



EXECUTIVE SUMMARY

LARGE PROJECT AUTHORIZATION & SHADOW FINDING

HEARING DATE: FEBRUARY 18, 2021

CONTINUED FROM: JANUARY 18, 2021

Record No.: 2018-016808ENX/SHD
Project Address: 321 Florida Street
Zoning: UMU (Urban Mixed Use) Zoning District
68-X Height and Bulk District
Mission Alcoholic Beverage Restricted Use District
Block/Lot: 3965/022
Project Sponsor: Mark MacDonald, DM Development
448 Linden Street
San Francisco, CA 94102
Property Owner: Same as Project Sponsor
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project includes the construction of a nine-story, 92' tall, 154,396 square feet (sq ft) mixed-use building containing 168 dwelling units, 1,336 sq ft of Retail Sales and Service Use, and 47 off-street auto parking spaces, on a site currently developed as a private parking lot.

Pursuant to California Government Code Section 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and has requested waivers from the Planning Code volumetric requirements for: height (Planning Code Section 260) and ground floor ceiling height (Planning Code Section 145.1(c)(4)). In addition, the Project has requested a concession to address the Planning Code requirements for open space (Planning Code Section 135).

Required Commission Action

The Commission must grant a Large Project Authorization, pursuant to Planning Code Section 329, for new construction over 25,000 gross square feet (gsf) in an Eastern Neighborhoods Mixed Use District.

In addition, pursuant to Planning Code Section 295, the Commission must adopt findings that the additional shadow cast by the Project on Franklin Square Park would not be adverse to the use of this park.

Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Planning Department has received three letters in support of the Project and two letters in opposition to the Project. The Department also received a petition from the San Francisco Housing Action Coalition containing 149 signatures in support of the Project. Letters in support cited support for the design of the building, the livable unit layouts, and the need for additional housing in the area. The two letters in opposition cited concern with the height of the building, specifically that it would cast shade on adjacent properties fronting Bryant Street.
- **Outreach:** The Project Sponsor provided an outreach summary which is attached to this report. Specific outreach occurred to the Bryant Street Neighbors, Friends of Franklin Square, Sweet Peas Preschool, United to Save the Mission, Calle 24 Latino Cultural District, the Community Arts Stabilization Fund, nearby resident associations, the building trades, the San Francisco Housing Action Coalition, and Yimby Action. In response to outreach, the building design has been altered to use more color, enhance horizontal elements, and enhance the pedestrian feel and human scale. Additionally, the Project Sponsor has committed to donating the ground floor commercial space of the building to the Community Arts Stabilization Trust for use as a gallery to showcase local artists.

- **Affordable Housing:** The Project is invoking the California State Density Bonus (California Government Code Section 65915-65918) to increase the development capacity of the site. As such, the Project is required to provide on-site below market rate units, pursuant to Planning Code Section 415, for the 'base' project (portion of the development permissible under existing zoning), and can elect to do on-site below market rate units or pay fees for units and floor area gained by the density bonus. Per the submitted Inclusionary Housing Affidavit, the Project Sponsor is providing 31 below market rate dwelling units on-site (25% of base project, 18.5% of total), and paying the affordable housing fee on the remaining square footage.
- **Shadow.** The Project would cast additional shadow on Franklin Square Park, located one block due east of the Project Site. On January 21, 2021, the Recreation and Park Commission will review the Project to provide a recommendation on whether the shadow would be adverse to the use of Franklin Square Park. Overall, the Project would increase shadow on the park from 2.08% of total annual available sunlight to 2.42% of total annual available sunlight. Additionally, the shadow impact is more pronounced in Summer and Spring, maximizing on August 9th and May 3rd, and is most impactful in the evening hours after 4pm. The western edge of the park is most impacted, which contains mature trees which already shade significant areas. Overall, Department staff have determined that this is an insignificant amount of net new shadow on the Park.

Environmental Review

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 20, 2021, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Mission Area Plan and the Objectives and Policies of the General Plan. The Project provides a substantial amount of new housing, including new on-site below-market rate units for rent, which is a goal for the City. The Department also finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

Attachments:

Draft Motion – Large Project Authorization with Conditions of Approval (Exhibit A)
Exhibit B – Shadow Motion
Exhibit C – Environmental Determination
Exhibit D – Mitigation Monitoring and Reporting Program
Exhibit E – Land Use Data
Exhibit F – Maps and Context Photos
Exhibit G – Inclusionary Affordable Housing Affidavit
Exhibit H – Anti-Discriminatory Housing Affidavit
Exhibit I – First Source Hiring Affidavit
Exhibit J – Project Sponsor Submittal
Exhibit K – Project Plans



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: February 18, 2021

Record No.: 2018-016808ENX
Project Address: 321 Florida Street
Zoning: UMU (Urban Mixed Use) Zoning District
68-X Height and Bulk District
Mission Alcoholic Beverage Restricted Use District
Block/Lot: 3965/022
Project Sponsor: Mark MacDonald, DM Development
448 Linden Street
San Francisco, CA 94102
Property Owner: Same as Project Sponsor
Staff Contact: Michael Christensen – (628) 652-7567
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ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 329 AND 843, FOR A PROJECT WHICH PROPOSES THE NEW CONSTRUCTION OF A 92' TALL, NINE-STORY, 154,396 SQUARE FOOT MIXED USE BUILDING CONTAINING 168 DWELLING UNITS, 1,400 SQUARE FEET OF RETAIL SALES AND SERVICE USE, AND 47 OFF-STREET AUTO PARKING SPACES, LOCATED WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT, UTILIZING THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) AND RECEIVING A CONCESSION FOR OPEN SPACE (PLANNING CODE (PC) 135) AND WAIVERS FOR: HEIGHT LIMIT (PC 260) AND GROUND FLOOR CEILING HEIGHT (PC 145.1(C)(4)) REQUIREMENTS OF THE PLANNING CODE, MAKING FINDINGS OF ELIGIBILITY FOR THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 9, 2019, Mark MacDonald of DM Development (hereinafter "Project Sponsor") filed Application No. 2018-016808ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization for a project which includes the construction of a nine-story, 92' tall, 154,396 square feet (sq ft) mixed use building containing 168 dwelling units and 47 off-street auto parking spaces, on a site currently developed as a private parking lot (hereinafter "Project"), located at 321 Florida Street on Block 3965, Lot 022 (hereinafter "Project Site").

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq ("the State Law"). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with "Base Project" including 95,385 square feet of Residential gross floor area that would include housing affordable to very-low income households. Because the Project Sponsor is providing 11% of base project units of housing affordable to very-low income households, the Project seeks a density bonus of 35% and waivers of the following development standards: 1) Height (Planning Code Sections 260); and 2) Ground Floor Ceiling Height (Planning Code Section 145.1(c)(4)). The Project is requesting a concession from the Planning Code requirement for Open Space (Planning Code Section 135).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA"). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 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 January 20, 2021, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

On January 28, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2018-016808ENX and continued the hearing to February 18, 2021.

On February 18, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2018-016808ENX.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-016808ENX is located at 49 South Van Ness Avenue, Suite 1400, 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. 2018-016808ENX, 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 nine-story, 92' tall, 154,396 square feet (sq ft) mixed use building containing 168 dwelling units, 1,336 sq ft of ground floor commercial space, and 47 off-street auto parking spaces.
- 3. Site Description and Present Use.** The Project is located on a 200' wide by 100' deep lot fronting Florida Street which is currently used as a private parking lot.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the UMU Zoning District in the Mission Area Plan. The immediate context is mixed in character with low to mid-rise residential developments, industrial buildings, and institutional uses. Directly to the south of the Project is a preschool, to the north are industrial buildings, and to the east are low-rise residential buildings. In the broader area, Franklin Square Park is located due east of the Project site, one block away.
- 5. Public Outreach and Comments.** The Planning Department has received three letters in support of the Project and two letters in opposition to the Project. The Department also received a petition from the San Francisco Housing Action Coalition containing 149 signatures in support of the Project. Letters in support cited support for the design of the building, the livable unit layouts, and the need for additional housing in the area. The two letters in opposition cited concern with the height of the building, specifically that it would cast shade on adjacent properties fronting Bryant Street. The Project Sponsor conducted outreach to the Bryant Street Neighbors, Friends of Franklin Square, Sweet Peas Preschool, United to Save the Mission, Calle 24 Latino Cultural District, the Community Arts Stabilization Fund, nearby resident associations, the building trades, the San Francisco Housing Action Coalition, and Yimby Action. In response to outreach, the building design has been altered to use more color, enhance horizontal elements, and enhance the pedestrian feel and human scale. Additionally, the Project Sponsor has committed to donating the ground floor commercial space of the building to the Community Arts Stabilization Trust for use as a gallery to showcase local artists.
- 6. Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. Use.** Planning Code Section 843 principally permits Residential uses in the UMU Zoning Districts. Residential density is not limited by lot area. Planning Code Section 843 also principally permits Retail Sales and Service uses up to 10,000 sq ft per lot.

The Project proposes to construct 168 dwelling units on the Project Site, including 1,336 sq ft of Retail Sales and Service use. As such, the proposed uses of the Project are principally permitted in the zoning district.

- B. **Rear Yard.** In the UMU Zoning District, Planning Code Section 134 establishes that the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

The Project provides a code-compliant Rear Yard equal to 25% of the depth of the lot.

- C. **Residential Usable Open Space.** Within the UMU Zoning District, Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit.

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

The Project proposes a total of 168 dwelling units, therefore, 12,560 square feet of common usable open space is required.

The Project provides ground level usable open space at the rear yard which is private to the eleven dwelling units that are located at ground level. Additionally, a roof deck is provided which totals 6,070 square feet of common usable open space, meeting the usable open space requirement for 75 units. As such, usable open space meeting the requirements of the Planning Code is provided for a total of 86 dwelling units, where 168 are proposed.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law, and requests a concession from the development standards for usable open space, which are defined in Planning Code 135. This reduction in the usable open space requirements provides a cost reduction to the project, as provided by Government Code Section 65915. The concession applies to 82 dwelling units.

- D. **Height and Bulk.** The Project Site is located within the 68-X Height and Bulk District. Buildings are limited to a height of 68-feet, excluding certain features listed in Section 260. No bulk limit is established.

The height of the Project is 92-ft, which exceeds the 68-ft height limit by 24-ft.

Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and requests a waiver from the development standards for height limit, which are defined in Planning Code Section 260. This waiver in height limit is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).

- E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for

area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20-ft wide, side yard or rear yard must be at least 25 ft in width, or an open area (either an inner court or a space between separate buildings on the same lot) must be no less than 25 ft in every horizontal dimension for the floor at which the dwelling unit is located.

The Project contains a total of 168 dwelling units, developed such that all dwelling units face either onto Florida Street or onto the Rear Yard, which is code compliant. As such, the Project complies with the Exposure requirements of the Planning Code.

- F. Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the requirements of Planning Code Section 145.1. All off-street parking is located on a subterranean level and screened with other uses. The Project features active uses on the ground floor which meet the ground level transparency and fenestration requirements of the Planning Code. Therefore, the Project complies with Planning Code Section 145.1.

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

The Project contains one off-street loading space within the off-street parking garage.

- H. Off-Street Automobile Parking.** Planning Code Section 155.1 limits off-street parking in the UMU Zoning District to 0.75 spaces for each dwelling unit, or 1 space per unit for each unit with at least two bedrooms and at least 1,000 sq ft of occupied floor area.

The Project includes 168 dwelling units, thus a total of 126 off-street auto parking spaces is a maximum. The Project provides 47 off-street auto parking spaces and is compliant with this requirement.

- I. Bicycle Parking.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking spaces for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units. For buildings containing more than 100 dwelling units, 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100.

The Project includes 168 dwelling units; therefore, the Project is required to provide 117 Class One bicycle parking spaces and 8 Class 2 bicycle parking spaces. For Retail Sales and Service uses, one Class Two bicycle parking space is required for each 2,500 square feet of floor area, or a minimum of

two. Therefore, the Retail Sales and Service use is required to have two Class Two bicycle parking spaces. A total of 117 Class One and 10 Class Two bicycle parking spaces are required.

The Project proposes 117 Class 1 bicycle parking spaces and 11 Class 2 bicycle parking spaces. Therefore, the proposed project complies with Planning Code Section 155.2.

- J. **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 16 points.

As currently proposed, the Project will achieve its required 16 points through the following TDM measures:

- Bicycle Parking Option A
- Bicycle Repair Station
- Car-Share Parking Option A
- Delivery Supportive Amenities
- Transportation Marketing Services Option A
- On-Site Affordable Housing Option C
- Unbundled Parking Option B
- Parking Supply Option D

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

For the 168 dwelling units, the Project is required to provide at least 67 two-bedroom units or 50 three-bedroom units.

The Project provides 64 studio units, 37 one-bedroom units, and 67 two-bedroom units. 40% of the dwelling units in the proposed Project contain two or more bedrooms, therefore, the Project complies with this requirement.

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

The Project will cast shadow on Franklin Square Park, which is under the jurisdiction of the Recreation and Park Commission. On January 21, 2021, the Recreation and Park Commission recommended that the Project would not cause adverse impact to Franklin Square Park. The Commission has concurred with this recommendation (See Motion No. XXXXX).

- 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 153,060 gsf of new residential 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 153,060 gsf of new residential use associated with the new construction of 168 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.

- O. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Sections 415.3 and 419.3, these requirements apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5, the Project may pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. Alternatively, the Project can designate a certain number of dwelling units as part of the inclusionary affordable housing program. 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 on October 29, 2018; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the on-site Affordable Housing Alternative is to provide 19% of the proposed rental dwelling units as affordable. In addition, under the State Density Bonus Law, Government Code section 65915 et seq, a project is entitled to a density bonus, concessions and incentives, and waivers of development standards only if it provides on-site affordable units.

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 through a combination of affordable housing on-site and payment of the inclusionary 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 submitted such Affidavit on June 29, 2020. The applicable percentage is 25% within the Mission Area Plan for projects of 25 or more units; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 31 dwelling units on-site as affordable units and payment of the affordable housing fee on remaining square footage. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus. The inclusionary housing fee will apply to the square footage of the Project that is attributable to the bonus.

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

The Project includes approximately 153,060 square feet of new residential development. 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 first construction permit.

7. **Large Project Authorization Design Review in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. **Overall building mass and scale.** *The Project is designed as a nine-story, 92-ft tall residential development. The site is within the 68-X Height and Bulk District and thus exceed the height limit; however, under the State Density Bonus, the Project is considered compliant with this requirement as a Waiver is necessary to accommodate bonus square footage afforded to the Project. The Project meets the maximum horizontal plan length at façade of 200' which is established under the Planning Code. The site was rezoned to a 68-X Height and Bulk District through the Eastern Neighborhoods Rezoning in 2008. In addition to this site, nearby other large sites were placed in higher Height and Bulk District, such as the Potrero Center at 85-X. Additionally, upcoming rezoning efforts may yield higher building heights at the Potrero Bus Yard as part of the redevelopment of that site. The Project will be one of the taller structures in the neighborhood at this time, but over time additional development will create other structures of comparable height. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*
- B. **Architectural treatments, facade design and building materials.** *The Project is distinctly contemporary in its character while reflecting the Industrial nature of the northeast Mission neighborhood. The Project incorporates a simple, yet elegant, architectural language. Overall, the Project offers a high-quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood. The façade design has been updated to reflect the desires of the local community, including adding color and reinforcing pedestrian elements.*
- 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 provides a large lobby area and a ground floor commercial space that will be donated for use as an art gallery showcasing local artists. The rear yard provided is code-compliant and serves as usable open space for ground level units. Parking and loading access is limited to a narrow entryway at the southern portion of the site, limiting the impact of the entryway on the pedestrian experience and expression of the building.*
- 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 private usable open spaces at the rear yard as well as a large common usable open space area at the roof level. The large common open space area at the roof level is of substantial size, with numerous amenities for residents. Additionally, Franklin Square Park is located one block from the Project Site, affording residents additional opportunities for enjoyment of the outdoors.*

- 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. *The Project is not required to provide a mid-block connection under Planning Code Section 270.2.*
- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting. *In compliance with Planning Code Section 138.1, the Project includes new streetscape elements, such as new concrete sidewalks, linear planters along the street edge, and new street trees. These improvements would vastly improve the public realm and surrounding streetscape.*
- G. Circulation, including streets, alleys and mid-block pedestrian pathways. *The Project provides ample circulation in and around the project site through the streetscape improvement proposed. Automobile access is limited to the single narrow entryway at the southern portion of the site, and parking is below grade to limit impact on the streetscape.*
- 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. *The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.*

8. Individually Requested State Density Bonus Required Findings. Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission shall make the following findings as applicable:

- A. The Housing Project is eligible for the Individually Requested Density Bonus Program.

The Project provides at least 11% of the proposed rental dwelling units as affordable to very low income households, defined as those earning 50% of area median income, and is therefore entitled to a 35% density bonus under California Government Code Sections 65915-95918.

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

The Project requests a concession from the open space requirements of the Planning Code. Under Planning Code Section 426, waiver or reduction of open space requirements in Eastern Neighborhoods Zoning Districts requires payment of an in-lieu fee, to be paid into the Recreation and Open Space subset of the Eastern Neighborhoods Community Improvements Fund. Thus,

obtaining a concession from the open space requirements of the Planning Code using the Individually Requested State Density Bonus program removes the requirement for payment of the in-lieu fee, and reduces the total cost of constructing the Project by reducing applicable impact fees due at issuance of the first construction document.

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

The Project requests the following waivers of Planning Code Development Standards: 1) Height (Planning Code Sections 250 and 252); and 2) Ground Floor Ceiling Height (Planning Code Section 145.1(c)(4)).

The Project provides a total residential floor area equal to the square footage afforded to a base project (one which complies with all development standards), plus the 35% floor area bonus afforded under the Individually State Density Bonus. The additional floor area is obtained by increasing the total height of the building by two floors and by reducing ground floor ceiling heights in portions of the ground floor that are occupied by residential units in order to accommodate an additional floor of residential units without increasing building height substantially.

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

The Project does not include a donation of land, and this is not the basis for the Density Bonus.

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

The Project does not include a Child Care facility, and this is not the basis for the Density Bonus.

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

The Project includes 1,336 square feet of non-residential use at the ground floor, as is principally permitted under the UMU Zoning District. As the non-residential, Retail Sales and Service use is principally permitted in the UMU Zoning District, this does not constitute a Concession or Incentive under Government Code Section 65915(k).

- 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 4

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

Policy 4.1

Promote housing for families with children in new development by locating multibedroom units near common open space and amenities or with easy access to the street; and by incorporating child-friendly amenities into common open and indoor spaces.

Policy 4.5

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.6

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

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 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.2

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

Policy 12.3

Ensure new housing is sustainably supported by the City's public infrastructure systems.

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.

MISSION AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.2

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1

Ensure that in-fill housing development is compatible with its surroundings.

Policy 1.2.2

For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

Policy 1.2.3

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

Policy 1.2.4

Identify portions of the Mission where it would be appropriate to increase maximum heights for residential development.

Housing

Objectives and Policies

OBJECTIVE 2.3

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

POLICY 2.3.3

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

OBJECTIVE 2.5

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION

POLICY 2.5.2

Develop affordable family housing in areas where families can safely walk to schools, parks, retail, and other services.

The Project is consistent with the Mission Area Plan and the Objectives and Policies of the General Plan, in that the project would provide 168 housing units helping alleviate San Francisco's severe housing crisis. Additionally, 25% of the proposed total housing units will be below market rate units. The massing of the proposed building's front facade has been designed to be compatible with the prevailing street wall pattern, and the Project provides a modern architectural design that is compatible with the mixed-use and

Industrial nature of the northeast Mission neighborhood. The Project adds a significant amount of housing to a transit rich neighborhood, supporting the City's Transit First Policy and housing goals. In addition, more than 40% of the proposed dwelling units contain two or more bedrooms, supporting an array of housing needs. Overall, the Project and its design provides new housing opportunities within a building that is unique in its form and materials.

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 does not possess any neighborhood-serving retail uses. The Project provides 168 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses. Additionally, the ground floor of the proposed building fronting Folsom Street contains a 1,336 square foot commercial space, enhancing the retail environment of the block. The Commission recognizes the Project Sponsor's commitment to provide this space to the local art community as a gallery space.

- 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 168 new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add new Retail Sales and Service uses, which adds to the public realm and neighborhood character. 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 does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing 42 of the dwelling units as below-market rate dwelling units for rent. 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 along Muni bus lines 22, 27, 33, and 55. The Project Site is within walking distance of the 16th Street-Mission BART Station and within biking distance of the 4th and King Caltrain Station. The 16th-Street Corridor, located just north of the site, is a priority transit corridor. 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 does not include commercial office development. No existing uses are displaced, and the project provides new housing, which is a high priority for the City.

- 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 Project will cast shadow on Franklin Square Park, which is under the jurisdiction of the Recreation and Park Commission. On January 21, 2021, the Recreation and Park Commission found that the Project would not cause adverse impact to Franklin Square Park. The Commission concurred with this recommendation as noted in Motion No. XXXXX.

- 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. 2018-016808ENX**, subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated September 18, 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 (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, 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 January 28, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 28, 2021

EXHIBIT A

Authorization

This authorization is for a Large Project Authorization for new construction of a nine-story, 92' tall, 154,396 square feet (sq ft) mixed use building containing 168 dwelling units, 1,336 sq ft of Retail Sales and Service Use, and 47 off-street auto parking spaces, on a site currently developed as a private parking lot, located at 321 Florida Street on Block 3965, Lot 022, pursuant to Planning Code Sections 329 and 843, within the UMU Zoning District and 68-X Height and Bulk District; in general conformance with plans, dated September 18, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2018-016808ENX and subject to conditions of approval reviewed and approved by the Commission on January 28, 2021 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 January 28, 2021 under Motion No. XXXXXX.

