNING SUBMITTAL REV.03
04-01-2019	PLANNING SUBMITTAL REV.04
01-08-2020	PLANNING SUBMITTAL REV.05

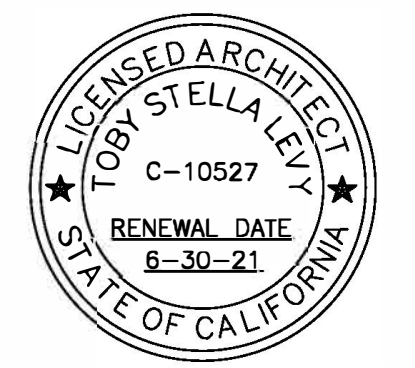
CONTACT: TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: AS NOTED

EXTERIOR ELEVATIONS

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**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



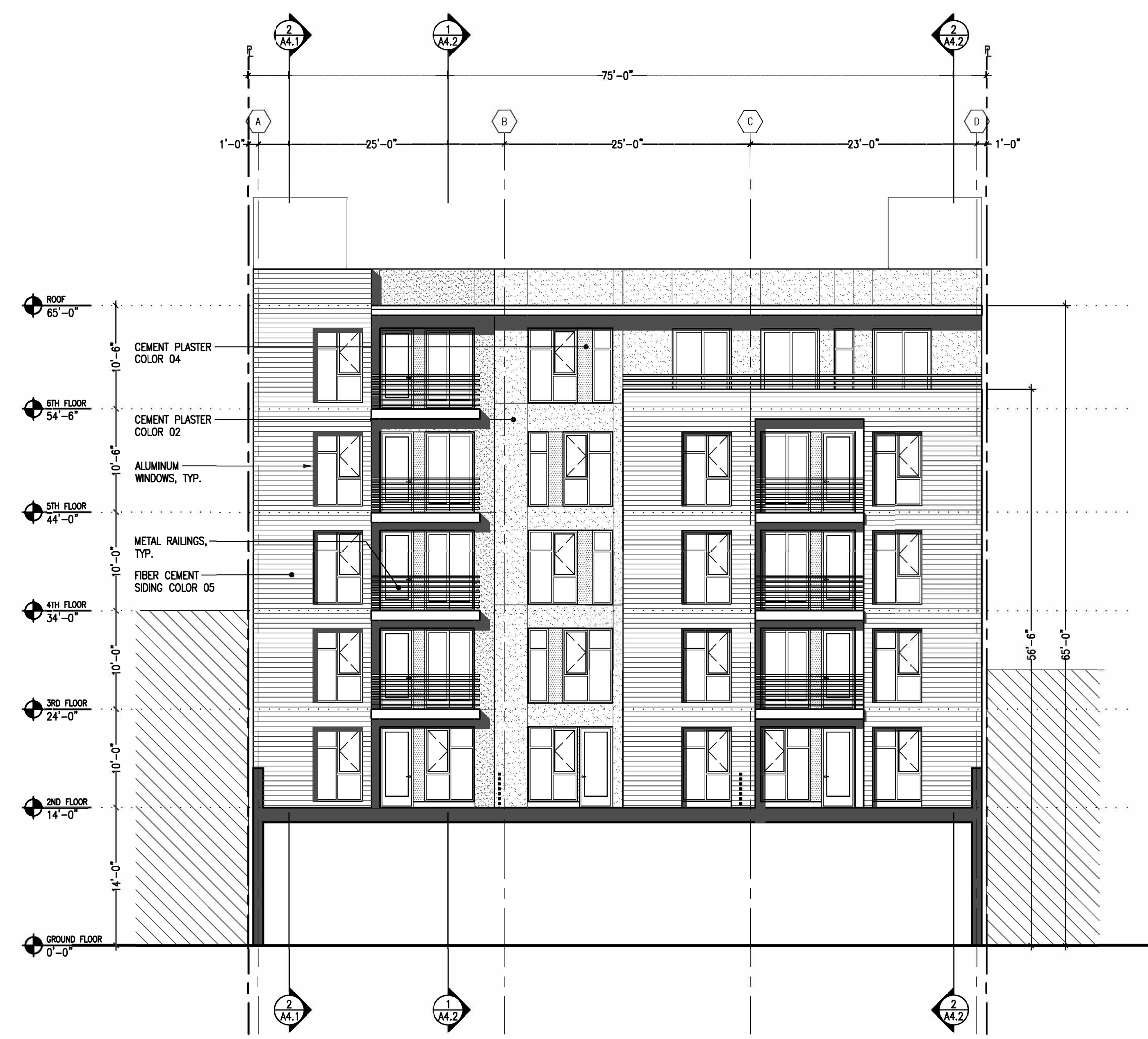
1145 MISSION STREET
 SAN FRANCISCO, CA
 BLOCK/LOT: 3727-168
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08-12-2016	PLANNING SUBMITTAL REV.01
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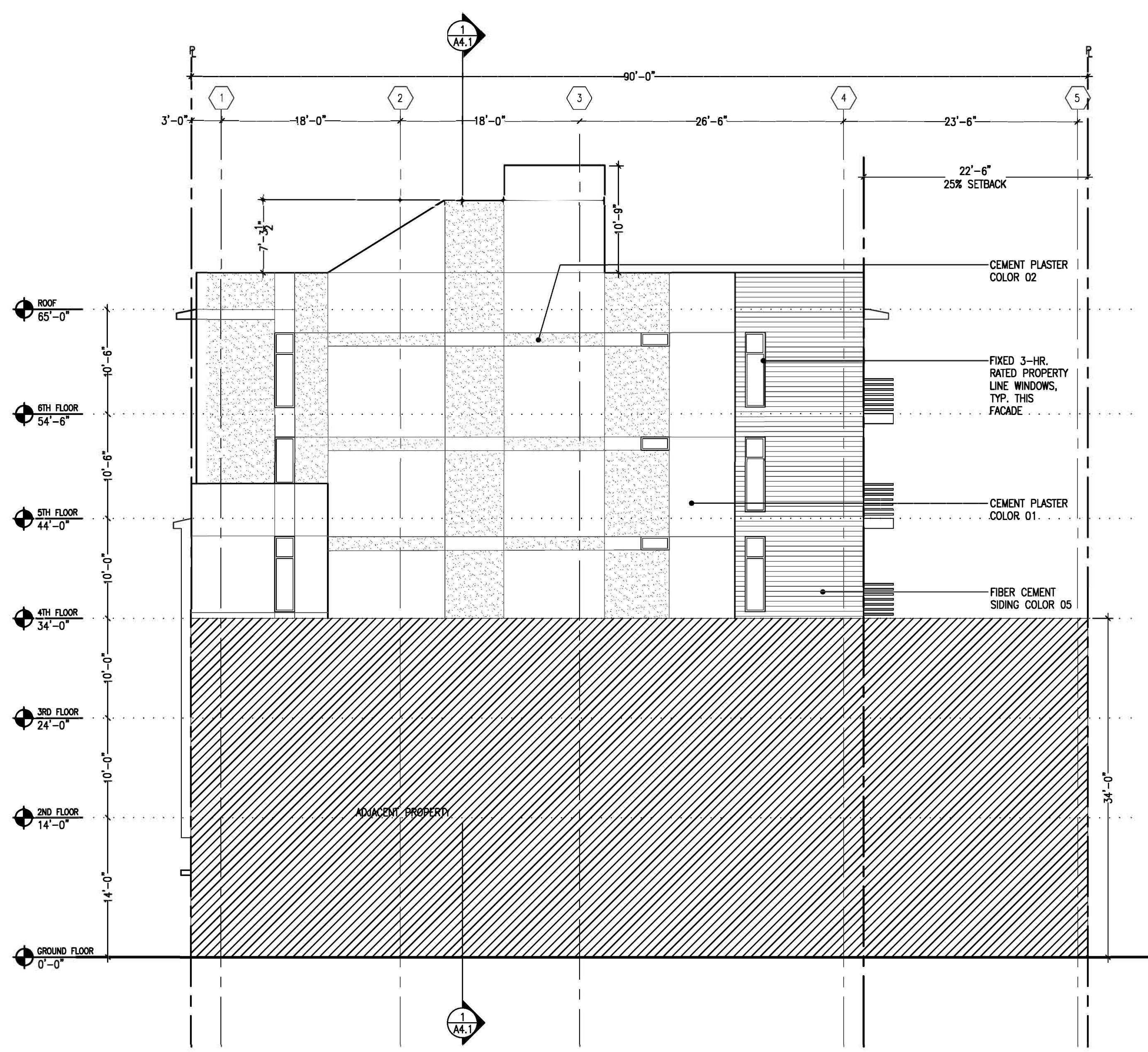
CONTACT: TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: AS NOTED

