

Received at GPC Hearing 7/28/22
D. Winston

To: The San Francisco Planning Commission
Re: 3624 Scott St., DR #2021-002487DRP-02
Hearing Date: July 28, 2022

We are homeowners and/or residents of the Marina District, and we have been informed of the plan to construct a 4-storey, 5-level residence at the above address beside a cluster of 2-storey residences on one side and a 3-storey building on the other side. We believe that such a building is out of scale and character, and is inappropriate for that location.

We therefore respectfully request that this Commission exercise its discretion and deny the application for this construction.

Winston Ashmeade
Signed

WINSTON ASHMEADE
Print Name

275 AVILA ST.
Address

David Johnson
Signed

DAVID JOHNSON
Print Name

275 AVILA ST
Address

David James
Signed

DAVID JAMES
Print Name

987 AVILA ST SF
Address 94123

Valerie M. Towers
Signed

VALERIE M. TOWERS
Print Name

287 AVILA ST. SF
Address 94123

Darryl Gianni
Signed

DARRYL GIANNI
Print Name

218 AVILA ST
Address

Yuhua Wang
Signed

230 Capra way
Print Name

Ingrid Rosetti
Signed

Ingrid Rosetti
Print Name
3612 Scott St, SF 94123.
Address

Kathy Maionchi
Signed

Kathy Maionchi
Print Name
250 Avila St. SF, CA 94123
Address

Pam Gianni
Signed

Pam Gianni
Print Name
218 Avila St
Address

Alan Robb
Signed

Alan Robb
Print Name
147 Avila St
Address

Harrison Robb
Signed

Harrison Robb
Print Name
147 Avila St.
Address

Jeff Oster
Signed

Jeff Oster
Print Name
237 Avila St.
Address

Signed

Print Name

Signed

Address

Print Name

Address

To: The San Francisco Planning Commission
Re: 3624 Scott St., DR #2021-002487DRP-02
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We therefore respectfully request that this Commission exercise its discretion and deny the application for this construction.

N. Svendsen
Signed

Nancy Svendsen
Print Name

169 Avila St.
Address

Peter Svendsen
Signed

PETER SVENDSEN
Print Name

169 AVILA ST
Address

Nina Delmon
Signed

163 Avila St.
Print Name

152 AVILA ST
Address

Kyle Rindahl
Signed

Kyle RINDAHL
Print Name

207 Avila St.
Address

LB
Signed

Lindsay Beckham
Print Name

Address

Signed

Print Name

Norma Mulligan
Signed

Norma Mulligan
Print Name
3606 Scott St.
Address

Michael Gammino
Signed

Michael Gammino
Print Name
254 Avila Street
Address

Mike Wall
Signed

MIKE WALL
Print Name
242 AVILA ST.
Address

Joanne Fay
Signed

2235 Beach St.
Print Name
Joanne Fay
Address

[Signature]
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ROBERT PAREISH
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1961 BEACH ST
Address

[Signature]
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DOUG ELES
Print Name
236 Avila St.
Address

[Signature]
Signed

Sullivan
Print Name
212 Avila St
Address

Charles J. Bossett
Signed

3612 SCOTT ST
Print Name
Address



LAND USE INFORMATION

PROJECT ADDRESS: 2976 MISSION ST
 RECORD NO.: 2017-013784CUA

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	520	0	0
Residential GSF	2,350	10,517	9,7678,167
Retail/Commercial GSF	1,872	1,600	0
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	350	1,560	1,210
Public Open Space	0	0	0
TOTAL GSF	5,092	13,677	10,9778,585
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	3	5	8
Dwelling Units - Total	3	5	8
Hotel Rooms	0	0	0
Number of Buildings	2	1	1
Number of Stories	2	6	6
Parking Spaces	2	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	8 C1, 3 C2	11
Car Share Spaces	0	0	0

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	2 (assumed - UDUs)	0	0
One Bedroom Units	0	1	1
Two Bedroom Units	0	7	7
Three Bedroom (or +) Units	1	0	0
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0

constraints of the Planning Code, including but not limited to height, bulk, rear yard, and dwelling unit mix. The Project maximizes the density of the lot without requesting any variances, waivers, or modifications to Planning Code requirements.

- r) If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all the existing units with new dwelling units of a similar size and with the same number of bedrooms.