Printing of Conditions of Approval on Plans

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

Severability

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

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463,

www.sfplanning.org

- 6. Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2018-014795ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.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 628.652.7567, www.sfplanning.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 628.652.7567, www.sfplanning.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.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7567, www.sfplanning.org

- 11. 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 628.652.7567, www.sfplanning.org

- 12. 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: two transformer vaults within the building, and additional units within the sidewalk. 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 628.271.2000, www.sfpublishworks.org

- 13. Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

- 14. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org

Parking and Traffic

- 15. 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 628.652.7340, www.sfplanning.org

- 16. 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 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 18. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 128 bicycle parking spaces (117 Class 1 and 11 Class 2 spaces). 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 628.652.7463, www.sfplanning.org

- 19. Parking Maximum.** Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than forty seven (47) off-street parking spaces within the building.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 20. Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide one (1) off-street loading spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,
www.sfplanning.org*

- 21. 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 628.652.7463,
www.sfplanning.org*

Provisions

- 22. 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 628.652.7567,
www.sfplanning.org*

- 23. 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*

- 24. Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7567,
www.sfplanning.org*

- 25. 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 628.652.7567,
www.sfplanning.org*

- 26. 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 628.652.7567,
www.sfplanning.org*

Inclusionary Affordable Housing Program

- 27. Effective Requirements.** Pursuant to Planning Code Section 415, the following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. If the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.
- 28. Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 25% of the base project dwelling units as affordable to qualifying households. The Project contains 168 units, therefore, 124 dwelling units are associated with the base project and 31 dwelling units are to be provided as affordable units on-site. The square footage attributed to the bonus will be subject to the inclusionary housing fee. 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.

- 29. Unit Mix.** The base project contains 47 studios, 27 one-bedroom, and 50 two-bedroom units; therefore, the required affordable unit mix is 12 studios, 7 one-bedroom, and 12 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.

- 30. Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 25% of the base project proposed dwelling units as affordable to qualifying households. At least 15% must be affordable to low-income households, at least 5% must be affordable to moderate income households, and at least 5% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 50% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. 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.

- 31. Minimum Unit Sizes.** The affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least

450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

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.

- 32. Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion.

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.

- 33. 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. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

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.

- 34. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than nineteen percent (19%), or the applicable percentage as discussed above, of the each phase's total number of base 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.

- 35. 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.

- 36. Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

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.

- 37. 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.

- 38. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

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

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

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

- A. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- B. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, with a minimum of 11% of the units affordable to low-income households, 4% to moderate-income households, and the remaining 4% of the units affordable to middle-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.

- C. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- D. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- E. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- F. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

Monitoring - After Entitlement

- 39. 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 628.652.7463, www.sfplanning.org

- 40. 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 628.652.7463, www.sfplanning.org

Operation

- 41. 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, 628.271.2000, www.sfpublicworks.org

- 42. 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 628.652.7463, www.sfplanning.org

- 43. 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 628.652.7463, www.sfplanning.org



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: February 18, 2021

Record No.: 2018-016808SHD
Project Address: 321 Florida Street
Zoning: UMU (Urban Mixed Use) Zoning District
68-X Height and Bulk District
Mission Alcoholic Beverage Restricted Use District
Block/Lot: 3965/022
Project Sponsor: Mark MacDonald, DM Development
448 Linden Street
San Francisco, CA 94102
Property Owner: Same as Project Sponsor
Staff Contact: Michael Christensen – (628) 652-7567
Michael.Christensen@sfgov.org

ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON FRANKLIN SQUARE PARK BY THE PROPOSED PROJECT AT 321 FLORIDA STREET WOULD NOT BE ADVERSE TO THE USE OF FRANKLIN SQUARE PARK.

Preamble

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted

a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The Proposition K Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Franklin Square Park was not named in the Proposition K memorandum and, at 4.44 acres (193,327 sq. ft.), is considered a large park which is shadowed less than 20 percent of the time during the year. As such, Proposition K Memorandum recommended that additional shadow of up to one percent could be potentially permitted if the shadow meets the qualitative criteria of the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on Franklin Square Park would require hearings at the Recreation and Park Commission and the Planning Commission.

Franklin Square Park is a public park under the jurisdiction of the Recreation and Park Department (RPD). It is a 4.44-acre (193,327 square feet) urban park located in the Mission neighborhood of San Francisco. The park is bounded by Bryant Street to the west, 16th Street to the north, 17th Street to the south, and commercial and residential developments to the east. The stated hours of operation for Franklin Square Park are from 5 am to midnight, year-round.

The park contains landscaped areas, walkways and areas for active and passive uses, including a soccer field. The park has four entrances, one at the corner of 16th Street and Bryant Street, one at the corner of 17th Street and Bryant Street, one along 17th Street, and one at the eastern edge of the park near the intersection of Hampshire and 17th Streets.

The proposed project would result in new shadows falling on the park, adding approximately 2,418,374 annual square foot hours (sfh) of shadow and increasing shadow load by 0.34% above current levels, resulting in an increase in the total annual shading from 2.08% to 2.42% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the Project would be present year-round, and would be most pronounced in Summer and Spring in late afternoon hours and would fall on the western third of the park and cast new shadows on the park entry, landscape and pathways, a children's play area, and an adult fitness area.

On April 9, 2019, Mark MacDonald of DM Development (hereinafter "Project Sponsor") filed Application No. 2018-016808SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a nine-story, 92-ft tall mixed use building containing 1,336 sq. ft. of ground floor commercial retail use and 168 dwelling units, and 6,070 sq. ft. of common open space (hereinafter "Project") at 321 Florida Street, Block 3965 and Lot 022 (hereinafter "Project Site"). The Project is located within the UMU (Urban Mixed Use) Zoning District and a 68-X Height and Bulk District.

On an annual basis, the Theoretical Annual Available Sunlight ("TAAS") on Franklin Square Park is approximately 719,447,382 square-foot hours of sunlight. Existing structures in the area cast shadows on Franklin Square Park that total approximately 14,996,924 square-foot hours, or approximately 2.08% of the TAAS.

A shadow analysis report, prepared by Pre Vision Design, was submitted on September 4, 2020, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks

Department (Record No. 2018-016808SHD). The memorandum concluded that the Project would cast approximately 2,418,374 square-foot hours of new shadow on Franklin Square Park, equal to approximately 0.34% of the TAAS on Franklin Square Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 2.42% (previously at 2.08%).

On January 21, 2021, the Department determined that the Project did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 49 South van ness Avenue, Suite 1400, San Francisco, California.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2018-016808SHD is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On January 28, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2018-016808SHD and continued the hearing to February 18, 2021.

On February 18, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2018-016808SHD.

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.

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. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:
 - a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
 - b. The western third of Franklin Square park is affected, and this portion of the park already contains large trees which cast shade on the affected areas.
 - c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
3. **Public Outreach and Comment.** The Planning Department has received three letters in support of the Project and two letters in opposition to the Project. The Department also received a petition from the San Francisco Housing Action Coalition containing 149 signatures in support of the Project. Letters in support cited support for the design of the building, the livable unit layouts, and the need for additional housing in the area. The two letters in opposition cited concern with the height of the building, specifically that it would cast shade on adjacent properties fronting Bryant Street. Specific outreach occurred to the Bryant Street Neighbors, Friends of Franklin Square, Sweet Peas Preschool, United to Save the Mission, Calle 24 Latino Cultural District, the Community Arts Stabilization Fund, nearby resident associations, the building trades, the San Francisco Housing Action Coalition, and Yimby Action. In response to outreach, the building design has been altered to use more color, enhance horizontal elements, and enhance the pedestrian feel and human scale. Additionally, the Project Sponsor has committed to donating the ground floor commercial space of the building to the Community Arts Stabilization Trust for use as a gallery to showcase local artists.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

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 **DETERMINES**, under Shadow Analysis Application No. 2018-016808SHD that the net new shadow cast by the Project on Franklin Square Park will not be adverse to the use of Franklin Square Park.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 28, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: January 28, 2021



CERTIFICATE OF DETERMINATION COMMUNITY PLAN EVALUATION

Record No.: 2018-016808ENV, 321 Florida
Zoning: UMU (Urban Mixed-Use)
68-X Height and Bulk District
Plan Area: Eastern Neighborhoods Area Plan, Mission Area Plan
Block/Lot: 3965/022
Lot Size: 20,000 square feet
Project Sponsor: Mark MacDonald, DM Development, 415 692 5062
Staff Contact: Florentina Craciun, florentina.craciun@sfgov.org, 628-652-7510

Project Description

The project site is a rectangular, 20,000 square-foot lot located at 321 Florida Street, in San Francisco's Mission neighborhood on the block bound by 16th Street to the north, 17th Street to the south, Bryant Street to the east, and Alabama Street to the west. The project site is currently developed with a surface parking lot, which is approximately 15 feet lower than the adjacent residential properties on Bryant Street to the east.

The proposed project would remove the existing parking lot and construct an approximately 19,000 square-foot, 92-foot tall (107' 8" with elevator and mechanical screening), nine-story building containing 169 residential units (31 of which would be below market rate units), 1,591 square feet of commercial uses, common lounge space, roof-top open space and parking. The project would use the state density bonus law (California Government Code sections 65915-65918), which allows waivers, concessions, and modifications from local development standards for projects. Under the state density bonus law, the project would seek waivers for ground floor to floor height, height, usable open space, and shadow. The project would include up to 57 residential parking spaces, one loading space and one car share space in a basement garage as well as 128 bike parking spaces (117 Class 1, 11 Class 2). The proposed project would result in ground disturbance of the entire project site. It would include the removal and export of approximately 20,000 square feet of asphalt, as well as 10,300 cubic yards of soil. Project construction is estimated to take approximately 24 months.

Approval Action: Planning Commission approval of a large project authorization is the approval action for the proposed project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Community Plan Evaluation Overview

California Environmental Quality Act (CEQA) section 21083.3 and CEQA Guidelines section 15183 provide that projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report (EIR) was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant 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 that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, 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 the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 321 Florida Street project described above and incorporates by reference information contained in the programmatic EIR for the Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR)¹. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Eastern Neighborhoods PEIR.

Findings

As summarized in the initial study – community plan evaluation prepared for the proposed project (Attachment A)²:

1. The proposed project is consistent with the development density established for the project site in the Eastern Neighborhoods Plan³, upon approval of the state density bonus request;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Eastern Neighborhoods PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Eastern Neighborhoods PEIR;

1 Planning Department Record No. 2004.0160E and State Clearinghouse No. 2005032048. Available at: https://sfplanning.org/environmental-review-documents?field_environmental_review_catag_target_id=214&items_per_page=10. Accessed August 16, 2019.

2 The initial study – community plan evaluation is available for review at the San Francisco Property Information Map, which can be accessed at <https://sfplanninggis.org/PIM/>. The file can be viewed by clicking on the Planning Applications link, clicking the “More Details” link under the project’s environmental record number 2018-016808ENV and then clicking on the “Related Documents” link.

3 San Francisco Planning Department. *Plan Check Letter #2 for 321 Florida Street*. November 25, 2020.

4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Eastern Neighborhoods PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Eastern Neighborhoods PEIR to mitigate project-related significant impacts.

Mitigation measures are included in this project and the project sponsor has agreed to implement these measures. See the attached Mitigation Monitoring and Reporting Program (MMRP) (Attachment B) for the full text of required mitigation measures.

CEQA Determination

The project is eligible for streamlined environmental review per section 15183 of the CEQA Guidelines and California Public Resources Code section 21083.3.

Determination

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



Lisa Gibson
Environmental Review Officer

January 21, 2021

Date

Attachments

- A. Initial Study – Community Plan Evaluation
- B. Mitigation Monitoring and Reporting Program

CC: Mark MacDonald, Project Sponsor;
Supervisor Hillary Ronen, District 9
Michael Christensen, Current Planning Division

ATTACHMENT B

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2018-016808ENV
 Project Title: 321 Florida Street
 Zoning: UMU Use District
 Block/Lot: 68-X Height and Bulk District
 3965/022

Lot Size: 20,000 square feet
 Project Sponsor: Mark MacDonald, DM Development, 415 692 5062
 Lead Agency: San Francisco Planning Department
 Staff Contact: Florentina Craciun, (628) 652-7510, florentina.craciun@sfgov.org

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			
	Prior to the start of Construction*	During Construction**	Post-Construction or Operational	Compliance with MM completed?
Project Mitigation Measure M-CR-1: Archeological Testing	X			
Project Mitigation Measure M-NO-1: General Construction Noise Control Measures	X	X		
Project Mitigation Measure M-AQ-1: Construction Air Quality	X	X		
Project Mitigation Measure M-AQ-2: Best Available Control Technology for Diesel Generators	X			

*Prior to any ground disturbing activities at the project site.

**Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

MM I agree to implement the attached mitigation measure(s) as a condition of project approval.



Property Owner or Legal Agent Signature

1/4/21

Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING REPORTING PROGRAM ¹					
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA	
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
Cultural Resources					
Project Mitigation Measure CR- 1 — Archeological Testing (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure J-2). 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 archaeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified	Project sponsor/archeological consultant at the direction of the ERO	Prior to issuance of any permit for soil-disturbing activities and during construction activities	Project sponsor/archeological consultant and ERO	Considered complete upon ERO's approval of FARR	

¹ *Definitions of MMRP Column Headings:*

Adopted Mitigation Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<p>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 site² associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative³ 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><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 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</p>				

² The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

³ 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.

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<p>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>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) 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><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 				

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<p>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;</p> <ul style="list-style-type: none"> ▪ 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; ▪ 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 or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities 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. 				

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <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. 				

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<ul style="list-style-type: none"> ▪ <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. ▪ <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, Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the 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, curation, possession, 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. If no agreement is reached State regulations shall be followed including the reinterment of the human</p>				

MITIGATION MONITORING REPORTING PROGRAM ¹				
ADOPTED MITIGATION MEASURES	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING/REPORT RESPONSIBILITY	MONITORING ACTIONS / COMPLETION CRITERIA
<p>remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).</p> <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 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>				

Noise				
<p>Project Mitigation Measure NOI -2 — Construction Noise (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure F-2). Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 	<p>Project sponsor along with project contractor of each subsequent development project undertaken pursuant to the Eastern Neighborhoods Rezoning and Area Plans Project.</p>	<p>During construction</p>	<p>Each project sponsor to provide Planning Department with monthly reports during construction period.</p>	<p>Considered complete upon receipt of final monitoring report at completion of construction.</p>
Air Quality				
<p>Project Mitigation Measure AQ-1: Construction Air Quality (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR) Mitigation Measure G-1). The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p><i>A. Engine Requirements</i></p>	<p>Project sponsor; Planning Department.</p>	<p>Prior to the start of diesel equipment use onsite.</p>	<p>Planning Department (ERO, Air Quality technical staff).</p>	<p>Considered complete upon Planning Department review and acceptance of Construction Emissions Minimization Plan.</p>

<p>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.</p> <p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p> <p>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.</p> <p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p><i>B. Waivers</i></p> <p>1. 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).</p>			
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<p>2. 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 Table below.</p>			
<p>Table – Off-Road Equipment Compliance Step-down Schedule</p>			
<p>Compliance Alternative</p>	<p>Engine Emission Standard</p>	<p>Emissions Control</p>	
<p>1</p>	<p>Tier 2</p>	<p>ARB Level 2 VDECS</p>	
<p>2</p>	<p>Tier 2</p>	<p>ARB Level 1 VDECS</p>	
<p>3</p>	<p>Tier 2</p>	<p>Alternative Fuel*</p>	
<p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>* Alternative fuels are not a VDECS</p>			
<p>C. <i>Construction Emissions Minimization Plan</i>. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p>			

<p>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.</p> <p>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.</p> <p>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.</p> <p><i>D. 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,</p>			
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including the start and end dates and duration of each construction phase, and the specific information required in the Plan.				
<p>Project Mitigation Measure M-AQ-2: Sitting of uses that emit other TACs (Eastern Neighborhoods Programmatic Environmental Impact Report (PEIR))</p> <p>For new development including commercial, industrial or other uses that would be expected to generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within 1,000 feet of the project site, prior to the first project approval action. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.</p>	Project Sponsor	<p>For equipment specifications: prior to issuance of building permit for diesel generator or fire pump.</p> <p>For maintenance: ongoing.</p>	Planning Department (ERO, Air Quality technical staff).	Equipment specifications portion considered complete when equipment specifications approved by ERO. Maintenance portion is ongoing and records are subject to Planning Department review upon request.

¹ *Definitions of MMRP Column Headings:*

Adopted Mitigation Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

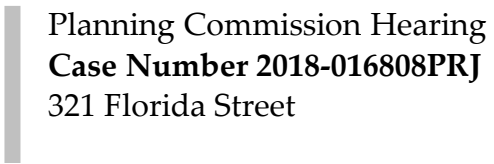
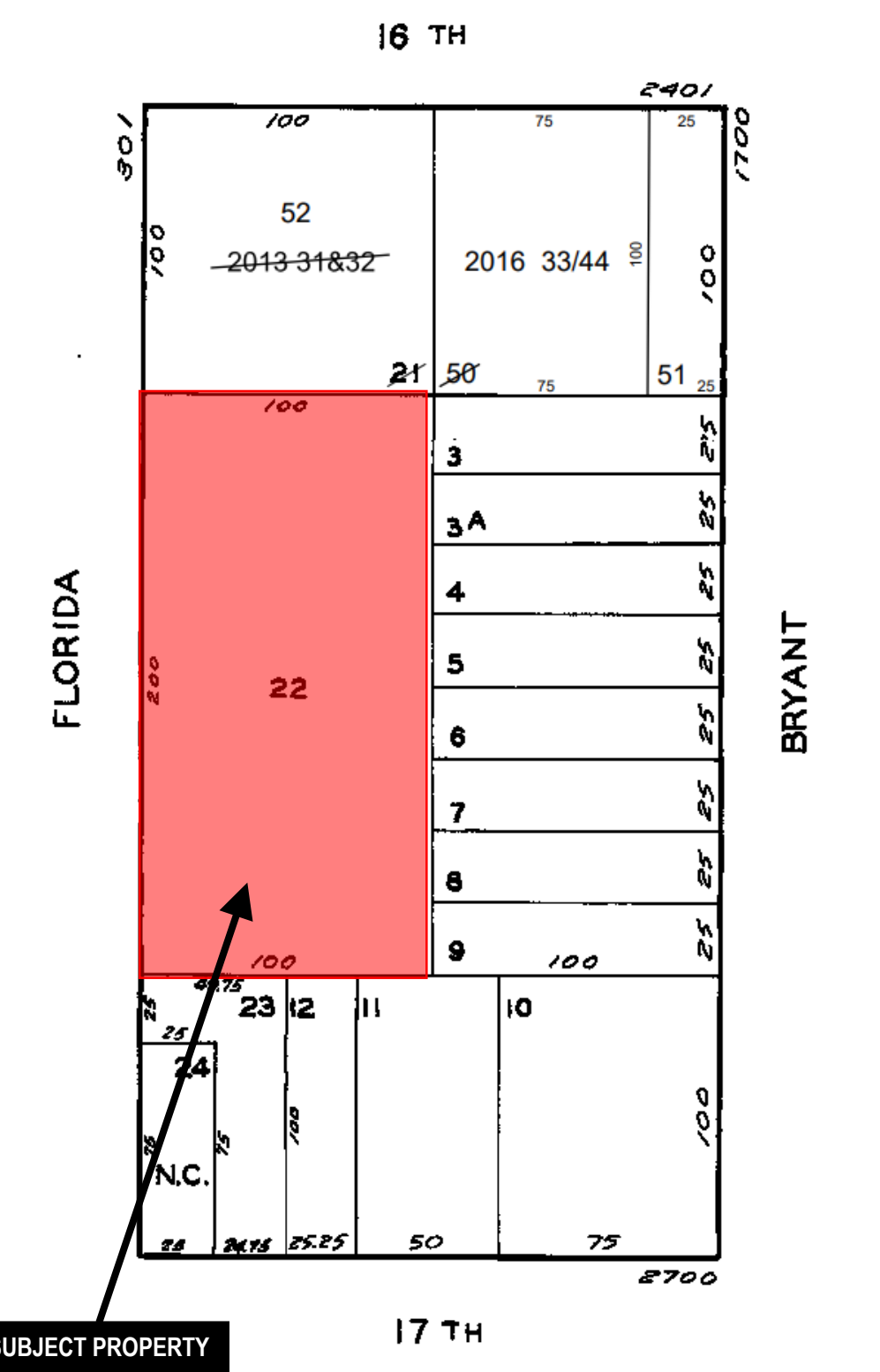
Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.