EXTERIOR ELEVATIONS



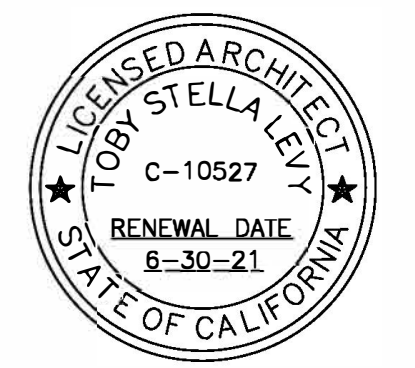
1 COURTYARD ELEVATION
 1/8"=1'-0"



2 SIDE ELEVATION
 1/8"=1'-0"

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**1145 MISSION ST
 SAN FRANCISCO, CA
 25 RESIDENTIAL UNITS**



1145 MISSION STREET
 SAN FRANCISCO, CA
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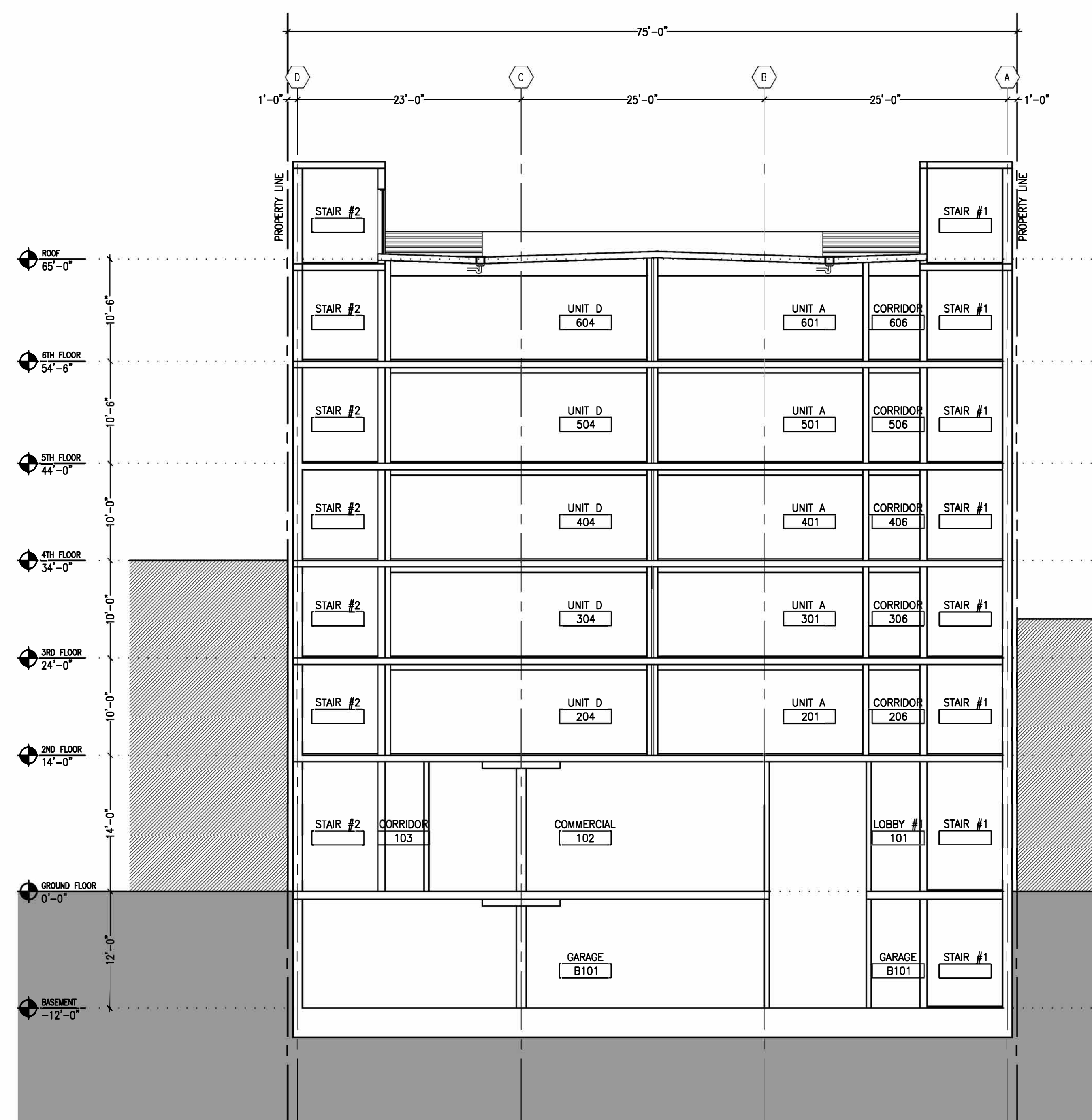
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04-01-2019	PLANNING SUBMITTAL REV.04
01-08-2020	PLANNING SUBMITTAL REV.05