The existing building contains both a single-family dwelling unit and two unauthorized dwelling units constructed prior to 1979, and can be assumed to be subject to both price controls and eviction controls under the Rent Ordinance. However, the single-family dwelling has been vacant for approximately seven years, and the Unauthorized Dwelling Units have been vacant since 1997 and 2009, respectively. All three units will be removed as part of the project, but they will not be subject to replacement and relocation provisions under the Housing Crisis Act, because the project was submitted in October of 2017, well before the Housing Crisis Act's effective date of January 1, 2020. The Project proposes one 1-bedroom unit measuring 675 square feet, as well as seven two-bedroom units ranging from 660 square feet to 845 square feet. The existing four-bedroom single-family unit on-site measures approximately 1,115 square feet. Although proposed units are smaller than the existing, they also contain fewer bedrooms while still providing ample habitable space and thoughtful space planning, making them suitable for a wide range of possible tenants. The Project results in seven additional family-sized units containing two bedrooms or more and an increase of at least 9 bedrooms on the site.

- 9. Removal of Unauthorized Dwelling Units.** Pursuant to Planning Code Section 317(g)(7), the Planning Commission shall consider the following criteria in the review of applications for removal of Unauthorized Units:

- a. Whether the costs to legalize the Unauthorized Unit or Units under the Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the average cost of legalization per unit derived from the cost of projects on the Planning Department's Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;

The current average cost of legalization per unit is \$70,000 according to the Master List of Additional Dwelling Units. The Project Sponsor is not ~~contesting~~ arguing that upgrades to the two Unauthorized Units related to applicable City Codes is financially infeasible. However, the Project's overall feasibility is contingent on the demolition of the existing low-density building (single-family home with two unauthorized dwelling units) to allow construction of a high-density building containing eight family-sized residential units. The Project is fully Planning Code-compliant and will likewise be required to achieve full compliance with the Building Code. The new building will provide eight safe and fully Code-compliant units.

- b. Whether it is financially feasible to legalize the Unauthorized Unit or Units. Such determination will be based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building, and other applicable Codes in comparison to the added value that legalizing said Units would provide to the subject property. The gain in the value of the subject property shall be based on the current value of the property with the Unauthorized Unit(s) compared to the value of the property if the Unauthorized

Unit(s) is/are legalized. The calculation of the gain in value shall be conducted and approved by a California licensed property appraiser. Legalization would be deemed financially feasible if gain in the value of the subject property is equal to or greater than the cost to legalize the Unauthorized Unit.

The Project Sponsor is not ~~contesting~~ arguing that the legalization of the Unauthorized Unit is financially infeasible. The overall feasibility of the Project is contingent on demolition of the existing single-family dwelling and two unauthorized dwelling units to significantly densify the Project Site with a net increase of 5 units. The existing property contains a total of three residential units, and the Project proposes eight new generously-sized units with modern systems and amenities. The net increase of five dwelling units would be practically infeasible to provide within the existing structure without approval of a demolition.

- c. If no City funds are available to assist the property owner with the cost of legalization, whether the cost would constitute a financial hardship.

To date, the Planning Department has not found the existence of any City funding sources or programs to assist the property owner with the cost of legalization. The Project Sponsor is not ~~contesting~~ arguing that the cost of legalization of the Unauthorized Units is financially infeasible, however, costs to improve the property and legalize the two Unauthorized Units would not achieve the Project's goals of increasing density thereby making the proposed Project infeasible, resulting in lost property value.

- 10. **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

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

Policy 4.4

C. Feeny



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EXECUTIVE SUMMARY EASTERN NEIGHBORHOODS LARGE PROJECT AUTHORIZATION & INDIVIDUALLY REQUESTED STATE DENSITY BONUS

HEARING DATE: July 28, 2022

Continued From: June 2, 2022

UPDATED: July 27, 2022

Record No.: 2021-005342ENX
Project Address: 925 Bryant Street
Zoning: Urban Mixed Use (UMU) Zoning District
 48-X Height and Bulk District
Block/Lot: 3780/077
Project Sponsor: Greg Pasquali, Carmel Partners
 1000 Sansome Street
 San Francisco, CA 94111
Property Owner: 1891 Market Street, LLC
 500 8th Street
 San Francisco, CA 94103
Staff Contact: Claire Feeny - (628) 652-7313
Claire.Feeney@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project includes demolition of an existing 36-foot tall warehouse and parking lot and construction of a seven story, 75-foot tall residential building containing 218 Group Housing dwelling units (including 35 units provided on-site as affordable housing units). The Project will be 83,918 square feet, including a 3,127 square foot commercial space, an underground parking garage with 26 spaces, 218 Class 1 bike parking spaces, approximately 7,600 square feet of communal amenity space and a 6,200 square foot roof deck. 24 of the units have private decks. The Project is utilizing the Individually Requested State Density Bonus Program to achieve a 50% density bonus, thereby maximizing residential density on the Site pursuant to California Government Code Sections 65400 and 65915-95918, as revised under Assembly Bill No. 2345 (AB 2345). The Project Sponsor has requested seven waivers