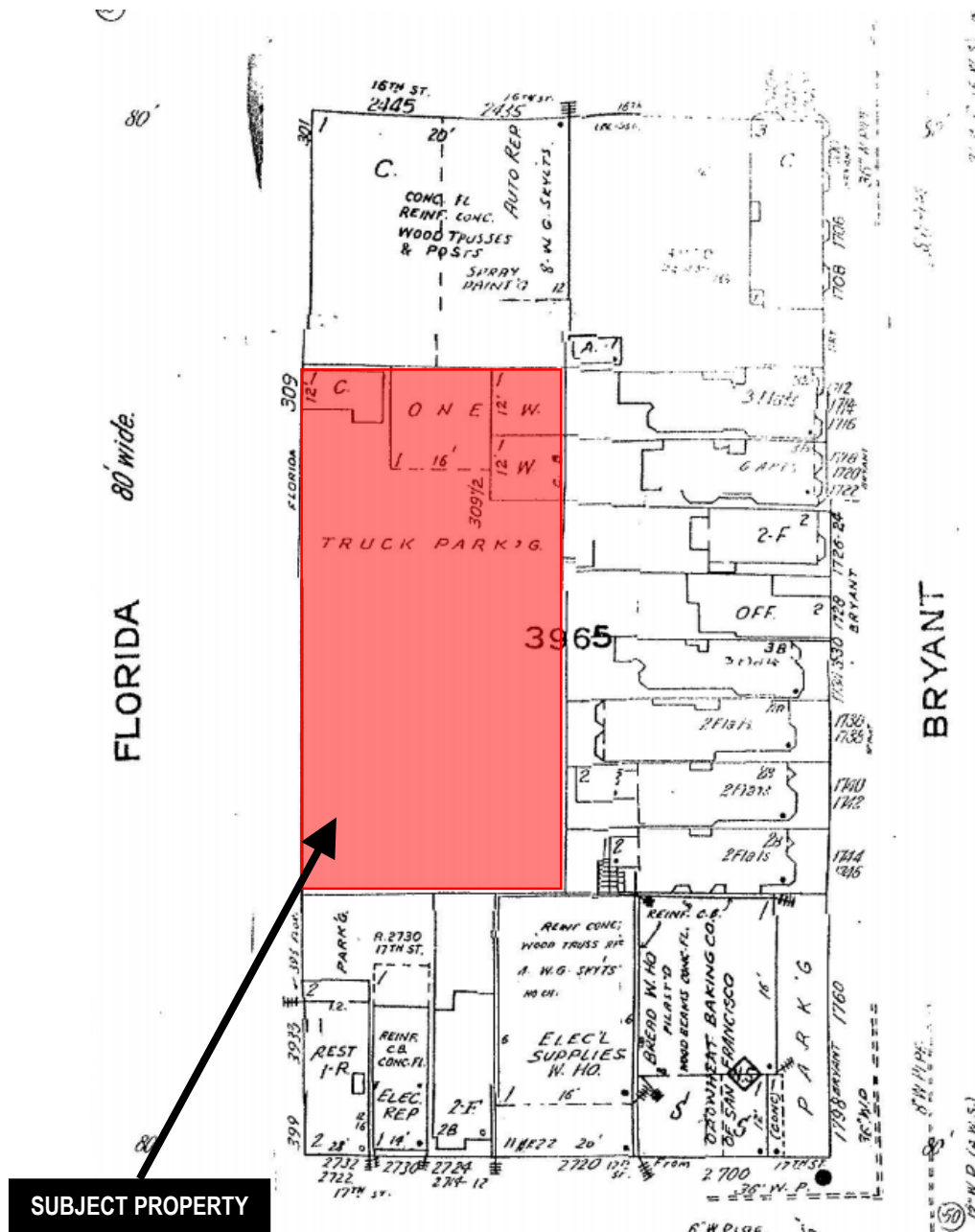
LAND USE INFORMATION

PROJECT ADDRESS: 321 FLORIDA STREET
RECORD NO.: 2018-016808PRJ

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	20,000	14,907	-5,093
Residential GSF	0	132,384	132,384
Retail/Commercial GSF	0	1,336	1,336
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	6,070	6,070
Public Open Space	0	0	0
Other ()	0	0	0
TOTAL GSF	20,000	154,697	134,697
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	31	31
Dwelling Units - Market Rate	0	137	137
Dwelling Units - Total	0	168	168
Hotel Rooms	0	0	0
Number of Buildings	0	1	1
Number of Stories	0	9	9
Parking Spaces	57	47	-10
Loading Spaces	0	1	1
Bicycle Spaces	0	128	128
Car Share Spaces	0	1	1
Other ()			



Sanborn Map*

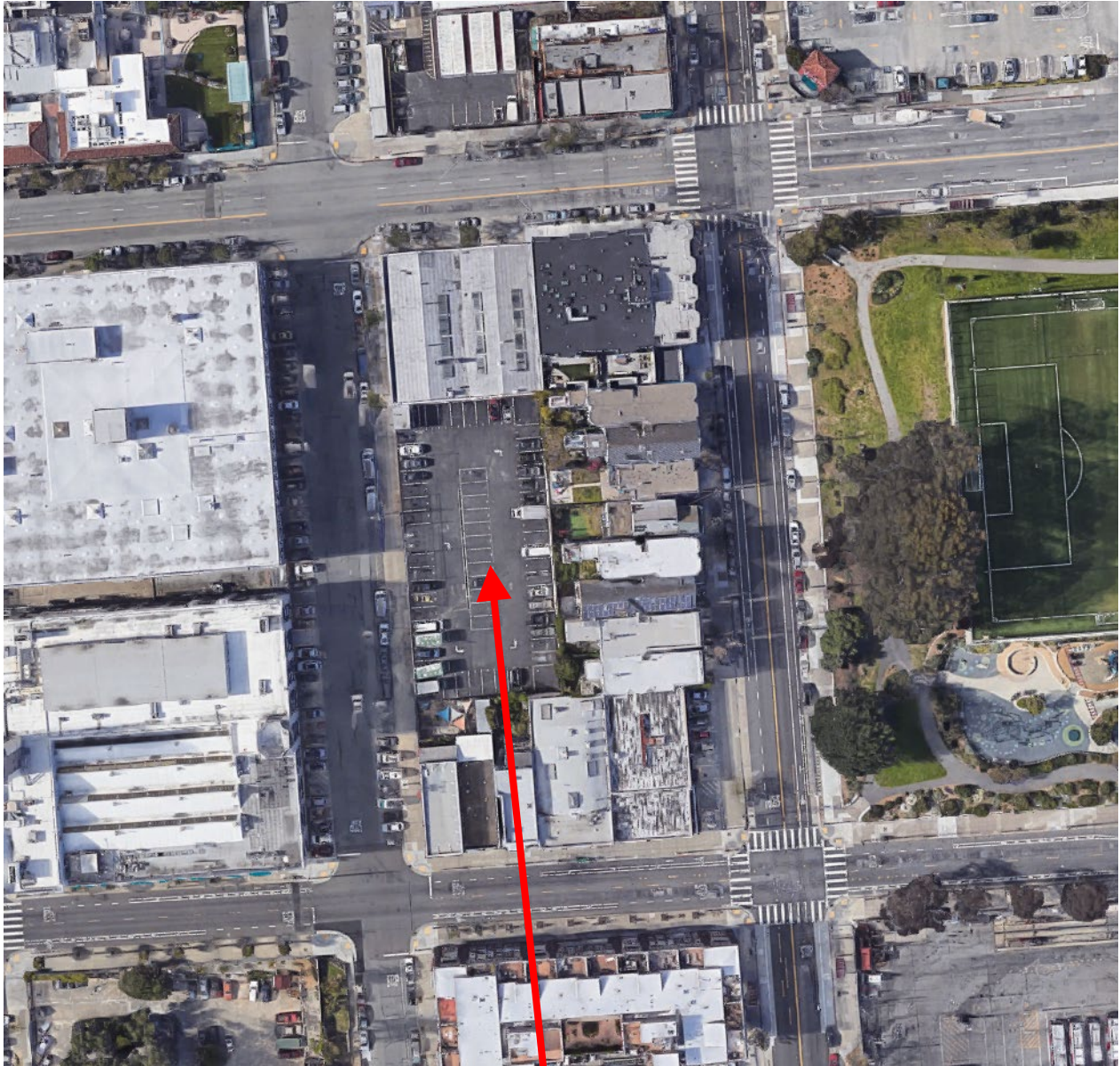


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street

Aerial Photo – View 1



SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street

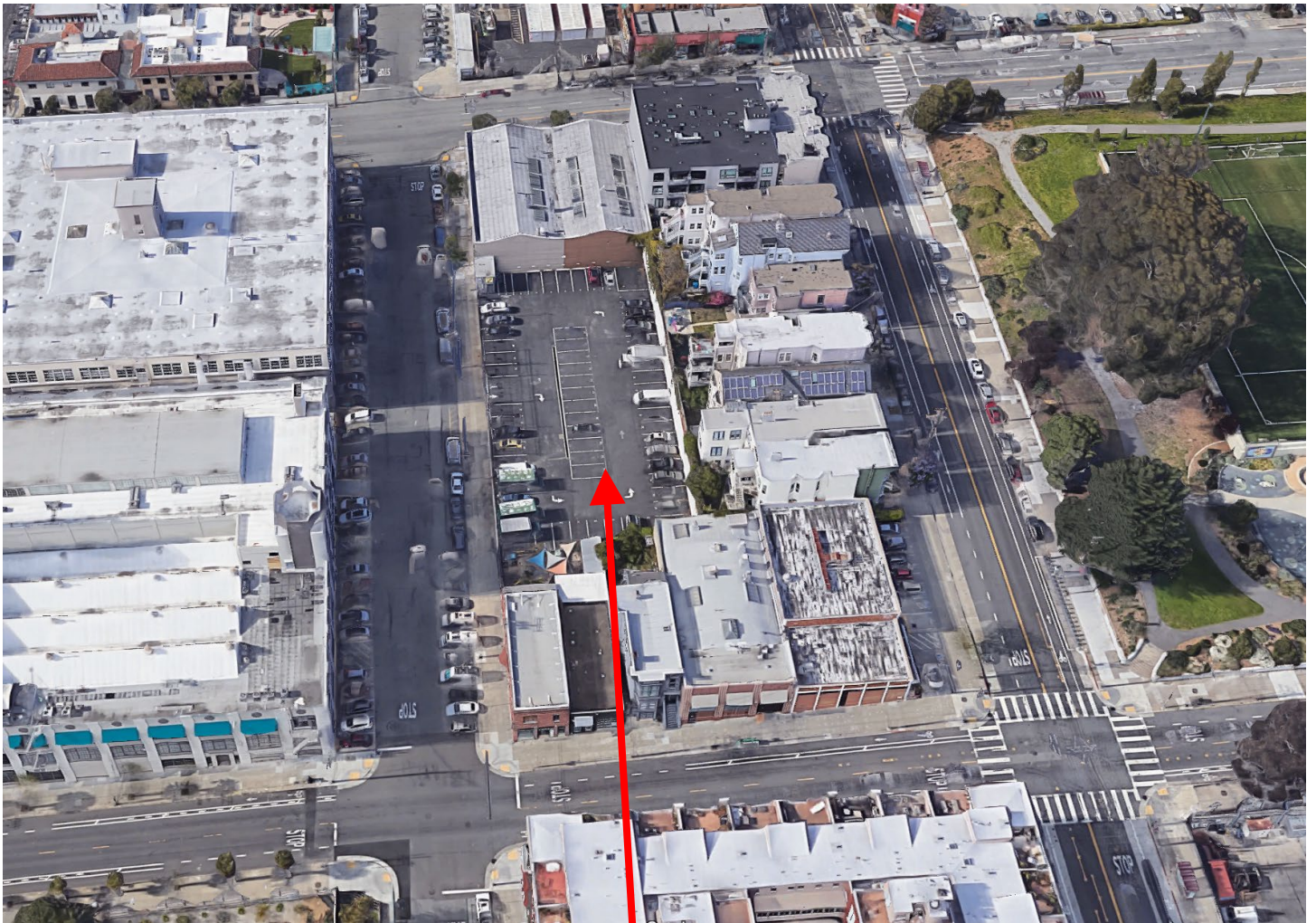
Aerial Photo – View 2



SUBJECT PROPERTY



Aerial Photo – View 3

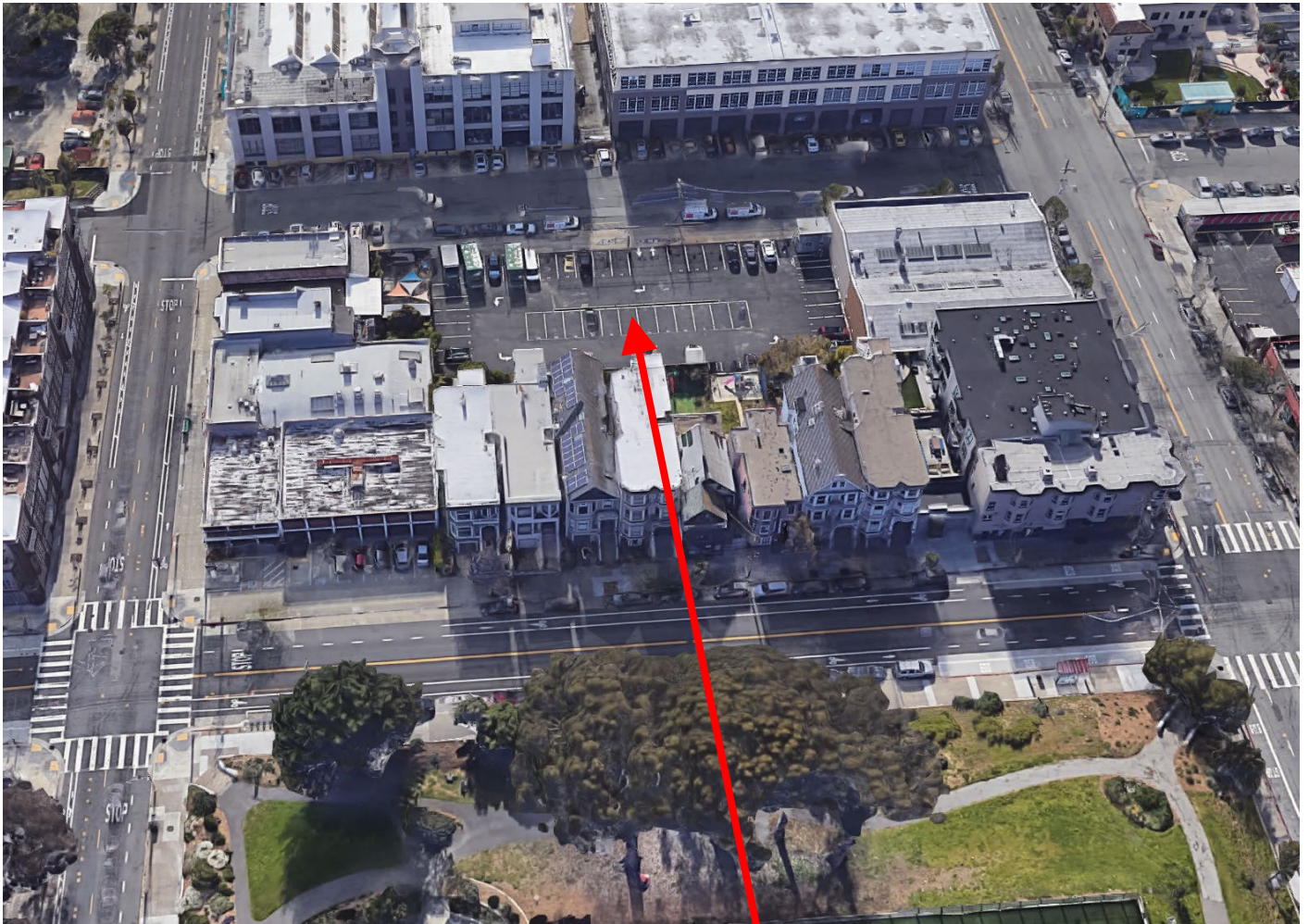


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street

Aerial Photo – View 3

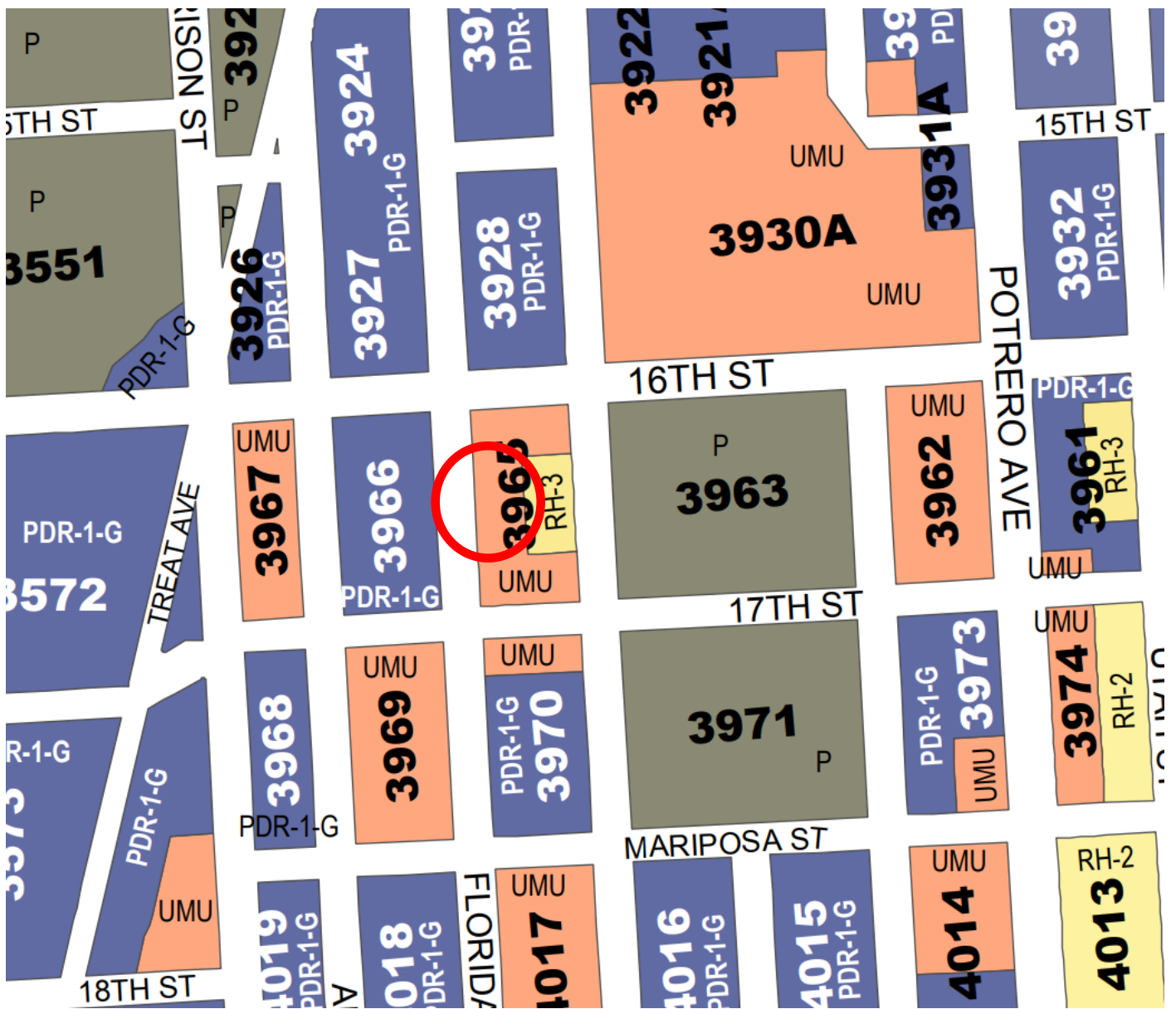


SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street

Zoning Map



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street

Site Photo



Planning Commission Hearing
Case Number 2018-016808PRJ
321 Florida Street



COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

Date: October 24, 2018

To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*

From: San Francisco Planning Department

Re: **Compliance with the Inclusionary Affordable Housing Program**

All projects that include 10 or more dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. A project may be eligible for an Alternative to the Affordable Housing Fee. All projects that can demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing and Community Development.

At least 30 days before the Planning Department and/or Planning Commission can act on the project, this Affidavit for Compliance with the Inclusionary Affordable Housing Program must be completed. Please note that this affidavit is required to be included in Planning Commission packets and therefore, must comply with packet submittal guidelines.

The inclusionary requirement for a project is determined by the date that the Environmental Evaluation Application (EEA) or Project Application (PRJ) was deemed complete by the Department ("EEA/PRJ accepted date"). There are different inclusionary requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached charts to determine the applicable requirement. Charts 1-3 include two sections. The first section is devoted to projects that are subject to Planning Code Section 415. The second section covers projects that are located in the Urban Mixed Use (UMU) Zoning District and certain projects within the Mission Neighborhood Commercial Transit District that are subject to Planning Code Section 419. Please use the applicable form and contact Planning staff with any questions.

For projects with complete EEA's/PRJ's accepted on or after January 12, 2016, the Inclusionary Affordable Housing Program requires the provision of on-site and off-site affordable units at a mix of income levels. The number of units provided at each income level depends on the project tenure, EEA/PRJ accepted date, and the applicable schedule of on-site rate increases. Income levels are defined as a percentage of the Area Median Income (AMI), for low-income, moderate-income, and middle-income units, as shown in Chart 5. Projects with a complete EEA accepted prior to January 12, 2016 must provide the all of the inclusionary units at the low income AMI. **Any project with 25 units or more and with a complete EEA accepted between January 1, 2013 and January 12, 2016 must obtain a site or building permit by December 7, 2018, or will be subject to higher Inclusionary Housing rates and requirements. Generally, rental projects with 25 units or more be subject to an 18% on-site rate and ownership projects with 25 units or more will be subject to a 20% on-site rate.**

Summary of requirements. Please determine what requirement is applicable for your project based on the size of the project, the zoning of the property, and the date that a complete Environmental Evaluation Application (EEA) or complete Project Application (PRJ) was submitted deemed complete by Planning Staff. Chart 1-A applies to all projects throughout San Francisco with EEA's accepted prior to January 12, 2016, whereas Chart 1-B specifically addresses UMU (Urban Mixed Use District) Zoning Districts. Charts 2-A and 2-B apply to rental projects and Charts 3-A and 3-B apply to ownership projects with a complete EEA/PRJ accepted on or after January 12, 2016. Charts 4-A and 4-B apply to three geographic areas with higher inclusionary requirements: the North of Market Residential SUD, SOMA NCT, and Mission Area Plan.