CONTACT: TOBY LEVY

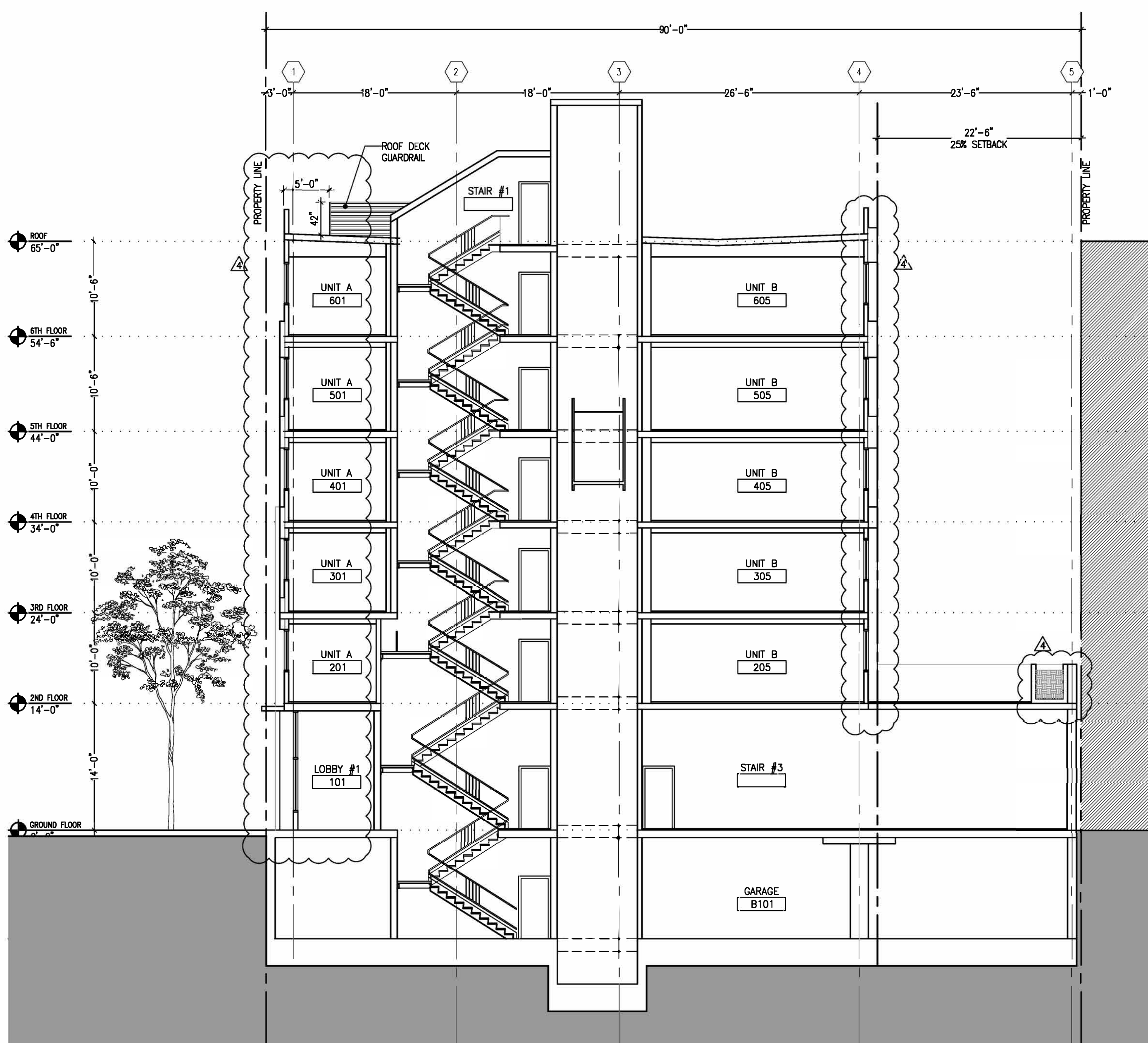
(415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