for Usable Open Space (Sec. 135), Dwelling Unit Exposure (Sec. 140), Rear Yard Setback (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1(c)(4)), Off Street Freight Loading spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1). They are also requesting ~~two~~one incentives for Rear Yard Setback (Sec. 134) and Active Street Frontages (Sec. 145.1(b)(2)).

Required Commission Action

In order for the Project to proceed, the Commission must grant an Eastern Neighborhoods Large Project Authorization, pursuant to Planning Code Sections 206.6, 329, and 843 to allow construction of a seven story, 75-foot tall residential building containing 218 Group Housing dwelling units.

The Commission must also make findings related to seven requested waivers from development standards, including Usable Open Space (Sec. 135), Dwelling Unit Exposure (Sec. 140), Rear Yard Setback (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1(c)(4)), Off Street Freight Loading spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1) and two~~one~~ requested concession/incentives for Rear Yard Setback (Sec. 134) and Active Street Frontages (Sec. 145.1(b)(2)), as evidenced in concession justification submitted March 30, 2022 (Exhibit F).

Issues and Other Considerations

• Public Comment & Outreach.

- **Support/Opposition:** To date, the Department has received 12087 letters of support and tenseven letters of opposition to the Project. Supporters referenced the housing shortage and the need for affordable housing in particular, the benefits of activating a vacant property, the array of amenity spaces for residents, and the transit accessibility for the project site. The Greenbelt Alliance and YIMBY Law has endorsed the project. All letters of opposition came from neighboring tenants on Langton Street within an HOA and expressed opposition to the project for reasons including shadows on their homes, increased traffic on Langton Street, an over-supply of housing with high vacancy rates in the area, and construction and environmental impacts.
- **Outreach:** The Sponsor hosted a Pre-Application meeting on April 28, 2021, which 8 people attended. Questions were raised about the building height, the types of people who will live in the building, increased homelessness in the area, and traffic impacts.
 - Since January, the Project Sponsor has had meetings with the SoMa Pilipinas Filipino and Leather & LGBTQ Cultural Districts and has had meetings and been in regular correspondence with neighbors living across Langton Street.

• **SoMa Pilipinas Filipino Cultural District:** The Project Site is also located in the SoMa Pilipinas Filipino Cultural District. Created in 2016, this Cultural District is focused on advancing, cultivating, enriching and advocating for Filipino equity, cultural stability, vibrancy, and economic vitality. Currently, this district does not possess any land use regulations which would apply to the Project.

• **Group Housing Regulations:** The Project Application was accepted July 30, 2021 and a Preliminary Housing Development Application (SB 330) was submitted with the Preliminary Project Application (2021-00135PPA) on February 4, 2021. Therefore, the Project is exempt from Ordinance 50-22 (Planning Code – Group Housing

Definition) and the subsequent Planning Code amendments which were approved by the Board of Supervisors and Mayor Breed and went into effect on April 30, 2022. The Project is exempt from physical regulations prohibiting cooking facilities in individual group housing units, requiring a minimum amount of internal common space, and requiring a minimum amount of communal kitchens; as well as operational regulations that require group housing units to be rented for a minimum of 30 days. The Project is proposing rental units so the new prohibition of on-site affordable units as ownership tenures is not relevant.

- **Inclusionary Affordable Housing:** The Environmental Evaluation Application was accepted on July 30, 2021; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the On-Site Affordable Housing Alternative is to provide a minimum of 21% of the total proposed dwelling units as affordable. The on-site Inclusionary rate is broken into three separate income tiers: 12% of the units must be made available to low-income households with affordable rents set 55% AMI in order to comply with the State Density Bonus Program for 50% density bonus, 4.5% must be made available to moderate income households with rents set at 80% AMI, and 4.5% must be made available to middle-income households with rents set at 110% AMI. In addition, for the Project to receive a 50% bonus, an additional 3% or four units will be provided at 50% AMI. A Project Sponsor may use their onsite Inclusionary units to qualify for a density bonus under the State Density Bonus Law ("State Law"). As applied to the 146 units representing the base proportion of the project, the total on-site requirement is 31 dwelling units plus the four additional units to qualify for a 50% bonus under State Density Bonus Law.
- **State Density Bonus Law and Waivers:** The Urban Mixed Use Zoning District utilizes form-based density, which regulates density by the maximum permitted building volume, not as a ratio of units to lot area. Both the base density and the allowable density bonus are represented as square feet of residential gross floor area. The base density includes the amount of residential development that could occur on the project site as of right without modifications to the physical aspects of the Planning Code (ex: rear yard, dwelling unit exposure, etc.).