The applicable requirement for projects that received a first discretionary approval prior to January 12, 2016 are those listed in the "EEA accepted before 1/1/13" column on Chart 1-A.

CHART 1-A: Inclusionary Requirements for all projects with Complete EEA accepted before 1/12/2016

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16
On-site				
10-24 unit projects	12.0%	12.0%	12.0%	12.0%
25+ unit projects	12.0%	13.0%	13.5%	14.5%
Fee or Off-site				
10-24 unit projects	20.0%	20.0%	20.0%	20.0%
25+ unit projects at or below 120'	20.0%	25.0%	27.5%	30.0%
25+ unit projects over 120' in height *	20.0%	30.0%	30.0%	30.0%

*except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet, which are subject to the requirements of 25+ unit projects at or below 120 feet.

CHART 1-B: Requirements for all projects in UMU Districts with Complete EEA accepted before 1/12/2016

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16
On-site UMU				
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%
Tier A 25+ unit projects	14.4%	15.4%	15.9%	16.4%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	16.0%	17.0%	17.5%	18.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	17.6%	18.6%	19.1%	19.6%
Fee or Off-site UMU				
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	23.0%	28.0%	30.0%	30.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	25.0%	30.0%	30.0%	30.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	30.0%	30.0%	30.0%	30.0%
Land Dedication in UMU or Mission NCT				
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	40.0%	42.5%	45.0%
Tier A 25+ unit > 30K	30.0%	35.0%	37.5%	40.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	45.0%	47.5%	50.0%
Tier B 25+ unit > 30K	35.0%	40.0%	42.5%	45.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	50.0%	52.5%	55.0%
Tier C 25+ unit > 30K	40.0%	45.0%	47.5%	50.0%

CHART 2-A: Inclusionary Requirements for Rental projects with Complete EEA/PRJ accepted on or after 1/12/16

Complete EEA/PRJ Accepted
BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%

CHART 2-B: Requirements for Rental Projects in UMU Districts with Complete EEA/PRJ accepted on or after 1/12/16

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

Complete EEA/PRJ Accepted
BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site UMU											
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
Tier A 25+ unit projects	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	19.6%	19.6%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Fee or Off-site UMU											
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Land Dedication in UMU or Mission NCT											
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 25+ unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 25+ unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 25+ unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%

CHART 3-A: Inclusionary Requirements for Owner projects with Complete EEA/PRJ accepted on or after 1/12/16

Complete EEA/PRJ Accepted
BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%

CHART 3-B: Requirements for Owner Projects UMU Districts with Complete EEA/PRJ accepted on or after 1/12/16

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

Complete EEA/PRJ Accepted
BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site UMU											
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%	14.4%	15.0%	15.0%	15.0%	15.0%	15.0%
Tier A 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Fee or Off-site UMU											
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Land Dedication in UMU or Mission NCT											
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 25+ unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 25+ unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 25+ unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%

CHART 4-A: Inclusionary Requirements for Rental projects with Complete EEA/PRJ accepted on or after 1/12/16 located in the North of Market Residential Special Use District, the Mission Area Plan, or the SOMA Neighborhood Commercial Transit District.

**Complete EEA/PRJ Accepted
BEFORE: →**

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%

**Complete EEA/PRJ Accepted
BEFORE: →**

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Rental Projects - North of Market Residential SUD; Mission Plan Area; SOMA NCT with 25+ units											
INCLUSIONARY RATE	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Low Income (55% AMI)	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%
Moderate Income (80% AMI)	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%
Middle Income (110% AMI)	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%

CHART 4-B: Inclusionary Requirements for Owner projects with Complete EEA/PRJ accepted on or after 1/12/16 located in the North of Market Residential Special Use District, the Mission Area Plan, or the SOMA Neighborhood Commercial Transit District.

**Complete EEA/PRJ Accepted
BEFORE: →**

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%

**Complete EEA/PRJ Accepted
BEFORE: →**

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Ownership Projects - North of Market Residential SUD; Mission Plan Area; SOMA NCT with 25+ units											
INCLUSIONARY RATE	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Low Income (80% AMI)	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%
Moderate Income (105% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Middle Income (130% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%

CHART 5: Income Levels for Projects with a complete EEA/PRJ on or after January 12, 2016

Projects with complete EEA Application on or after January 12, 2016 are subject to the Inclusionary rates identified in Charts 2 and 3. For projects that propose on-site or off-site Inclusionary units, the Inclusionary Affordable Housing Program requires that inclusionary units be provided at three income tiers, which are split into three tiers. Annual increases to the inclusionary rate will be allocated to specific tiers, as shown below. Projects in the UMU Zoning District are not subject to the affordability levels below. Rental projects with 10-24 units shall provide all of the required Inclusionary units with an affordable rent at 55% Area Median Income (AMI), and ownership projects with 10-24 units shall provide all of the required Inclusionary units at sales price set at 80% AMI.

Complete EEA/PRJ Accepted

BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Rental Projects with 25+ units											
INCLUSIONARY RATE	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Low Income (55% AMI)	10.0%	11.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%
Moderate Income (80% AMI)	4.0%	4.0%	4.0%	4.25%	4.5%	4.75%	5.0%	5.25%	5.5%	5.75%	6.0%
Middle Income (110% AMI)	4.0%	4.0%	4.0%	4.25%	4.5%	4.75%	5.0%	5.25%	5.5%	5.75%	6.0%

Complete EEA/PRJ Accepted

BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Ownership Projects with 25+ units											
INCLUSIONARY RATE	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Low Income (80% AMI)	10.0%	11.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%
Moderate Income (105% AMI)	5.0%	5.0%	5.0%	5.25%	5.5%	5.75%	6.0%	6.25%	6.5%	6.75%	7.0%
Middle Income (130% AMI)	5.0%	5.0%	5.0%	5.25%	5.5%	5.75%	6.0%	6.25%	6.5%	6.75%	7.0%

Complete EEA/PRJ Accepted

BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
Off-Site: Rental Projects with 25+ units											
INCLUSIONARY RATE	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Low Income (55% AMI)	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%
Moderate Income (80% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Middle Income (110% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%

Complete EEA/PRJ Accepted

BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
Off-Site: Ownership Projects with 25+ units											
INCLUSIONARY RATE	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Low Income (80% AMI)	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%
Moderate Income (105% AMI)	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
Middle Income (130% AMI)	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



**San Francisco
Planning**

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

1-20-21

Date

I, **Mark MacDonald**,
do hereby declare as follows:

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

321 Florida Street

Address

3965/022

Block / Lot

The subject property is located within the following Zoning District:

UMU

Zoning District

68-X

Height and Bulk District

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

☒ Yes ☐ No

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

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

2018-016808ENX

Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Michael Christensen

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

November 2019

Date

The project contains **168** total dwelling units and/or group housing rooms.

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

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

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

☒ Yes ☐ No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

☐ Yes ☒ No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

☒ Yes ☐ No

C Please indicate the tenure of the project.

- ☐ **Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.
- ☒ **Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

D This project will comply with the Inclusionary Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5)
- ☐ On-site Affordable Housing Alternative (Planning Code Sections 415.6)
- ☐ Off-site Affordable Housing Alternative (Planning Code Sections 415.7)
- ☒ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- ☐ Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- ☐ Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

25%

On-site, off-site or fee rate as a percentage

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

Residential Gross Floor Area

E The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

F The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:

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

G The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

I For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

J For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

K If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
168		64	37	67	0

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

☐ **On-site Affordable Housing Alternative** (Planning Code Section 415.6, 419.3, or 206.4): % of the unit total.

Number of Affordable Units to be Located ON-SITE:

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

LOW-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MODERATE-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MIDDLE-INCOME	Number of Affordable Units	% of Total Units	AMI Level

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7 or 419.3): % of the unit total.

Number of Affordable Units to be Located OFF-SITE:

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

AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level

UNIT MIX TABLES: CONTINUED

- ☒ **Combination** of payment of a **fee**, **on-site affordable units**, or **off-site affordable units** with the following distribution:
 Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. On-Site % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
31		11	7	13	0

2. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:

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

Income Levels for On-Site or Off-Site Units in Combination Projects:

AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	18	15% of base	50-55%
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	6	5% of base	80%
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	7	5% of base	110%

3. Fee % of affordable housing requirement.

Is this Project a State Density Bonus Project? ☒ Yes ☐ No

If yes, please indicate the bonus percentage, up to 35% 35%, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) 31 units, 33,926 sf

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project

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

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- ☐ On-site Affordable Housing Alternative
- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance
- ☐ Off-site Affordable Housing Alternative (Section 415.7)
- ☐ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

DM Development

Company Name

Mark MacDonald

Name (Print) of Contact Person

448 Linden Street

San Francisco, CA 94102

Address

415 870 6078

City, State, Zip

mark@dm-dev.com

Phone / Fax

Email

I am a duly authorized agent or owner of the subject property. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:

Mark MacDonald, CEO

Executed on this day in:

Location:

San Francisco

Date:

1-20-21

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

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

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

Sign Here

Signature:

Name (Print), Title:



SUPPLEMENTAL INFORMATION PACKET FOR Anti-Discriminatory Housing Policy

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

Pursuant to Administrative Code Section 1.61, certain housing projects must complete and submit a completed Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application that proposes an increase of ten (10) dwelling units or more.

Planning Department staff is available to advise you in the preparation of this application. Call (415)558-6377 for further information.

WHEN IS THE SUPPLEMENTAL INFORMATION FORM NECESSARY?

Administrative Code Section 1.61 requires the Planning Department to collect an application/form with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.

WHAT IF THE PROJECT SPONSOR OR PERMITTEE CHANGE PRIOR TO THE FIRST ISSUANCE OF CERTIFICATE OF OCCUPANCY?

If the permittee and/or sponsor should change, they shall notify the Planning Department and file a new supplemental information form with the updated information.

HOW IS THIS INFORMATION USED?

The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is routed to the Human Rights Commission.

For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please call (415) 252-2500 or email hrc.info@sfgov.org.

All building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.

WHAT PART OF THE POLICY IS BEING REVIEWED?

The Human Rights Commission will review the policy to verify whether it addresses discrimination based on sexual orientation and gender identity. The policy will be considered incomplete if it lacks such protections.

WILL THE ANSWERS TO THE QUESTIONS EFFECT THE REVIEW OF MY PROJECT?

The Planning Department's and Planning Commission's processing of and recommendations or determinations regarding an application shall be unaffected by the applicant's answers to the questions.

INSTRUCTIONS:

The attached supplemental information form is to be submitted as part of the required entitlement application and/or Building Permit Application. This application does not require an additional fee.

Answer all questions fully and type or print in ink. Attach additional pages if necessary.

Please see the primary entitlement application or Building Permit Application instructions for a list of necessary materials required.

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FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
The Mela Residences Mission, LLC c/o DM Development	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
448 Linden Street San Francisco, CA 94102	(415)692 5062
	EMAIL:
	mark@dm-dev.com

APPLICANT'S NAME:	
Mark MacDonald	Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS:	TELEPHONE:
448 Linden Street San Francisco, CA 94102	(415)692 5062
	EMAIL:
	mark@dm-dev.com

CONTACT FOR PROJECT INFORMATION:	
	Same as Above <input checked="" type="checkbox"/>
ADDRESS:	TELEPHONE:
	()
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
	Same as Above <input checked="" type="checkbox"/>
ADDRESS:	TELEPHONE:
	()
	EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT:		ZIP CODE:
321 Florida St. San Francisco		94110
CROSS STREETS:		
16th / 17th		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3965/022 /	UMU/68-X	UMU/68-X

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	0 (surface parking lot)	166	166

Compliance with the Anti-Discriminatory Housing Policy

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

1a. If yes, in which States? CA

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

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


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

Human Rights Commission contact information
hrc.info@sfgov.org or (415)252-2500

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: 

Date: 9-18-19

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

Mark MacDonald, CEO of DM Development (auth agent)

Owner / Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

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

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
<div style="display: flex; justify-content: space-between;"> <div>Signature: _____</div> <div>Date: _____</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Printed Name: _____</div> <div>Phone: _____</div> </div>	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

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

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
321 Florida St. San Francisco, CA		3965/022	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
2018-016808ENX			
PROJECT SPONSOR	MAIN CONTACT	PHONE	
DM Development	Mark MacDonald	415 692 5062	
ADDRESS			
448 Linden Street			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA 94102		mark@dm-dev.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
166	1,500	9 stories	46M
ANTICIPATED START DATE			
2021			

Section 2: First Source Hiring Program Verification

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

Continued...

Section 3: First Source Hiring Program – Workforce Projection

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

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

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

not known until subcontract is awarded

this is unknown at this time

this is unknown at this time

not known until subcontract is awarded

DE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Attestment			2	Laborer			12
Boiler maker			4	Operating Engineer			4
Bricklayer			0	Painter			8
Carpenter			60	Pile Driver			3
Cement Mason			10	Plasterer			0
Drywall/ Latherer			12	Plumber and Pipefitter			6
Electrician			22	Roofer/Water proofer			8
Elevator Constructor			6	Sheet Metal Worker			14
Floor Coverer			4	Sprinkler Fitter			9
Glazier			8	Taper			6
Heat & Frost Insulator			4	Tile Layer/ Finisher			2
Ironworker			16	Other:			
TOTAL:			148	TOTAL:			72


*all numbers are best estimate approximations

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

unknown at this time

Please note that it is very early in the process and the above are rough estimates from DM's construction partners.

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Mark MacDonald, CEO	mark@dm-dev.com	415 870 6078
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
		9-18-19
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)		(DATE)

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc: Office of Economic and Workforce Development, CityBuild
 Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848
 Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org

Sweet Peas

PRESCHOOL



Dear President Koppel and Planning Commissioners,

I am writing to voice my support for the proposed 321 Florida Street project. My name is Samantha Dionne, and I am the owner of Sweet Peas Pre-school, located at 2730 17th Street.

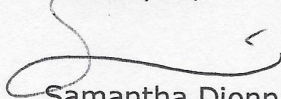
Sweet Peas is situated adjacent to the proposed mixed-use development. As you would imagine, my first thought was how a construction project within such close proximity would impact our school. I have met with the DM Development team several times to ask questions about their plans and appreciate their efforts to address my concerns.

I was pleased to learn that DM Development has selected a general contractor that has worked on many projects adjacent to schools and is experienced and flexible in attending to our needs regarding logistics, noise, traffic control, and schedules. Their team has also been clear that they will develop a detailed construction plan and provide me ample notification as work on the site commences.

I am excited to share that DM Development has volunteered to fund improvements to our play yard. They have retained local landscape architect [David Fletcher](#) to redesign the play yard. Although we're still finalizing the process, some of the improvements we have discussed include adding a playhouse and slide, a blackboard art wall, and improved surfacing. You can view the preliminary design concept [here](#).

The proposed project will offer new rental housing, a ground-floor, non-profit community arts space, and a lively and welcoming environment for all of us to appreciate. I request your support of 321 Florida Street.

Thank you,


Samantha Dionne
Owner and Director

Sweet Peas Preschool - 2730 17th Street San Francisco

San Francisco Parks and Recreation Commission
501 Stanyan Street
San Francisco, CA 94117
Email: recpark.commission@sfgov.org

Dear San Francisco Park and Recreation Commission,

The Friends of Franklin Square board is writing to express our support for the proposed 321 Florida Street project proposed by DM Development. It is our opinion that the proposed project will benefit Franklin Square Park and the majority of its park users despite casting some shadows on the park. Our primary reasons are as follows:

- 1) The proposed residential development will become home to many residents who we believe will become new park users. Living in such close proximity to the park, we believe they will be invested in Franklin Square's well-being and will work towards improving it. Residents of a similarly-sized condo building at 338 Potrero Avenue have volunteered at park clean up days, advocated for park improvements and joined the Friends of Franklin Square board since the project was completed four years ago. We hope that future residents at 321 Florida are equally invested in Franklin Square.
- 2) Although 321 Florida Street as proposed does create a shadow on the soccer field, children's playground and adult workout area, it does appear to be very limited in duration. Our opinion is based upon our understanding that the project will increase the net new annual shadow on the park by 0.34% and that the majority of this new shadow area is currently shaded by existing mature trees. Our opinion recognizes that the new project will obstruct the view of Twin Peaks and that shade created by a building is not equivalent to that created by trees. Nevertheless, the severity of these issues does not, in our opinion, sufficiently negate the benefits the project will bring to Franklin Square.
- 3) Furthermore, DM Development pledges its support for Franklin Square Park, voluntarily offering to host bi-annual park clean up days for the next three years and to donate \$25,000 on behalf of Friends of Franklin Square (FoFS) to San Francisco Parks Alliance for future improvements at the Park and related Street Parks Program (see Appendix B: Memorandum of Understanding).

Friends of Franklin Square is an all-volunteer operated organization that seeks to enhance and improve everyone's experience at our local park. FoFS was created in 2006 to rejuvenate Franklin Square Park. Our group secured \$1.2 million in city funding to upgrade our playground, which was completed in 2007. We also installed the Brotherhood of Man mosaic at the park in 2013 and in 2020 constructed a new adult outdoor workout area, park lighting and upgrades to the park's walking path. Prior to COVID, our group hosted bi-annual park

clean up days as well as an annual free Easter Egg Hunt. In 2017, Friends of Franklin Square was recognized by the Neighborhood Empowerment Network as an outstanding park volunteer group. As leaders for FoFS, we are actively involved with the residents and businesses around the park as well as the Park and Recreation staff. We have 291 members on our email list.

Our support for the proposed project is not without controversy. Some neighbors, who are also park volunteers, oppose the proposed development project and are unhappy with the position that the FoFS board has taken. We recognize that the proposed project will have a disproportionate impact on these individuals, many of whom have properties that abut 321 Florida Street. We also acknowledge that the 9-story building would be the second 9-story building (the first being the building at 338 Potrero Avenue) in the neighborhood and much taller than other buildings in its block.

However, as board members for Friends of Franklin Square, we must focus on answering the narrow question of how the project impacts Franklin Square and the majority of its park users only. Looking at this narrow question, it is in our opinion that the project will have a greater positive than negative impact on the park. Our evaluation does not consider other possible effects the project may or may not have on the surrounding neighborhood related to higher density buildings.

The Friends of Franklin Square board met with the DM Development in early 2019 to learn about the proposed project and to request that similar briefings be scheduled with neighboring property owners including adjacent neighbors on Bryant Street and Sweet Peas Preschool. The DM Development team attended a park clean up on 9/7/2019 and discussed their project with volunteer attendees. The shadow study was shared with FoFS in November 2020 and we informed our members of the findings on 12/29/2020 and again on 1/15/2021. We also informed members and answered questions at DM Development's virtual community meeting on 1/6/2021 regarding their pledge to support Franklin Square Park. Announcements were also posted physically at our park's community sign board as well as virtually on our Facebook group, mailing list, Nextdoor, the homeowners association at Rowan (338 Potrero Avenue), and with the SFMTA Potrero Yard Modernization Project Community Working Group.

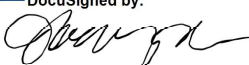
We collected 22 comments from our membership and from park users which are available in full text on Attachment C: Community Feedback. 15 of the 22 commentators expressed support for the project adding park users, housing and art space to the neighborhood. 5 commentators opposed the project and expressed concerns over its proposed height compared to other buildings in the neighborhood and increased shadow on the park and the 1700 block of Bryant Street. The two remaining comments were neutral.

If you have any questions, please feel free to contact us via email at friendsoffranklinsquare@gmail.com. Our website can be found via our fiscal sponsor SF Parks Alliance or by [clicking this link](#).

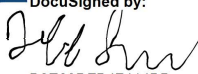
Thank you for your consideration,

Sincerely,


Jolene Yee

DocuSigned by:

B2E23DFB47414BD...

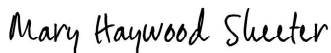
Jeff Smith

DocuSigned by:

B2E23DFB47414BD...

Daniel Sheeter

DocuSigned by:

094ABC383646481...

Mary Sheeter

DocuSigned by:

92D1974A4B514F6...

Julie Pham

DocuSigned by:

8DFEAF5F2A23742A...

Appendix A: Copy of Email Posting

Appendix B: Memorandum of Understanding

Appendix C: Public Feedback on 321 Florida Street Project solicited and collected by Friends of Franklin Square

Request for Comment: Proposed 321 Florida Street Project Effects
Franklin Square

[View this email in your browser](#)



Friends of Franklin Square

Request for Comment on Proposed 321 Florida Street Project

Some of you may be aware that a new residential project is proposed for development at [321 Florida Street \(Click for link to Fact Sheet\)](#). The project is planned as a new 9 story building consisting of 169 studio, one- and two-bedroom rental units, a non-profit community arts space, and a public art mural on the south facade. This project will add new housing and community space and replace an underutilized surface parking lot.

This building, as proposed, will increase the annual shadow cast on Franklin Square Park by less than 1% above current levels ([click to see shadow study summary](#)). Most of the affected park land is currently shaded by existing trees. As a result, the total net new annual shadow from the development project is less than 0.2%.



- 321 Florida Street
- Franklin Square (RPD)
- Cumulative Projects
 - ① 2435-2445 16th Street
 - ② 1850 Bryant Street
 - ③ SFMTA Potrero Yard Project
 - ④ 333-353 Potrero Avenue



In order for the building to cast shadows on a park, Proposition K, the “sunshine ordinance” from 1984, says that SF Rec and Park Commission must agree that the benefit of the building is greater than the harm of the shadow.

The developer, [DM Development](#), is hosting a virtual community event to answer questions.

[Virtual Community Meeting with 321 Florida Street Developer \(Click here for link to zoom meeting\)](#): Wednesday, January 6, 2021 from 8 pm to 9 pm. To join by phone, dial +1 669 900 6833 US (San Jose, CA) Meeting ID: 846 1370 0022.