**BUILDING
 SECTIONS**



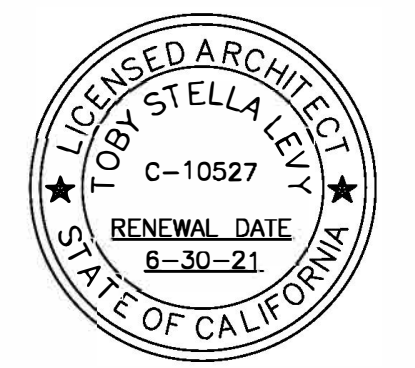
1 SECTION 1
 1/8"=1'-0"



2 SECTION 2
 1/8"=1'-0"

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**1145 MISSION ST
 SAN FRANCISCO, CA
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01-08-2020	PLANNING SUBMITTAL REV.05

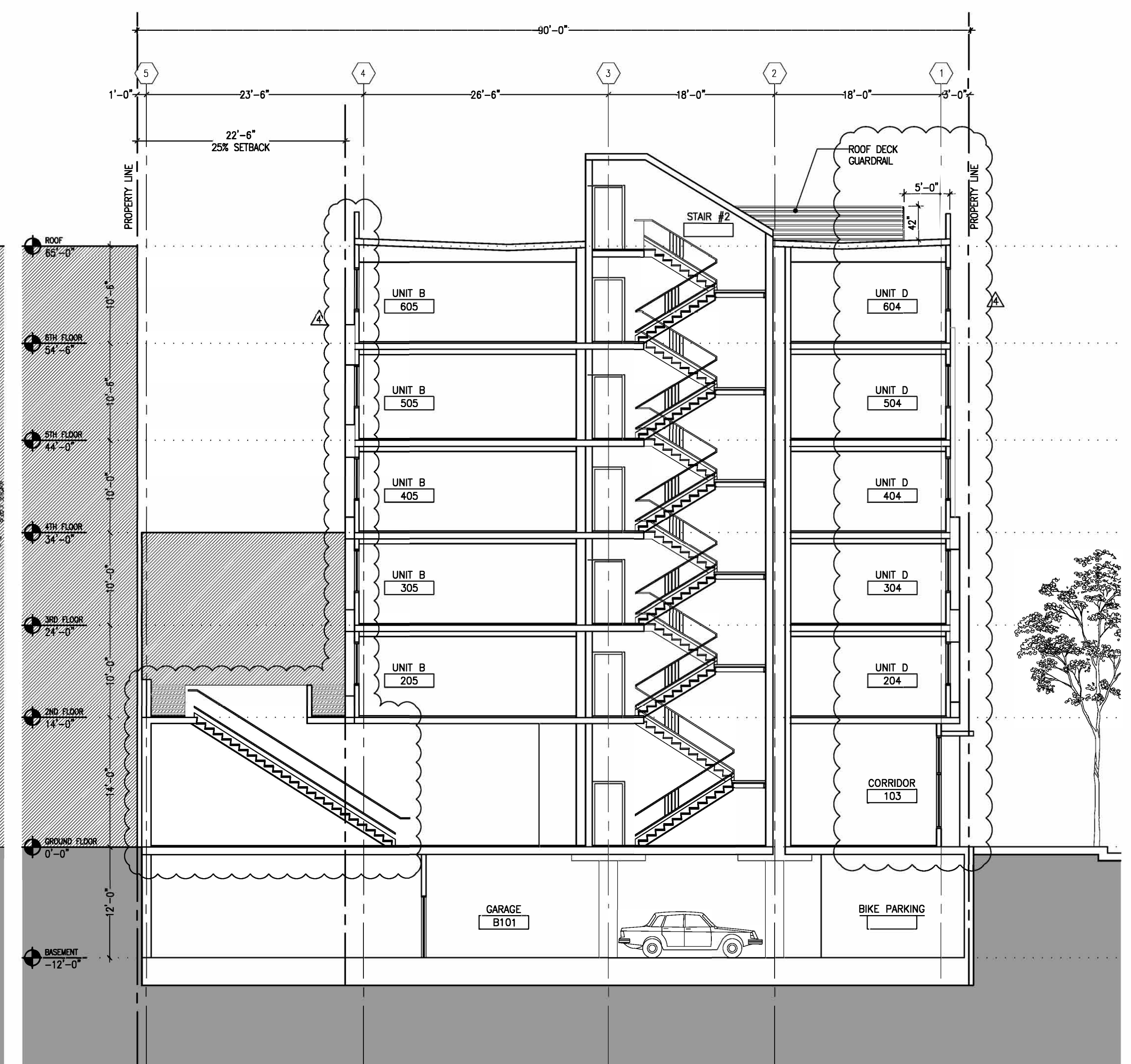
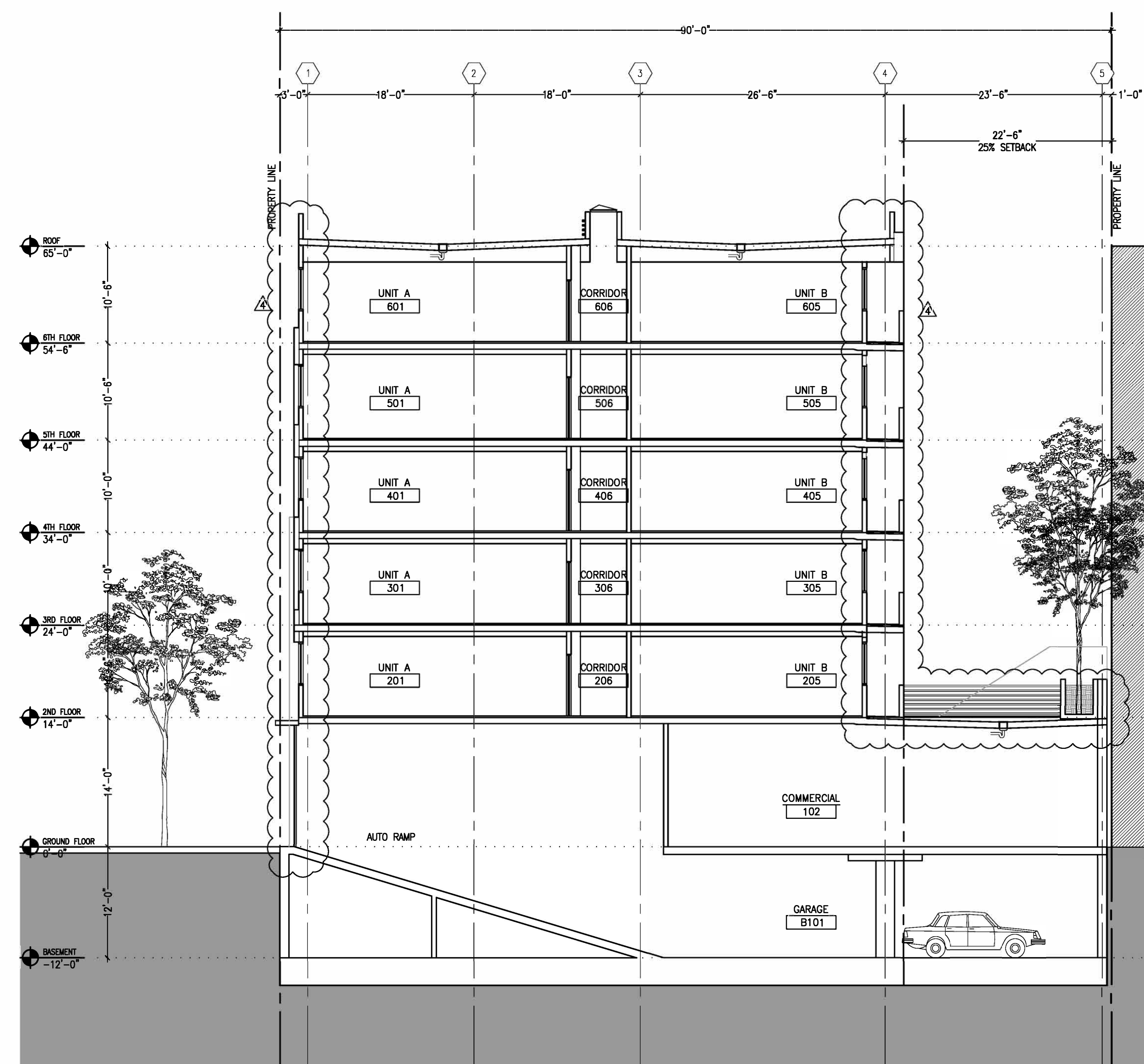
CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