For the Project at 925 Bryant Street, the base density would permit a residential project that included 67,571 gross square feet of residential uses. The Project is entitled to a 50% density bonus, or 33,786 gross square feet of residential use, because the Project is providing 15% of the Base Project as below market rate to low-income households (up to 55% AMI). The Project, including the density bonus, proposes 101,478 gross square feet of residential uses and 218 group housing units, for an 50% density bonus. The Project Sponsor has requested seven waivers for Usable Open Space (Sec. 135), Dwelling Unit Exposure (Sec. 140); Rear Yard Setback (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1(c)(4)), Off Street Freight Loading spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1), as well as onetwo incentives for Rear Yard Setback (Sec. 134) and Active Street Frontages (Sec. 145.1(b)(2)), to realize the 50% density bonus.

- **Open Space:** Since publication of the initial staff packet on July 21, 2022, Department staff have received clarification that the Project meets the open space requirements for group housing units, as identified in Planning Code Section 135. The Project is providing 8,421 square feet of useable open space, which exceeds the required amount of 4,886 square feet.

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Environmental Review

On July 18, 2022, 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 Area Plan Final EIR. Since the Eastern Neighborhoods Area Plan 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 Eastern Neighborhoods Area Plan 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 Eastern Neighborhoods Area Plan Final EIR. The file for this Project, including the Eastern Neighborhoods Area Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 49 South Van Ness Avenue, 14th floor, San Francisco, California.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Showpalce Square/Potrero Hill Area Plan and the Objectives and Policies of the General Plan. The Project will maximize the use of a currently underutilized lot and construct a new seven-story over basement, residential building within close proximity to public transportation, public open space, commercial corridors, and jobs. Additionally, the Project will increase the City's housing stock by providing a total of 218 new group housing units, 35 of which will be designated as on-site rental affordable dwelling units. San Francisco is experiencing a housing shortage at all price points and unit types, these group housing units will be a more accessible option for young professionals and people who have recently moved to the City. Furthermore, the Project will provide a land-use that is compatible with the UMU Zoning District and a building that is attractively designed and includes an abundance of communal spaces for residents to enjoy.

Attachments:

- Draft Motion – Eastern Neighborhoods Large Project Authorization with Conditions of Approval
- Exhibit B – Plans and Renderings
- Exhibit C – Environmental Determination
- Exhibit D – Land Use Data
- Exhibit E – Maps and Context Photos
- Exhibit F - Project Sponsor Brief
- Exhibit G – Concession Justification
- Exhibit H – Anti-Harassment and Equal Employment Opportunity
- Exhibit I – Inclusionary Affordable Housing Affidavit
- Exhibit J – Anti-Discriminatory Housing Affidavit
- Exhibit K – Eviction History Documentation
- Exhibit L – First Source Hiring Affidavit



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PLANNING COMMISSION DRAFT MOTION

HEARING DATE: July 28, 2022

Continued From: June 2, 2022

Record No.: 2021-005342ENX
Project Address: 925 Bryant Street
Zoning: Urban Mixed Use (UMU) Zoning District
48-X Height and Bulk District
Block/Lot: 3780/0773780
Project Sponsor: Greg Pasquali, Carmel Partners
1000 Sansome Street
San Francisco, CA 94111
Property Owner: 1891 Market Street Street, LLC
500 8th Street
San Francisco, CA 94103
Staff Contact: Claire Feeney - (628) 652-7313
Claire.Feeney@sfgov.org