Highlights from the [shadow analysis \(click here for full report\)](#) are as follows:

In all seasons, the project does not shade the park until very late in the day, just before the park falls into full shade under existing conditions. The duration of the shadow cast on the park varies between between 46 minutes and 71 minutes per day.

Playground & Adult Workout Area Shadow Effects: During the summer season only, the project casts a shadow on the adult workout area beginning just before 7 pm. The shadow gradually extends over the children's playground over the next half hour until the park falls into full shade at sunset.

Summer Solstice - June 21 (Images below do not take existing tree shadows into account)



Importantly, most of this area is currently shaded by existing mature trees as illustrated in the graphics below. As a result, the effective amount of new shadow cast by 321 Florida Street is fairly modest as illustrated in the blue shaded area below. [Click here to access the report which includes existing shadows from trees.](#)

Summer Solstice - June 21 (Images below take existing tree shadows into account).

trees on field and play area

on field and play area.

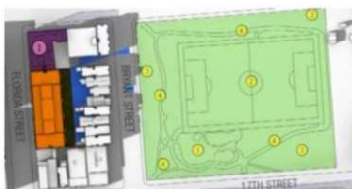


Shadow Effects on Southern Park Border and Soccer Field:

During the fall and spring seasons, a limited shadow is cast upon the park's southern border. The shadow reaches the soccer field's southern goal just after 6 p.m., lasting for less than 10 minutes before the park falls into full shade at sunset.

Fall & Spring Equinoxes - September 20 + March 23 (Images do not reflect existing shadow cast by trees)

5 PM – No shadow



6 PM – Limited shadow on perimeter and pathway



6:09 PM – Limited shadow on soccer field (Max. before park is in full shade)



Fall & Spring Equinoxes - September 20 + March 23 (Images below do take existing tree shadows into account)

5 PM – No shadow (from project) + shade from trees on field



6 PM – Minimal shadow on perimeter and pathway (from project) + shade from trees on field.



6:09 PM – Minimal shadow on pathways, play area (from project) + shade from trees on field.



During the winter season, there is no shadow on the park before 3 pm. After 3:30 pm the shadow slowly extends to its maximum at 3:54 p.m. covering a small corner of the landscape and soccer

The developer for 321 Florida Street agrees to support and care for Franklin Square Park by organizing 2 park clean up days per year from 2021 to 2024 inviting colleagues and neighbors to join in community service for the park. Furthermore, the developer pledges a \$25,000 contribution towards [Friends of Franklin Square Park](#) to help provide recreational facility improvements.

The developer, DM Development, is hosting a virtual community event to answer any questions.

[Virtual Community Meeting with 321 Florida Street](#)

Developer: Wednesday, January 6, 2021 from 8 pm to 9 pm Zoom Meeting ID: 846 1370 0022.

RSVP for Community Meeting

The development plan for the 321 Florida Street project will be presented to the [SF Park and Recreation Commission](#) on January 21st at 10:00 am. We will post details on how to participate when they become available. At that time, the public can speak out on the effects of the shadow on the park. Comments may also be sent directly via email at recpark.commission@sfgov.org.

The development plan will also be presented to the [SF Planning Department](#) on Thursday, January 28th at 1 p.m. Stream at <https://sfgovtv.org/planning> – Public Comment: (415) 655-0001 / Access Code: TBD.

We would like to gather our members' opinions and submit a letter to the Commissions before the January 21st meeting. If you have an opinion that you would like to share, click our comment button below by **January 15, 2021**.

Thanks in advance for your thoughts!

Jolene

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Appendix B

MEMORANDUM OF UNDERSTANDING

Friends of Franklin Square Park
and
The Mela Residences Mission, LLC
for the
Support and Care of Franklin Square Park and Support of the
Design Services for the Adjacent Parking Lot

This Memorandum of Understanding (“MOU”) is entered into as of ____, 2020 (the “Effective Date”), by and between the Friends of Franklin Square Park, a neighborhood park advocacy group organized as a California neighborhood association qualified to conduct business in California (“Friends”), and The Mela Residences Mission, LLC, a Delaware limited liability company (“Developer”), which are collectively referred to herein as the (“Parties”). The purpose of this MOU is to set forth Developer’s commitment and obligation to the support and care of Franklin Square Park and to support the design services for the Adjacent Parking Lot and the responsibility of each of the Parties under this MOU.

CITALS

- A. “Franklin Square Park” is the real property located at Block 3963, Lot 001, bounded by 16th Street to the north, 17th Street to the south, Bryant Street to the west and by Block 3962, Lots 012 and 014 to the east as shown on Exhibit A attached hereto. Franklin Square Park is owned by the City and County of San Francisco. In addition, the San Francisco Department of Public Works owns a parking lot adjacent to Franklin Square Park, at the end of Hampshire Street (the “Adjacent Parking Lot”) also shown on Exhibit A. The Adjacent Parking Lot is planned to be improved as an extension of the Franklin Square Park with additional recreational space. The Parties intend that this MOU will establish the terms under which the Developer will support the care and maintenance of Franklin Square Park and provide funds for the design of new recreational space for the Adjacent Parking Lot.
- B. Developer is the sponsor of a proposed mixed-use development located at 321 Florida Street on Block 3965/Lot 022 in San Francisco, California (the “Project”). The Project consists of a nine (9) story mixed-use building, with approximately 169 apartments over a lobby, parking and community retail space as shown in the plans attached as Exhibit B.
- C. For the purposes of this Agreement, any and all references to Developer shall be references to The Mela Residences Mission LLC, the single purpose limited liability company established for the purpose of developing the Project. Any and all rights, obligations, or liabilities of Developer established as part of this Agreement shall be the rights, obligations, and liabilities of The Mela Residences Mission, LLC.
- D. The Project is located west of Franklin Square Park. Franklin Square Park is an asset to the community, neighborhood and future occupants of and visitors to 321 Florida Street, and

Developer sees a benefit in providing certain support under the terms of this Agreement.

- E. Friends is focused solely on the maintenance and improvement of Franklin Square Park. Friends has established a relationship with San Francisco Parks Alliance (SFPA) whereby SFPA acts as Friend's fiscal sponsor for donations toward maintenance and improvement of the park. Friends has established a restricted account to help cover the costs of maintenance and improvements to Franklin Square Park ("Account"). The Account is fiscally managed and held by SFPA for Franklin Square Park, including the expansion of Franklin Square Park into the Adjacent Parking Lot.
- F. Developer in connection with its Project, voluntarily seeks as a community benefit to volunteer in-kind service hours to Franklin Square Park and provide certain financial contributions as provided for in this Agreement.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **Term.** This MOU shall be in effect for three (3) years from the Effective Date ("the Term") or as otherwise provided herein. The obligations of this MOU shall be binding upon the Parties and their successors and assigns for the Term of the MOU.
2. **Proposal.** Developer proposes the following in-kind and financial contributions toward the maintenance and clean-up of Franklin Square Park and the plans for the improvement of the Adjacent Parking Lot.
 - 2.1. **In-Kind Contributions.** Developer and Friends are committed to help organize volunteers to provide community service toward the clean-up and maintenance of Franklin Square Park. During the Term of the MOU, Developer and Friends will sponsor a minimum of two (2) park clean-up days per year, inviting friends, family, neighbors, colleagues and others to Franklin Square Park to help with activities identified by Friends. The costs associated with the clean-up days, including the payment of necessary supplies and City staff time, shall be paid by Developer up to, and not exceeding, \$1,000 per year for each year of the Term of this Agreement. Prior to each of the clean-up days, the Parties will agree on the costs to be paid by Developer and Developer shall pay such costs within thirty (30) days after receiving an invoice from Friends for the agreed upon costs.
 - 2.2. **Park Funds.** Developer will contribute \$25,000 to the Friends to be placed into the Friends' Account with SFPA and to be used for the purposes of design services rendered in connection with designing the proposed recreational improvements for the Adjacent Parking Lot and/or for the care and maintenance of Franklin Square Park. Developer shall not be obligated to provide such funds unless and until the Project has received all required governmental approvals, including but not limited to land use entitlements, environmental review, and the site permit, and the applicable statute of limitations for challenging those governmental approvals have expired without any legal challenge being filed. Developer shall contribute the funds within thirty (30) days of confirming that it has received all required governmental approvals for the Project and all the applicable statutes of limitations for challenging those governmental approvals have expired without any legal challenge being filed. In the event that a judicial action is filed challenging a Project approval, the Developer may terminate this Agreement and shall have no further obligations under the Agreement.

3. Roles and Responsibilities

- 3.1. **Friends.** Friends shall be responsible for identifying the design work for the Adjacent Parking Lot and/or the care and maintenance work for Franklin Square Park to be funded by the Account. Friends shall be responsible for ensuring that the funds provided by Developer are used for the purpose provided for in this MOU. Friends agrees to support the Project by writing a letter for the Project and attending project hearings.
- 3.2. **Project Sponsor.** Developer shall provide in-kind and financial contributions in support of Franklin Square Park and/or the design of the Adjacent Parking Lot as set forth in Section 2 above. In addition, information regarding Friends of Franklin Square Park and ways to be involved to support the park financially, through in-kind contributions, and through volunteer hours will be included in welcome packets to new occupants of the Project.
- 3.3. **Other Entities Not Parties.** SFPA and the City and County of San Francisco, including its departments and commissions, are not parties to this MOU. Nothing contained herein shall impose any obligation on SFPA, the San Francisco Recreation and Park Commission, or the City and County of San Francisco to accept any in-kind gift of goods or services, or any funds or transfers from the Account, or agree to any identified improvements or maintenance of Franklin Square Park or the Adjacent Parking Lot.
4. **Amendments.** This MOU may be amended only by mutual written consent of each of the Parties, executed in the same manner as the original agreement.
5. **Indemnification.** Subject to any provision in this MOU or in any subsequent agreement entered into hereunder to the contrary, each party agrees to waive claims against and indemnify the other party as follows:

Friends agrees to defend, indemnify and hold harmless Developer, its officers, directors, employees, members, managers and agents from any and all acts, claims, omissions, liabilities and losses asserted by any third party arising out of acts or omissions of Friends, its officers, directors, employees, members, managers or agents in connection with this MOU, except to the extent arising from the negligence of Developer, its officers, directors, employees, members, managers and agents.

Developer agrees to defend, indemnify and hold harmless Friends, its officers, directors, employees and agents from any and all acts, claims, omissions, liabilities and losses asserted by any third party arising out of acts or omissions of Developer, its officers, employees and agents in connection with this MOU, except to the extent arising from the negligence of Friends, its officers, directors, employees, members, managers or agents.
6. **Early Termination and Notices.** Friends may terminate this MOU due to the Developer's failure to comply with any term of this MOU (including all exhibits hereto) thirty (30) days after having given the Developer notice of such failure, unless the Developer cures such failure to the Friends' reasonable satisfaction within such thirty (30) day period, or a different reasonable timeframe mutually agreed upon by the Parties in writing.

The Developer may terminate this MOU due to the Friends' failure to comply with any term of this MOU (including all exhibits hereto) thirty (30) days after having given the Friends notice of such failure, unless Friends cures such failure to the Developer's reasonable satisfaction within

such thirty (30) day period, or a different reasonable timeframe mutually agreed upon by the Parties in writing

Notice of termination, and any other notices under this MOU, shall be provided to each Party at the addresses below. The Parties addresses for purposes of such notices are:

FRIENDS OF FRANKLIN SQUARE PARK	DEVELOPER
Jolene Yee Friends of the Franklin Square Co-Leader San Francisco Park Alliance C/O Friends of Franklin Square 1665 Mission Street, Suite 320 1074 Folsom Street San Francisco, CA 94103 Email: joleneyeesf@gmail.com	The Mela Residences Mission, LLC c/o DM 321 Florida Manager LLC 448 Linden Street San Francisco, CA 94102 Attention: Mark MacDonald Email: Mark.MacDonald@dm-dev.com

7. **Agreement Made in California; Venue.** The formation, interpretation and performance of this Agreement shall be governed by the laws of the State of California. Venue for all litigation relative to the formation, interpretation and performance of this Agreement shall be in San Francisco.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned have indicated their approval effective as of the Effective Date.

FRIENDS:



Jolene Yee

Friends of the Franklin Square Co-Leader
San Francisco Park Alliance
C/O Friends of Franklin Square
~~1663 Mission Street, Suite 320~~ 1074 Folsom Street
San Francisco, CA 94103
friendsoffranklinsquare@gmail.com

DEVELOPER:

The Mela Residences Mission, LLC,
a Delaware Limited Liability Company

By: ULC DM Florida, LLC, a Delaware
limited liability company, its sole member

By: DM 321Florida, LLC, a Delaware
limited liability company, its
managing member

By: DM 321 Florida Manager, LLC,
a Delaware limited liability
company, its manager

By: Mark Mac
Name: Mark MacDonald
Its: Authorized Representative

Attachments:

Exhibit A – Map Showing Franklin Square Park and the Adjacent Parking Lot
Exhibit B – Conceptual Project Plans

Signature: Mark MacDonald
Mark MacDonald (Dec 28, 2020 19:46 PST)
Email: cara.houser@dm-dev.com

Signature:
Email: lcuadra@bergdavis.com

Signature:
Email: sheeter@gmail.com

Appendix C: Public Feedback on 321 Florida Street Project solicited and collected by Friends of Franklin Square

“Our names are Anjuli and Seijan Piya and we live in the neighborhood. We use Franklin Square park with our kids. I do think that we need more affordable housing. A little bit of shade on the park should not matter as much as helping someone get housing. So I’m for the development especially because they are making some affordable housing units and we do need that in San Francisco. The other thing is that we don’t really have shaded parks in the Mission. And so in the summer months it might actually be helpful. (personal communication, 1/10/2021)

“My name is Francesco Mozzatti and I live on 21st Street in the Mission and I’m a neighbor. I think housing is very needed in San Francisco especially for the lower income population. So I don’t think that the shadow on the park is a big issue. So I’m in favor of the development.” (personal communication, 1/10/2021)

Alejandro Abogado

“We are happy the 321 Florida project will offer the opportunity for more people to call this neighborhood their home. The increase of residents will strengthen our community, and provide more folks to be natural proprietors of Franklin Square and the surrounding streets.” (personal communication, 1/10/2021)

Laura Stonehill, “Re: Feedback on Proposed 321 Florida Street Project.” Message to friendsoffranklinsquare@gmail.com. 1/11/2021. Email.

“Here are my comments:

My family and I live 2 blocks from Franklin Square and visit the park and playground weekly. Please approve the proposed project at 321 Florida. It would be great to have more housing in this neighborhood and more people nearby to enjoy Franklin Square. I'm not concerned about any increase in shade over the park as a result of this project- in fact, on sunny days more shade is a good thing!

Laura Stonehill

██████████ Alabama St, San Francisco, CA 94110”

Rich Brown ██████████ “Re: Feedback on Proposed 321 Florida Street Project.” Message to friendsoffranklinsquare@gmail.com. 1/16/2021. Email.

Opinions or Thoughts: Info on you and how you use Franklin Square (totally optional but we'd love to know your zip code and how you use Franklin Square!):

“I live on Bryant St. right behind the proposed building. My back yard backs onto the proposed new structure. An 8 story building will completely block the sun on our building. The view west, completely obliterated. I'm so disappointed by this proposal, I'm considering relocating after 14 years on the street.”

Rich Brown

██████████ Bryant St.

Jennifer Lee

"I live in the condominium building across the park from the proposed 321 Florida project. I am in favor of DM Development's plans, which will infuse our neighborhood with ongoing volunteer support for Friends of Franklin, a donation of \$25k toward additional recreational space development and rent-free ground-floor community arts space for use by local artists. The proposal also includes designating 25% of the overall project (42 units) to be BMR, above and beyond the required 31 units. The new affordable units will offer much-needed housing options for singles, couples, and families that wish to live and work in San Francisco, but who can't afford to pay market-rate rent. Additionally, the project will provide over \$6 MM in community impact fees - including \$2.3 MM for inclusionary housing. Please approve the project, it would be a great benefit to our neighborhood and to the city of San Francisco."
(personal communication, 1/14/2021)

Sam Haskins "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/16/2021. Email.

Info on you and how you use Franklin Square (totally optional but we'd love to know your zip code and how you use Franklin Square!):

"We love the park but feel the height proposed is far too high for the neighborhood. Please consider residents on Bryant Street. This monster structure will put them in the shadow all afternoon and obliterate their views to the west. How would you like it if you lived there? Our zip code is 94110.

Sam Haskins and Mary Lou Ramsey"

Magda Freitas

"I live in front of the Potrero Muni Yard, one block from Franklin Square. I only have positive comments - I understand that a new housing development will provide safety and improvement to the neighborhood including Franklin Square.

I particularly liked how the developer team selected the materials and designed the facade to contextualize the building into the neighborhood. I also find donating the first floor for an art organization is beneficial to the local arts community.

Regarding shadows on the park, although I prefer having none, I think the developer's financial and volunteer support would make the park more inviting. That could bring additional benefits to the community like safety and social interaction." (personal communication, 1/12/2021)

Christopher Stark and Steve King

"As a board member at 338 Potrero (Rowan), my partner and I are in full support of the 321 Florida project. It's a beautiful building that will add architectural significance and aesthetics to the neighborhood. More housing in San Francisco is always a good thing, especially in a mixed-use area like this one. Having more residents in our neighborhood creates a stronger sense of community and vibrancy. The shade cast by this building on Franklin Square is so minimal it should hardly be a consideration. In fact, shade is not always a bad thing especially if it is only for a very limited part of the day. I'm looking forward to

adding both more residents and an architecturally interesting building to the neighborhood which will hopefully will result in an increase in usage, ownership, continued improvements and safety at Franklin Square and the neighborhood in general.” (personal communication, 1/15/21)

Ryan MacPhee [REDACTED] “Re: Feedback on Proposed 321 Florida Street Project.” Message to friendsoffranklinsquare@gmail.com. 1/15/2021. Email.

“Hello FOFs!

My husband and I live at [REDACTED] 18th St and we fully support this project. In addition, much of my family lives in the Mission (my sister and my father live on Bryant Street) and we all support this project. Please let us know what we can do to support it!

Best, Ryan MacPhee & Juan Pablo Luna Medellin”

Matt Woebcke Compass [REDACTED] “Re: Feedback on Proposed 321 Florida Street Project.” Message to friendsoffranklinsquare@gmail.com. 1/15/2021. Email.

“I am very much for this project. I think it will help the area with foot traffic and allow the park to be improved. My zip code is 94110.”

Martin Lion [REDACTED] “Re: Feedback on Proposed 321 Florida Street Project.” Message to friendsoffranklinsquare@gmail.com. 1/7/2021. Email.

“I live at 1800 Bryant St., a half block from the proposed development. My first comment on hearing details on this development was that this is entirely too large for the neighborhood. A NINE story building when everything else around it is somewhere between three and six - this will tower over everything. Yes, we need more housing, but this over the top (taking advantage of the density bonus law) and should be scaled down.

Specifically related to the park, there are two thoughts. First, the shadow (which you seem to downplay in your NextDoor post) is only part of the issue. Even at times when the building does not cast a hard shadow on the park it will block views, and reduce the beauty and quality of the park. Are you saying that distant views of Mt Sutro and Twin Peaks (or even just plain blue skies) don't matter, and that a tall building half a block away is just as pleasant? And it's disingenuous (almost insulting) to assert that because there are trees in the park casting shadows that the building shadow is not important. Being beneath a tree with dappled sunlight is completely different than being in the deep shadow of a huge building.

The second point related to the park is that this building should not be taken in isolation. There is also a huge development being discussed for the Muni yard beside the park at 16th and Bryant. They seem earlier in the process but will also seek to want to “add” shadow and block views from the park (they have said as much in their plans.) Both developments need to be scaled back to preserve quality of life in the neighborhood AND protect the value of the park. Adding a percent or two shadow from two or three buildings reminds me of the old adage, “a billion here, a billion there, and pretty soon you're talking real money.”

Thanks for collecting comments and passing them on to the Park and Rec Commission.

*Best regards,
Martin Lion"*

Kimberly Thai "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/15/2021. Email.

Opinions or Thoughts:

"Hi, I want to comment that I appreciate the efforts of Friends of Franklin Square to have the developers of local buildings contribute to park clean ups and donate for park improvements. The park is currently well used and clean in the areas of greatest use, the soccer fields, workout area and playground. Hopefully as more develops it becomes and even better place for local community members. Specifically about the shadow effect, I think the mitigation by the developer to contribute to the park is enough to outweigh the small disturbance in sunshine."

Info on you and how you use Franklin Square (totally optional but we'd love to know your zip code and how you use Franklin Square!):

"Playing at the playground and walking the dog, zip 94110"

Michael Priddy "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/15/2021. Email.

"Promoting this project is a slap in the face to the people and businesses of the 1700 block of Bryant which shares the east side of the property line 321 Florida st. You care more for corporate interests than your neighbors because you got some goodies from them. Our neighborhood will post many comments about this on Next Door about your behavior. You should resign and let people loyal to the neighborhood take over. Call a zoom meeting and let the neighborhood decide who should speak for FOFSP

Michael Priddy"

Kieran Farr [REDACTED] "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/11/2021. Email.

"Our family lives a block away from the proposed project at 321 Florida and 2 blocks from Franklin Square park. We would love to see the project approved and welcome new people to our community. I like the proposed design of the building and the focus on smaller, affordable units for individuals and families. The impact of shade from the building is negligible and, in fact, welcome during increasingly hot summers. We visit the playground weekly or more and would love to see continued investment in keeping the park clean.