**BUILDING
 SECTIONS**

A4.2



1 SECTION 1
 1/8"=1'-0"

2 SECTION 2
 1/8"=1'-0"

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

August 19, 2020

VIA E-MAIL

President Joel Koppel
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: 1145 Mission Street, San Francisco
Case No. 2007.0604U

Dear President Koppel and Commissioners:

This code-compliant Project would add twenty-five modestly sized and much needed units to the City's housing supply. No issues have been raised as to the design or shape of the Project. The Project Sponsors respectfully urge the Commission to approve this Project, as required by the Housing Accountability Act and in accordance with the Planning Code.

1. The Housing Accountability Act Requires Approval of the Project.

As Senior Planner Linda Ajello-Hoagland noted at the June 11, 2020 hearing on this Project, it is subject to the Housing Accountability Act ("HAA"), and therefore the Commission cannot reduce the Project's density or impose conditions that would have the same effect. The HAA (Gov't Code §65589.5) applies to market-rate housing development projects and requires that code-compliant projects be approved. Pursuant to new amendments which took effect on January 1, 2018, the HAA imposes significant limitations on a city's discretion to deny permits for housing. The HAA requires, inter alia:

When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and

unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(Gov't Code § 65589.5(j).)

Moreover, a housing development project *must be deemed*

. . . consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project . . . is consistent, compliant, or in conformity.

(Gov't Code § 65589.5(f)(4).)

The Project meets all applicable code requirements and no variances are required for approval. The opponents of the Project have not raised issues with the Project itself, but rather with subsequent changes in Planning Code requirements since the Project's application was submitted – changes that do not apply to the Project. The rules must be respected.

2. The Project Meets Planning Code Affordable Housing Requirements.

As discussed at the June 11, 2020, the Planning Code “grandfathers” an affordable housing requirement percentage of 12% for projects that submitted a complete Environmental Evaluation application prior to January 1, 2013. Accordingly, the Project provides three affordable housing units. While opponents of the Project have argued that the standards for new projects should be applied retroactively, this is contrary to Planning Code §415. The Planning Code, as enacted by the Board of Supervisors, must be respected.

Nonetheless, the Project Sponsors have agreed to provide an additional affordable housing unit beyond what is required by the Code, raising the percentage to 16%, as suggested by Commissioner Moore.

3. The Project Will Not Cast Shadows on Any Park or Identified Park Site.

Opponents of the Project erroneously claim that the Project will cast shadows on a site designated for purchase by the Recreation and Park Commission, pursuant to Proposition K. Planning Code §295(a) states, in part, “No building permit authorizing the construction of any

President Joel Koppel, Planning Commission
August 19, 2020
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structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission[.]” Opponents do not indicate which site has been designated, and in fact, the Recreation and Park Commission has not done so. Previously, the Commission considered a nearby site, but instead purchased a site on 12th Street.

In sum, for the above reasons, we urge you to approve this code-compliant Project and allow much-needed housing to the City’s benefit.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC


Shoshana Raphael