Kieran Farr

*[REDACTED] Alabama St
SF CA 94110"*

Anna Celli [REDACTED] "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/11/2021. Email.

Opinions or Thoughts: Info on you and how you use Franklin Square (totally optional but we'd love to know your zip code and how you use Franklin Square!):

"Thank you for the opportunity to express our thoughts about this proposed development. We are a family of four living in the east mission neighborhood and have been using the playground at Franklin Park for a long time, especially after the amazing improvements of the last couple of years. Both our children love spending time there and enjoy the play structures and landscape. After reading up and inquiring about the proposed florida street project, we think that the effect the projected shadow would have on the playground and park overall is minimal, and if anything, beneficial, especially during the summer months when lack of shade makes many children playgrounds less appealing. On a more broader note, we welcome the building of more residential units in the hope they alleviate the housing issues of the city. Of course more BMR and affordable units would be even better, but it looks like the project meets at least the city requirements.

Sincerely,

Anna Celli and John Eid"

Kirsten Menger-Anderson [REDACTED] **"Re: Feedback on Proposed 321 Florida Street Project."** Message to friendsoffranklinsquare@gmail.com. 1/11/2021. Email.

"Hi Friends of Franklin Square,

We are residents of area code 94110 and live a few blocks from Franklin Square. We love the public park and often go there with our children. We believe that providing more affordable housing would have a positive impact on the neighborhood, as would the building's proposed art space and mural wall. Although the building would cast some additional shadows on the park, we understand that DM Development is also organizing park clean-up days as well as funding for improvements to the community space, and we think those are valuable contributions.

Thanks,

Kirsten M and Dave T"

Karla Cristina dos Santos Allen **"Re: Feedback on Proposed 321 Florida Street Project."** Message to friendsoffranklinsquare@gmail.com. 1/6/2021. Email.

Opinions or Thoughts:

"The bicycle parking should be at a minimum one per unit, or in this case 169 parking spots for bike parking. Ideally one bike parking space per resident which most likely will be greater than 169. I would guess more like 250 residents.

Fact sheet is pretty fuzzy on sustainability.

No mention of affordability or low income options or senior options. Any variance to planning code should be in exchange for affordable housing options."

Info on you and how you use Franklin Square (totally optional but we'd love to know your zip code and how you use Franklin Square!):

"We live at the Rowan building. Our kids use the playground regularly. We walk in the park and I bike through the park to cool down from bike rides.

We would like to have bathrooms in the park like all the other parks in SF! Everyone from the homeless to soccer players use the park as an open bathroom. This discourages us from

using the park. This lack of restrooms would never be allowed in more "white" neighborhoods like the Marina or Pac Heights! It's a shame how we treat the poor, no dignity! Bathrooms are a basic human right!

Thank you for your time."

Rahul Awasthy "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 12/29/20. Email.

Opinions or Thoughts:

"Is there going to be a shadow study for the homes on Bryant St that the building will completely shadow ? If the park gets 1% more shadow, the buildings get 70% more. Who is helping conduct that study?"

Alex Harker

"As someone who lives adjacent and is a frequent user of Franklin Park, I think that the development will be a good addition to the neighborhood. I think it will be great to have more active users around and in the park. It would be great if the developers could think about biodiversity as they make plant selections for their project." (personal communication, 1/15/2021)

Ania Klepacz "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/18/2021. Email.

"A revitalization of the Florida St. block would be a great addition to the neighborhood. The block needs improvements, new life, vitality and care.

My only concern is about the building height and the cast shadow on the west of Franklin Square Park. The west side of the park isn't very inviting to walk through as it is and with more shadow it will feel even less friendly. It may be just dark and uninviting and possibly plant life may suffer.

Perhaps the project sponsor can help fund or provide more lighting for the park and additional sports equipment (climbing wall? big slide? zip line? water features?). Also the parking area on the East side could be revitalized, it is a source of construction and debris dust.

*Thank you,
Ania"*

Deborah Gutof "Re: Feedback on Proposed 321 Florida Street Project." Message to friendsoffranklinsquare@gmail.com. 1/18/2021. Email.

"19th street @ York

Home owners since fall 2004.

I'm curious about the art space- i.e. who will run it and what the function will be. There are several arts organizations and artists living in the immediate area and it would be a shame to not have them represent, coordinated or involved. Art elements should reflect the authenticity and inclusivity of the Mission (NE), history + culture and represent and honor the those who came before us. The history of the ball park which should be encapsulated.

The shadows seem ok since the fall and spring shade the most, which is when people will most likely appreciate the shade."



321 FLORIDA STREET

SAN FRANCISCO, CA 94110

January 28, 2021

PLANNING COMMISSION

DM DEVELOPMENT

HANDEL ARCHITECTS LLP

DESIGN INTENT NARRATIVE

Introduction & Context

The design intent for 321 Florida St. is to contribute a mid-scale residential development with additional affordable units through the State Density Bonus Program. The project is located in an urban landscape which is uniquely San Franciscan, in a post-industrial Southeastern neighborhood. Mixed scale multi-family residential projects are in-filled between large industrial plots and warehouses that encompass entire blocks. The Franklin Square Park is located one block to the east. One of the most intriguing and promising characteristics of the neighborhood for the development team is the strong artist community, and pattern of studio and arts organizations housed in the warehouse and factory buildings.

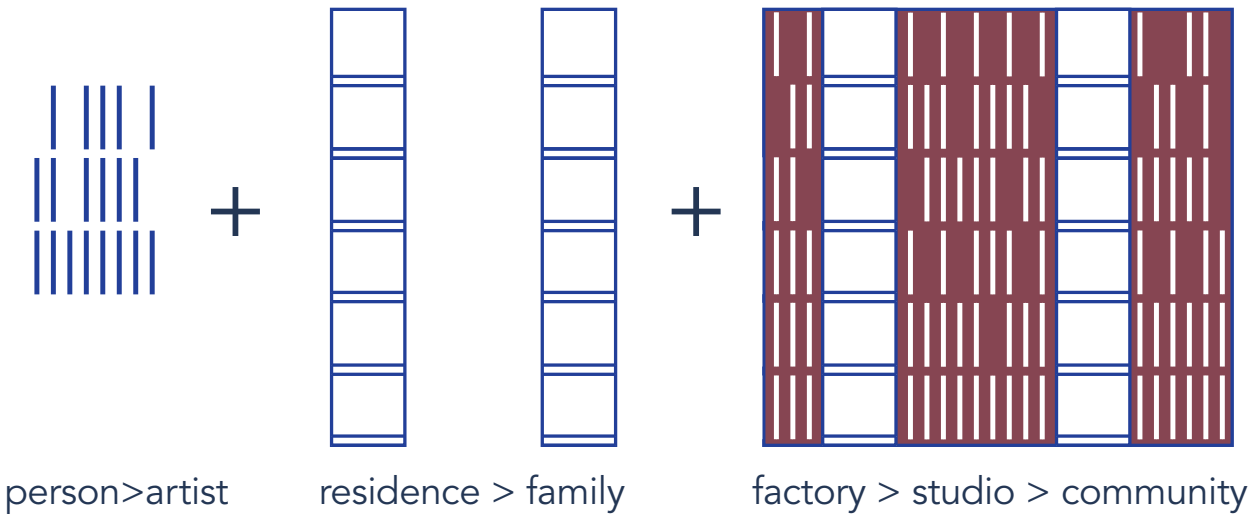
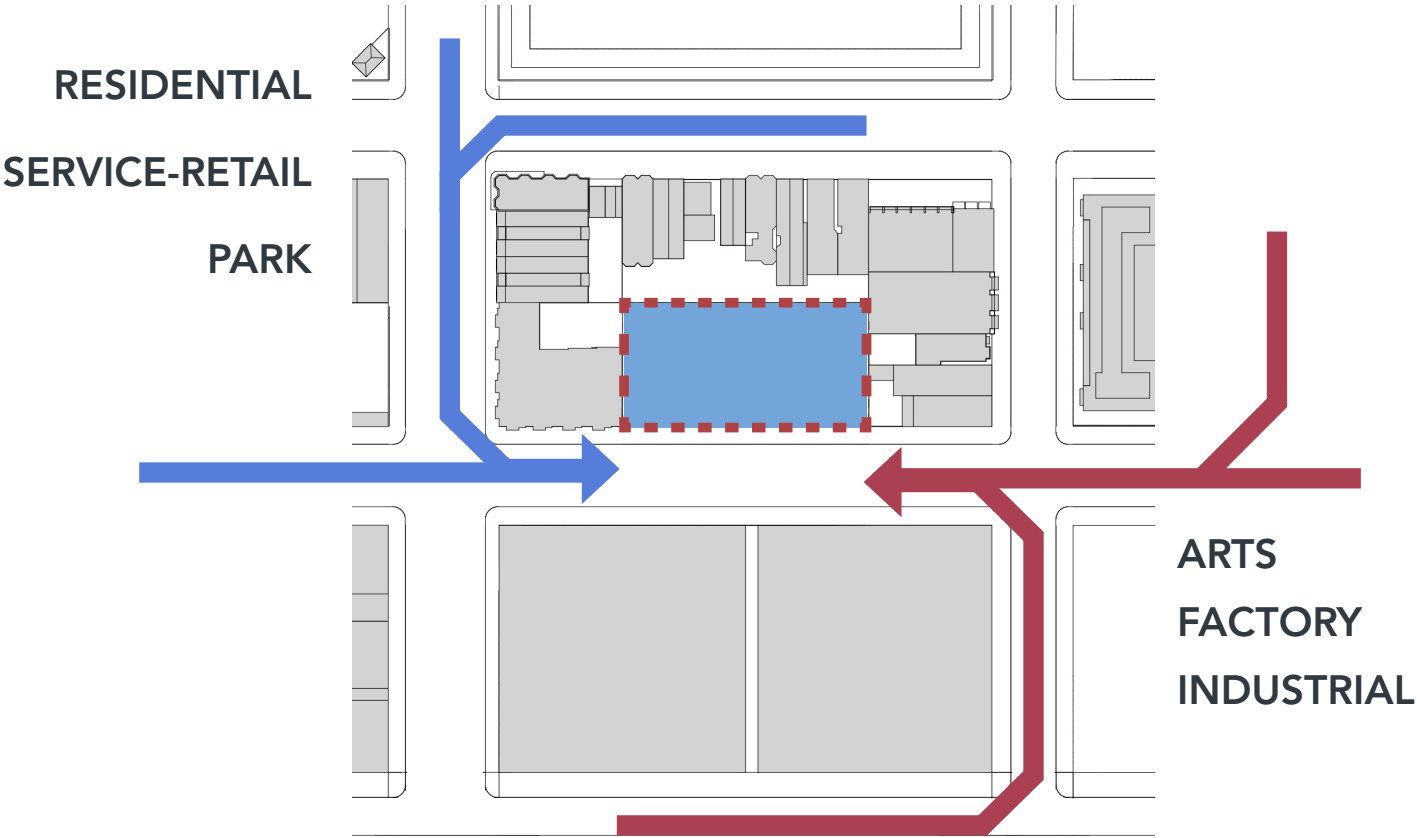
Massing & Materiality

The project proposes to utilize the individually granted state density bonus outlined herein. The site is currently a surface parking lot with grade level approximately 15 ft lower than the adjacent residential properties which front Bryant Street to the East. The proposed project would be built to the North and South Property lines providing a continuous street wall on Florida St. and be set back 25' from the rear property line to provide a compliant 25% rear yard for the best quality light and air to adjacent neighbors and residents of the building. The rear yard of 321 Florida St will remain 15 ft below the easterly neighbors' rear yards.

The project aspires to blend the bold industrial factory typology with a residential module. To emphasize the energy that contemporary art brings to the neighborhood, an abstract architectural language has been chosen and the building has been conceived of a contemporary "factory" for living and community. The Florida Street and rear yard facades are a composition of colored louvered profiles and residential bay windows. By their contrast in scale, the three elements of window louver, bay window, and block, abstractly correspond to the person, the residence or family, and the community or studio. The designers intend to use feedback from the Planning Department and neighborhood groups to develop a materials proposal that is appropriate to the palette and texture of the neighborhood context.

Streetscape & Ground Floor Experience

The project will front a street dominated by loading access for the adjacent 375 Alabama St. warehouse building. 321 Florida's ground floor will be host to lobby activity visible through large windows at street level as well as approximately 1,500 SF of retail space, anticipated to be a community arts use. Portions of the ground level dedicated to building services and a private garage entry will be incorporated into the overall façade design language.



ZONING SUMMARY & PROJECT SITE

Address	321 Florida Street, San Francisco, CA 94110
Block/Lot	3965/022 Area : 20,000 ± SF Dimension : 100' X 200'
Zoning District	UMU - Urban Mixed Use
Special Use District	Mission Alcohol Restrict Fringe Financial Services SUD
Height & Bulk Limit	68- X
Floor Area Ratio for UMU/68-X District	5:1 (Not Applicable to Dwellings)
Residential Density Limit	Generally contingent upon permitted height
Rear Yards	25% of the total depth of the lot on which the building is situated, but in no case less than 15' on the lowest floor with D.U.s
Usable Open Space	Residential: 50 SF/ unit if publicly accessible 80 SF / unit if common Non-Residential: 1 SF / 250 of occupied floor area (min. 6 SF)
Residential Off-Street Parking	None required; up to 0.75 cars for each Dwelling Unit up to 1 parking space per DU with 2 or more bedrooms and greater than 1,000 square feet
Bicycle Parking	Buildings < 100 D.U: 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100 1 Class 2 space per 20 dwelling units Retail: 1 Class 2 space per 2,500 SF (Min 2)



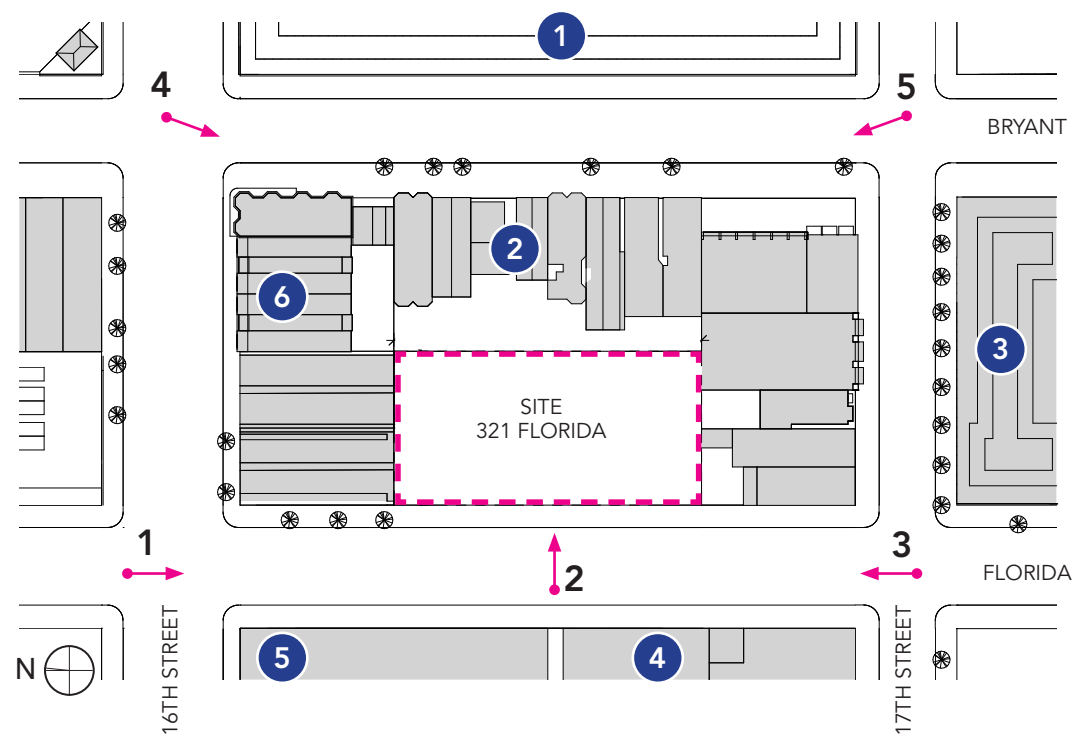
PROJECT SITE AERIAL VIEW



PROJECT SITE AERIAL VIEW



EXISTING SITE PHOTOS



4. BRYANT AND 16TH ST.



5. BRYANT AND 17TH ST.



1. FLORIDA AND 16TH ST.



2. 321 FLORIDA



3. FLORIDA AND 17TH ST.

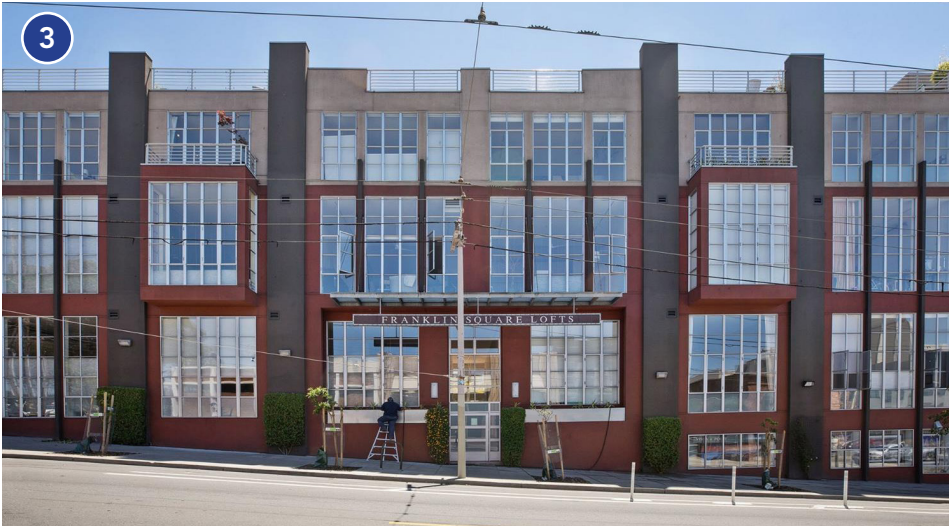
NEIGHBORHOOD CONTEXT PHOTOS



FRANKLIN SQUARE PLAYGROUND



CONDO 1728 BRYANT STREET



CONDO 1800 BRYANT FRANKLIN SQUARE LOFT



STORAGE BUILDING 375 FLORIDA

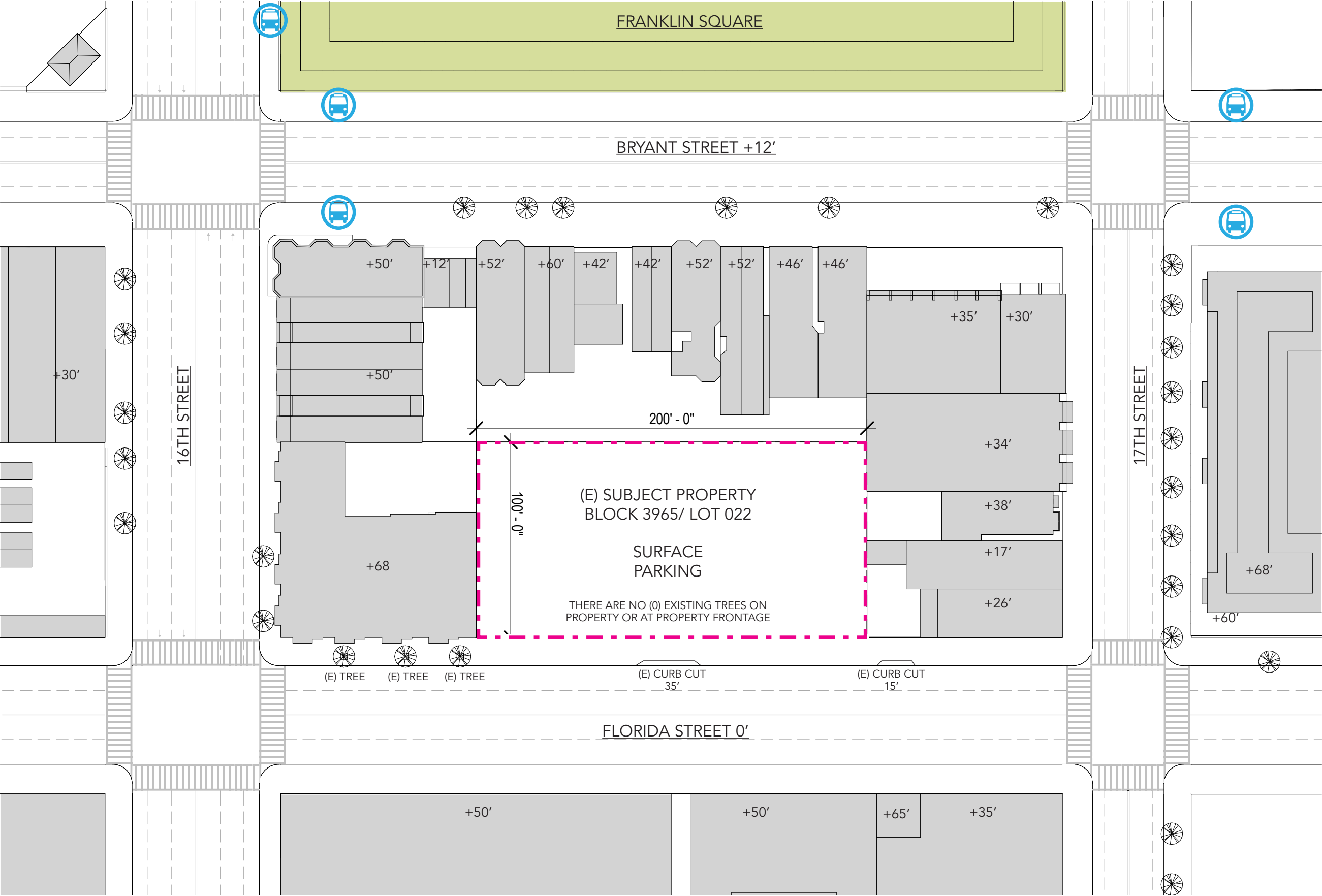


STORAGE BUILDING 2525 LION BUILDING



CONDO 2421 16TH STREET

EXISTING SITE PLAN



N 1" = 50'-0"

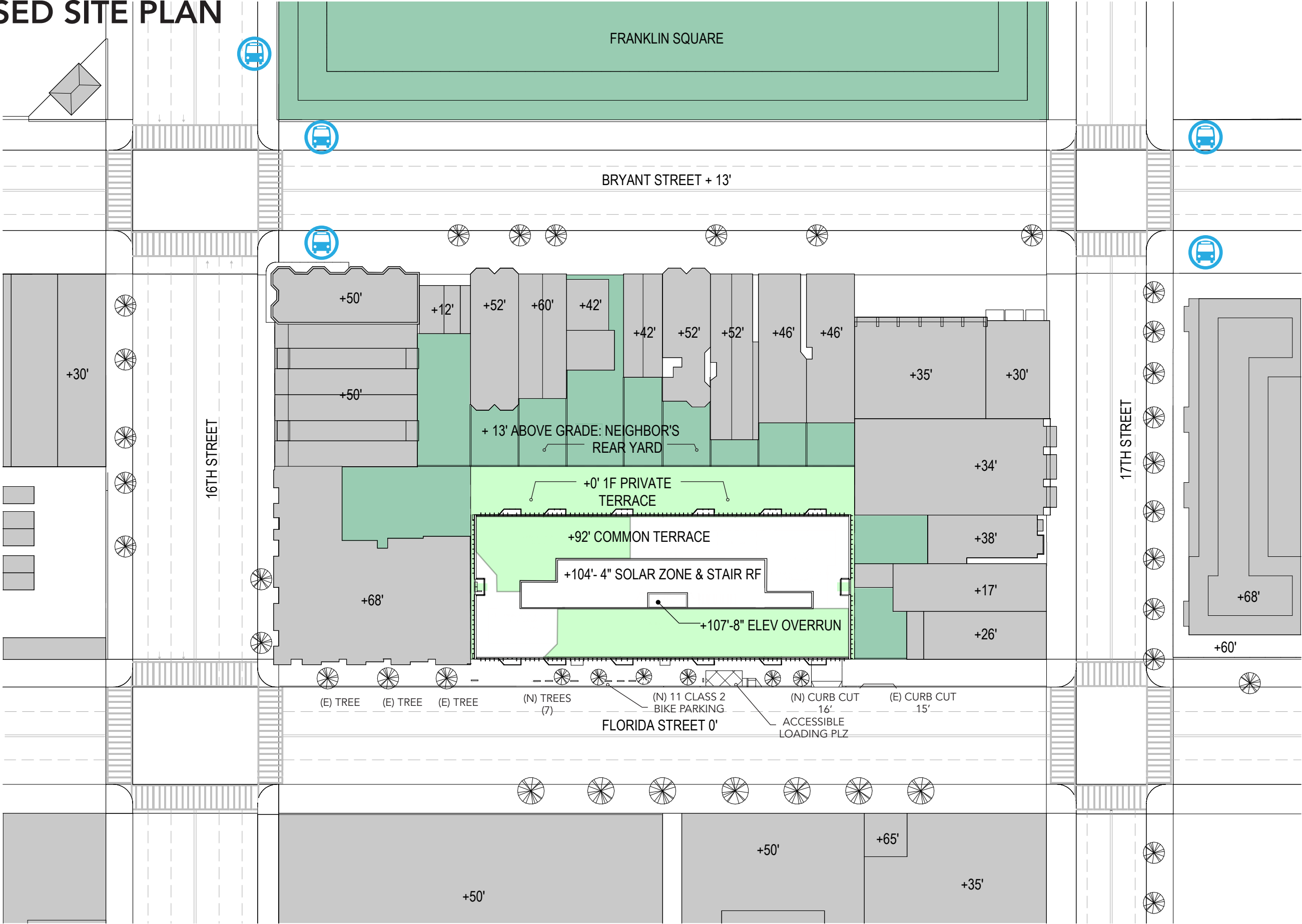


(E) BUS STOP
(NOT PRESENT)



(E) CURB SIDE LOADING

PROPOSED SITE PLAN



N 1" = 50'-0"



(E) BUS STOP
(NOT PRESENT)



(E) CURB SIDE LOADING

PROJECT DATA: DENSITY BONUS

LEVEL	BUILDABLE GROSS AREA, SF ¹				BUILDABLE AREA ¹
	RESIDENTIAL			RETAIL	
	UNITS, NET	COMMON (ELEV. LOBBY, CORRIDOR, STAIRS, ETC.)	RESIDENTIAL USE SUBTOTAL		
LEVEL 10	0	1,661	1,969		3,630
LEVEL 9	11,340	3,560	14,900		14,900
LEVEL 8	11,340	3,560	14,900		14,900
LEVEL 7	11,340	3,560	14,900		14,900
LEVEL 6	11,340	3,560	14,900		14,900
LEVEL 5	11,340	3,560	14,900		14,900
LEVEL 4	11,340	3,560	14,900		14,900
LEVEL 3	11,852	2,728	14,580		14,580
LEVEL 2	8,454	4,726	13,180		13,180
LEVEL 1	6,096	6,488	12,584	1,336	13,920
LEVEL B1	0	18,630	926		19,686
TOTAL	94,442	55,593	132,639	1,336	154,396

EXEMPTED SF, PER PLANNING CODE SECTION 102 FLOOR AREA, GROSS DEFINITION, ITEMS (b) (1), (3), (4), (8), (11); OR Z.A. BULLETIN No. 6				FLOOR AREA, GROSS (PER SECTION 102), SF
PARKING	BIKE PARKING	MECHANICAL, UTILITY, OTHER NON. RES.	SUBTOTAL	
		245	245	3,385
		245	245	14,655
		245	245	14,655
		245	245	14,655
		245	245	14,655
		245	245	14,655
		245	245	14,335
		1,284	1,284	11,896
1,440		2,946	4,386	9,534
12,450	1,420	5,816	19,686	0
13,890	1,420	12,006	27,316	127,080

LEVEL	DENSITY BONUS UNIT MIX TABULATION			
	STUDIO	1 BEDROOM	2 BEDROOM	TOTAL UNITS
1	9	1	3	13
2	6	1	8	15
3	7	5	8	20
4	7	5	8	20
5	7	5	8	20
6	7	5	8	20
7	7	5	8	20
8	7	5	8	20
9	7	5	8	20
TOTAL	6438%	3722%	6740%	168

LEVEL	BMR UNIT MIX			
	STUDIO	1 BEDROOM	2 BEDROOM	TOTAL UNITS
UP TO 50% AMI	5	3	5	13
UP TO 55% AMI	2	2	2	6
UP TO 80% AMI	2	1	3	6
UP TO 110% AMI	2	1	3	6
TOTAL	11	7	13	31

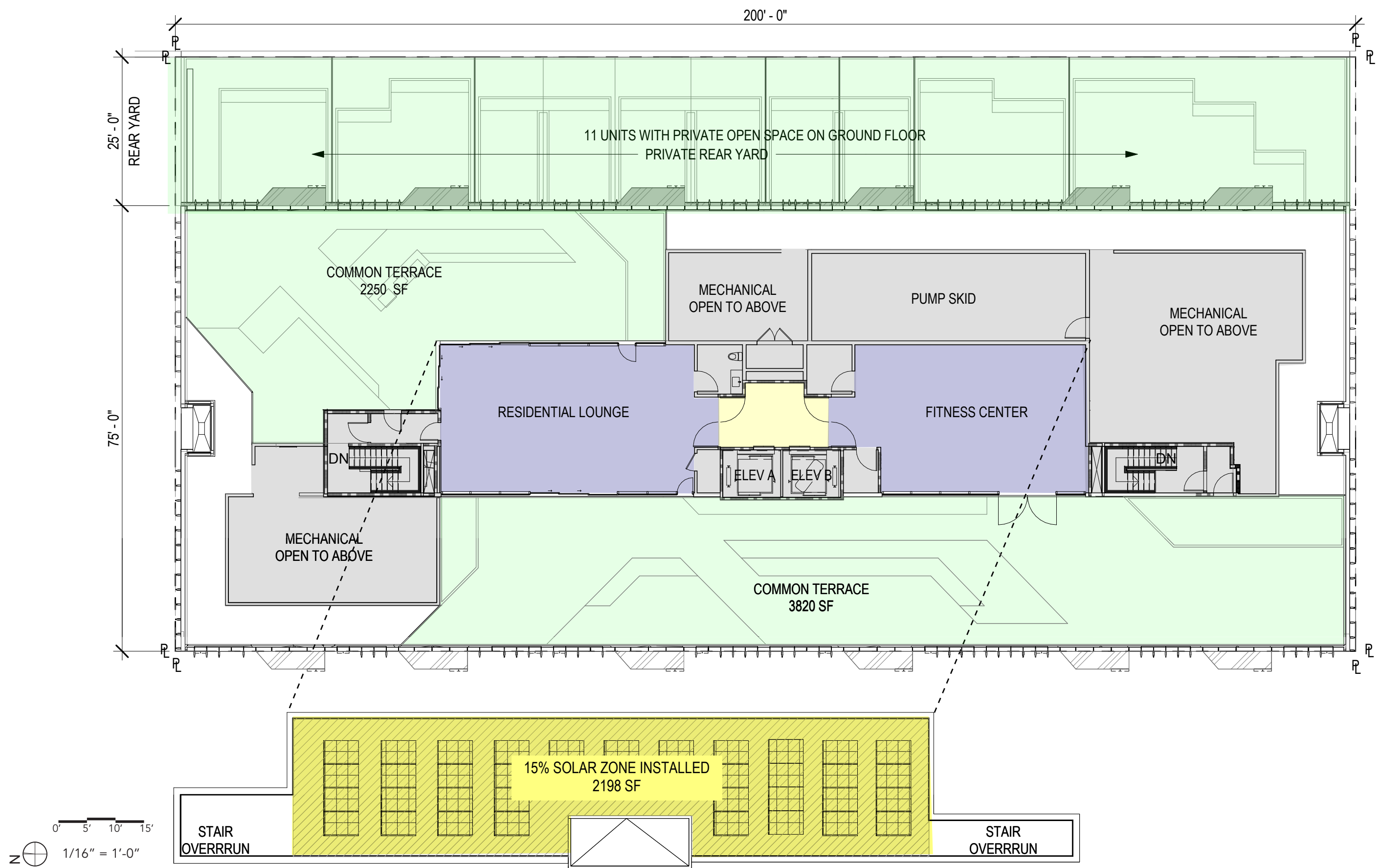
BASE PROJECT RESIDENTIAL FLOOR AREA = 95,385 SF x 1.35 = 128,770 SF = more than 127,080 SF (Proposed)

	REQUIRED	PROVIDED	ANTICIPATED WAIVER/CONCESSION*
HEIGHT, Section 253	68'	92'	YES, A DENSITY BONUS WAIVER IS REQUESTED FOR HEIGHT.
REAR YARD, Section 209.2	25% total depth of the lot, but no less than 15' on the lowest floor with dwelling units 25% of 100' lot depth = 25'	25'	NO
USABLE OPEN SPACE per Section 135	Residential: 54 SF / unit if publicly accessible 80 SF / unit if common Non-Residential: 1 SF per 250 SF of occupied floor area (min. 6 SF) Residential: 168 units- 11 units with private open space= 157 units 157 units x 80 sq ft = 12,560 sq ft of common usable open space required Non-Residential: 1591 SF / 250 SF = 6.3 SF = 7 SF required	Residential: 6,070 SF common residential and non-residential usable open space provided on roof level	YES, A CONCESSION IS REQUESTED FOR THE DENSITY PROJECT.
PARKING MINIMUM per Section 151.1	none required; up to 0.75 cars for each Dwelling Unit up to 1 parking space per DU with 2 or more bedrooms and greater than 1,000 square feet 168 D.U.s X .75 spaces = 126 spaces permitted	44 parking spaces in automatic puzzle stackers (non-valet) - all independently accessed +2 Accessible Spaces +1 Car-Share Spaces = 47 Total	NO
CAR SHARE, Section 166	50-200 residential units: 1 car share parking space required	1 car share parking space	NO
OFF-STREET FREIGHT LOADING per Section 152	1 required; 0 for less than 100,000 SF Occupied Space; 1 for 100,001-200,000 SF Occupied Space	1 off-street freight loading space provided	NO
GROUND FLOOR TO FLOOR HEIGHT	17'0"	20'4" provided at Lobby and Retail. Elsewhere, a partial residential floor has been included (2nd floor) to provide the bonus density without increasing overall building height. At this area, Ground and 2nd Floor are 10'4" Floor to Floor. See Section and Plans	YES, A STATE DENSITY BONUS WAIVER IS REQUESTED FOR GROUD FLOOR HEIGHT.
BICYCLE PARKING per Section 155.2	100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100 1 Class 2 space per 20 dwelling units Retail: 1 Class 2 space per 2,500 SF (Min 2) Class 1 : 100 + (68 units / 4 = 17) = 117 Class 1 spaces Class 2 Residential : 168 units / 20 Class = 9 Class 2 spaces Class 2 Retail : 2 Class 2 spaces (min.)	117 (Min.) Class 1 bike spaces (128 Currently Shown) 11 Class 2 bike spaces	NO *PROJECT SPONSOR RESERVES THE RIGHT TO APPLY FOR MODIFICATIONS TO DEVELOPMENT STANDARDS EITHER AS CONCESSIONS, INCENTIVES, OR WAIVERS.

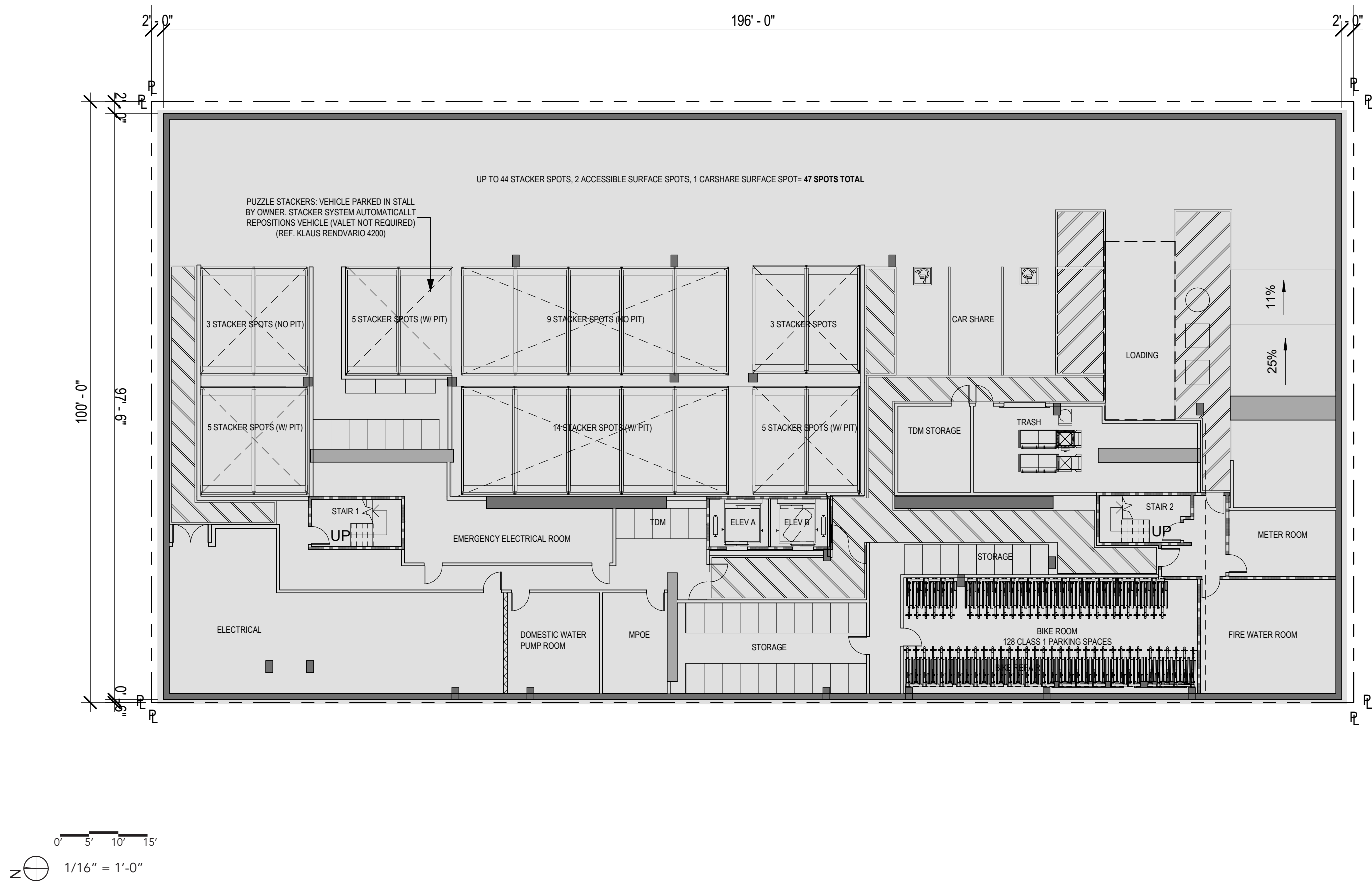
DIAGRAMS: OPEN SPACE - REAR YARD - BETTER ROOFS

SOLAR AREA : 2,198
/
TOTAL ROOF AREA : 14,655 = 15%

UNITS WITH PRIVATE OPEN SPACE = 11
COMMON OPEN SPACE PROVIDED = 6,070 SF



BASEMENT FLOOR PLAN



GROUND FLOOR PLAN



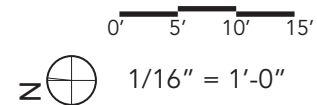
LEVEL 2 FLOOR PLAN



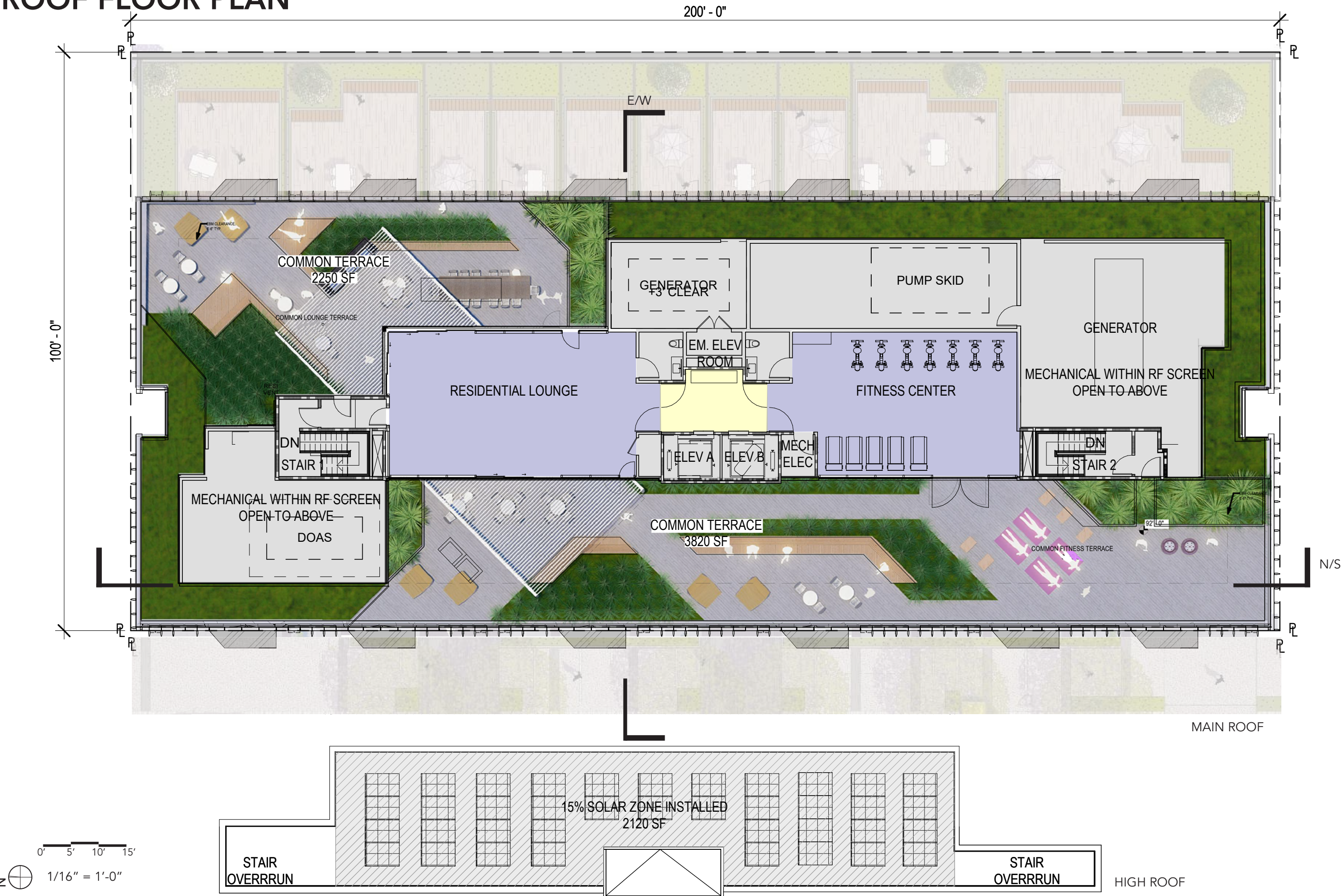
LEVELS 3 FLOOR PLAN



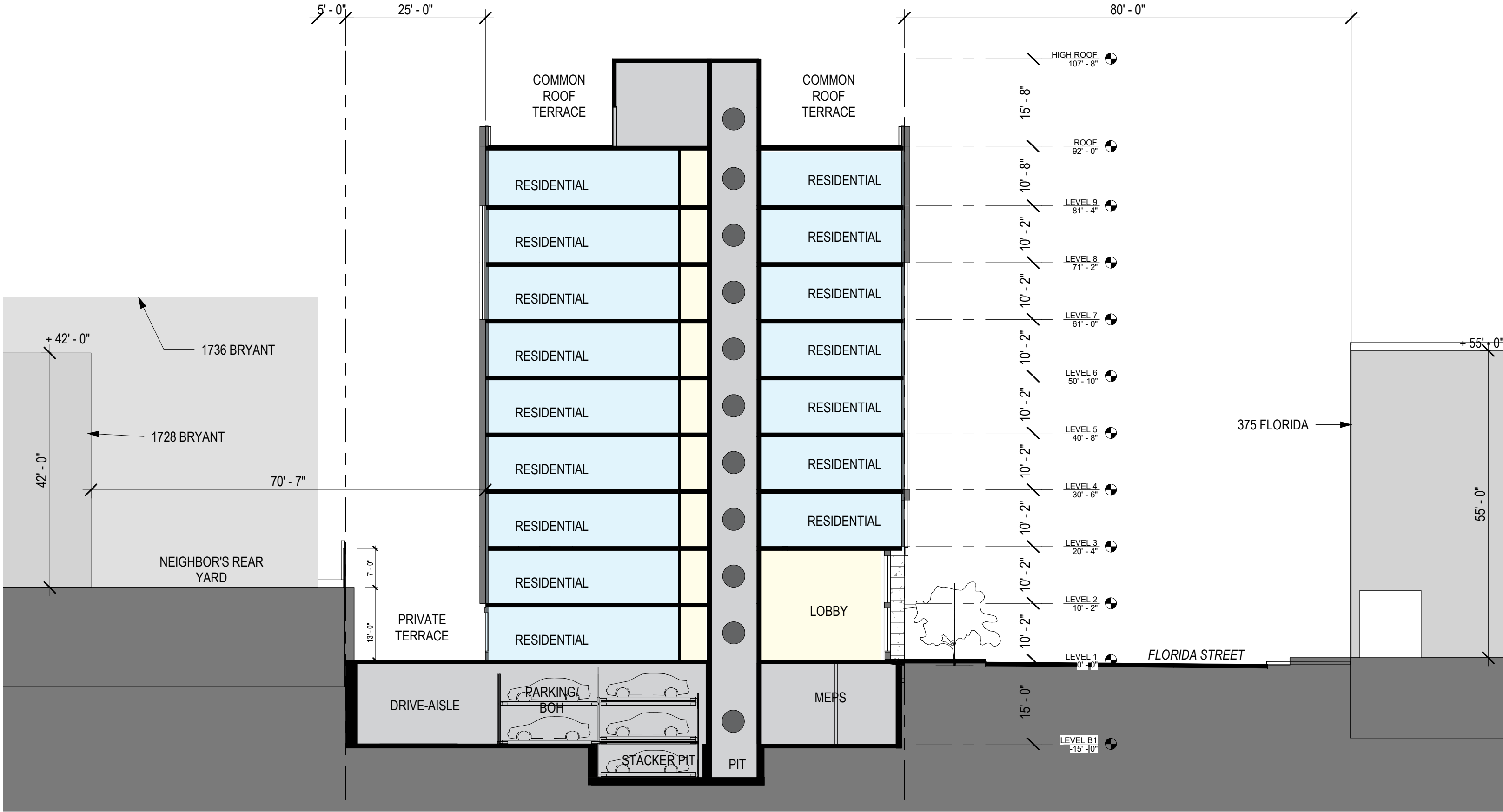
LEVELS 4-9 FLOOR PLAN



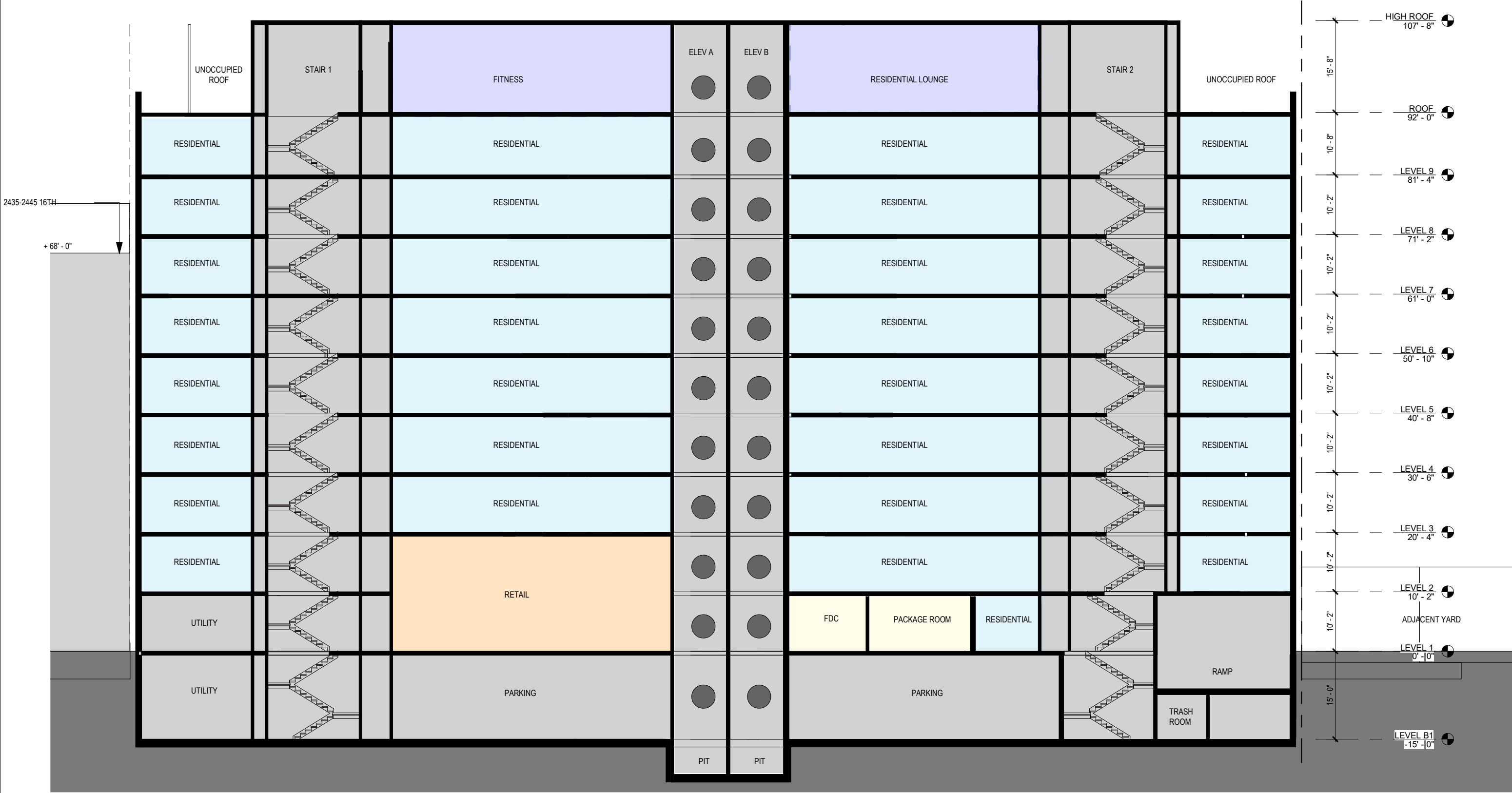
ROOF FLOOR PLAN



BUILDING SECTION E-W



BUILDING SECTION N-S



EXTERIOR VIEW



EXTERIOR VIEW



ELEVATION WEST



ELEVATION EAST

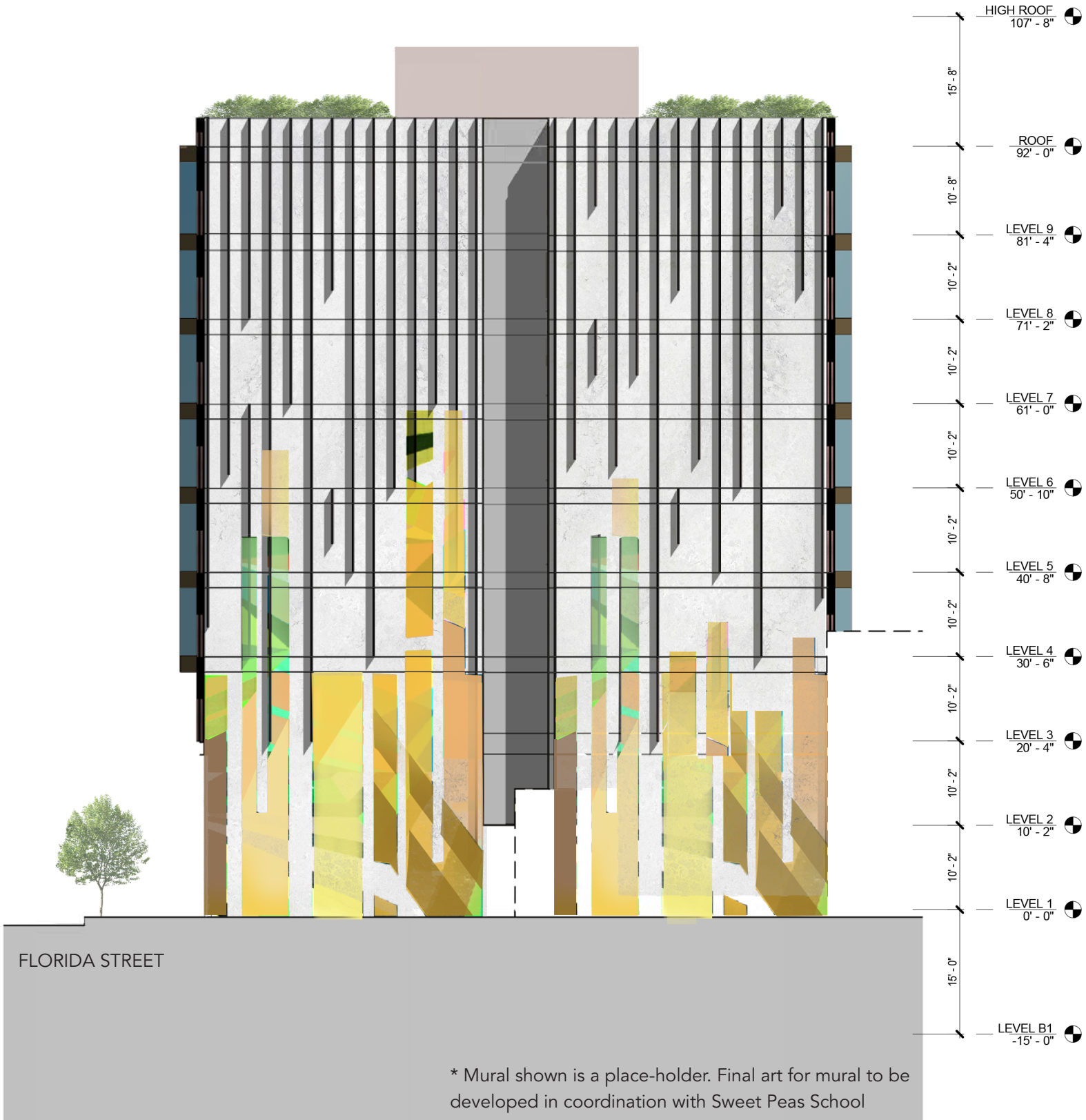
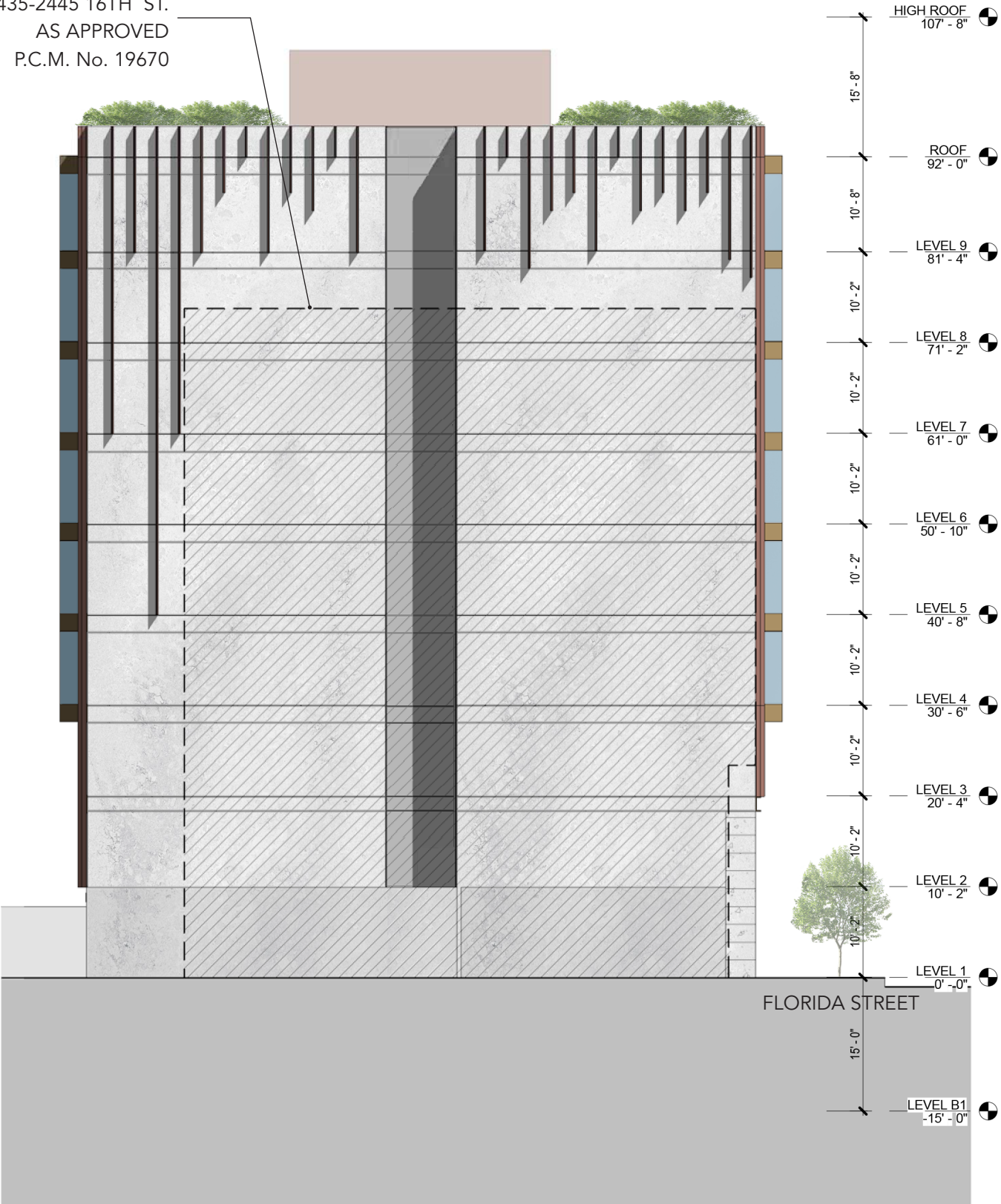


ELEVATION

NORTH

SOUTH

2435-2445 16TH ST.
AS APPROVED
P.C.M. No. 19670



* Mural shown is a place-holder. Final art for mural to be developed in coordination with Sweet Peas School

REVISED MATERIAL PALETTE

ADDITIONAL COLOR VARIATION INCORPORATED IN RESPONSE TO COMMUNITY DESIGN FEEDBACK

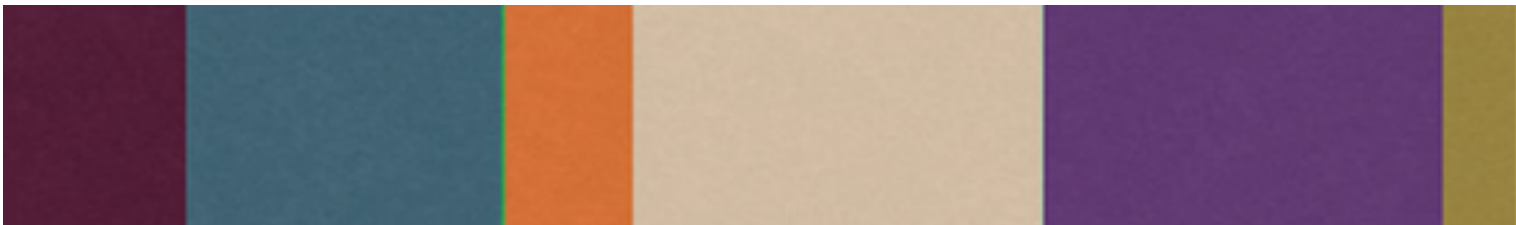
ORIGINAL



REVISED



UPPER BUILDING



GROUND FLOOR AND ACCENT

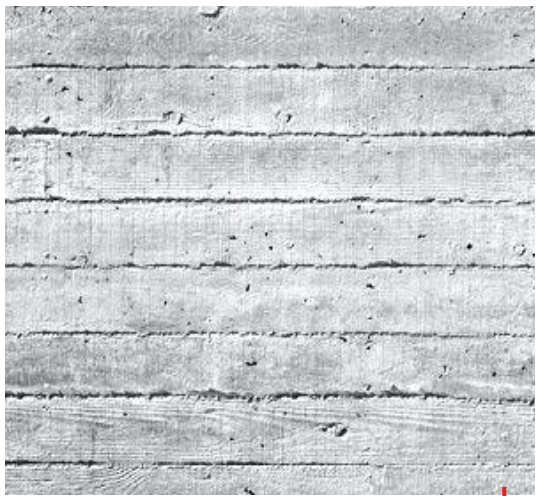
COLOR OF PROPOSED ALTERNATIVE



BUILDING MATERIALS



Solid Projecting Aluminum Fin Profiles



Board-Formed Concrete Pilasters



Cladding - Patina Metal



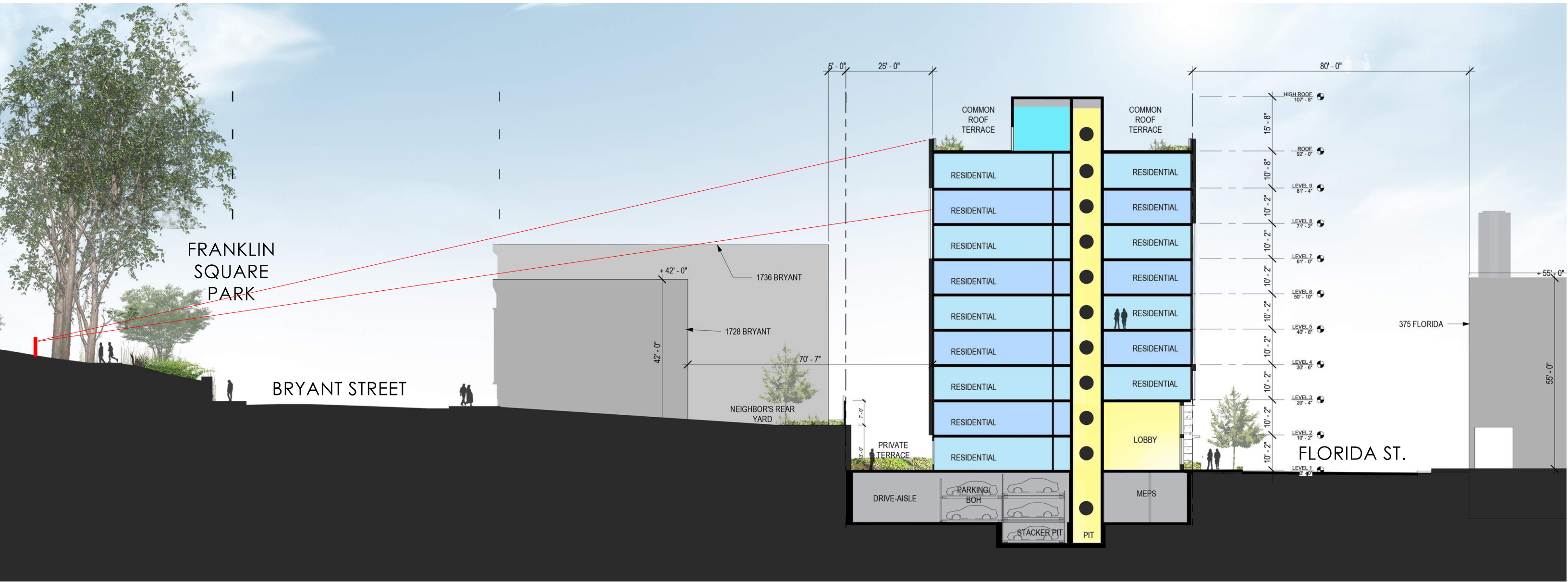
Exterior Lighting - Decorative Material



Entry- Decorative Material



BUILDING SECTION E-W



VIEW FROM FRANKLIN SQUARE PARK



MURAL AT SOUTH ELEVATION- SWEET PEAS PLAY YARD



STREETSCAPE DESIGN



THANK YOU



DM DEVELOPMENT

HANDEL ARCHITECTS LLP