ADOPTING FINDINGS RELATING TO A EASTERN NEIGHBORHOODS LARGE PROJECT AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 206.6, 329, AND 843, TO ALLOW DEMOLITION OF AN EXISTING 36-FOOT TALL WAREHOUSE AND PARKING LOT AND CONSTRUCTION OF A SEVEN-STORY, 75-FOOT TALL RESIDENTIAL BUILDING CONTAINING 218 GROUP HOUSING DWELLING UNITS WITH 26 PARKING SPACES, 218 CLASS 1 BICYCLE PARKING SPACES, 8 CLASS 2 BICYCLE PARKING SPACES, 851 SQUARE FEET OF PRIVATE USABLE OPEN SPACE, 7,570 SQUARE FEET OF COMMON USABLE OPEN SPACE, UTILIZING THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM (CALIFORNIA GOVERNMENT CODE SECTION 65915) AND RECEIVING WAIVERS FROM ~~USABLE-OPEN SPACE (SEC. 135)~~, DWELLING UNIT EXPOSURE (SEC. 140), ~~REAR YARD SETBACK (SEC. 134)~~, GROUND FLOOR CEILING HEIGHT (SEC. 145.1(C)(4)), OFF-STREET FREIGHT LOADING SPACES (SEC. 152.1), HEIGHT LIMIT (SEC. 260), NARROW STREET CONTROLS (SEC. 261.1), AND HORIZONTAL MASS REDUCTION (SEC. 270.1) AND REQUESTING ~~TWO-ONE~~ CONCESSION/INCENTIVES FOR ~~REAR YARD SETBACK (PLANNING CODE SEC. 134)~~ AND ACTIVE STREET FRONTAGES (SEC. 145.1(B)(2)), LOCATED AT 925 BRYANT STREET, LOT 077 IN ASSESSOR'S BLOCK 3780, WITHIN THE URBAN MIXED USE ZONING DISTRICT AND 48-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 29, 2021, Greg Pasquali of Carmel Partners (hereinafter "Project Sponsor") filed Application No. 2021-005342ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for an Eastern Neighborhoods Large Project Authorization to construct a new seven-story, 75-foot tall residential building containing 218 Group Housing dwelling units (hereinafter "Project") at 925 Bryant Street, Block 3780 Lot 077 (hereinafter "Project Site").

The environmental effects of the Project were determined by the Department to have been fully reviewed under the Eastern Neighborhoods Plan Environmental Impact Report (hereinafter "EIR"). On August 7, 2008, the Planning Commission reviewed and considered the Final EIR ("FEIR") and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Eastern Neighborhoods EIR is a program-level 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 subsequent project in the program area, the agency may approve the project as being within the scope of the project covered by the program EIR, and no new or additional environmental review is required. In certifying the Eastern Neighborhoods Area Plan, the Commission adopted CEQA findings in its Motion No. 17659 and hereby incorporates such Findings by reference herein.

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

On July 18, 2022, 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 Area Plan Final EIR. Since the Eastern Neighborhoods Area Plan 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 Eastern Neighborhoods Area Plan 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 Eastern Neighborhoods Area Plan Final EIR.

Draft Motion
Hearing Date: July 28, 2022

RECORD NO. 2021-005342ENX
925 Bryant Street

The file for this Project, including the Eastern Neighborhoods Area Plan EIR and the Community Plan Exemption Certificate, is available for review at the San Francisco Planning Department, 49 South Van Ness Avenue, 14th Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Area Plan Final 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.

The City and County of San Francisco, acting through the Department, fulfilled all procedural requirements of the California Environmental Quality Act, the State CEQA Guidelines, and Chapter 31.

On June 2, 2022, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Eastern Neighborhoods Large Project Authorization Application No. 2021-005342ENX and continued the hearing to July 28, 2022.

On July 28, 2022, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Eastern Neighborhoods Large Project Authorization Application No. 2021-005342ENX.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-005342ENX 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 Eastern Neighborhoods Large Project Authorization as requested in Application No. 2021-005342ENX, 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 demolition of an existing 36-foot tall warehouse and parking lot and construction of a seven story, 75-foot tall residential building containing 218 Group Housing dwelling units (including 35 units provided on-site as affordable housing units). The Project will be 83,918 square feet, including a 3,127 square foot commercial space, an underground parking garage with 26 spaces, 218 Class 1 bike parking spaces, approximately 7,600 square feet of communal amenity space and a 6,200 square foot roof deck. 24 of the units have private decks.
3. **Site Description and Present Use.** The Project is on an approximately 17,875 square foot parcel with a 65-foot frontage on Bryant Street and 275-foot frontage on Langton Street. The Project Site contains a 1-story, 36-foot tall vacant warehouse and a surface parking lot. There are no commercial tenants currently on site.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the UMU Zoning District in the Showplace Square/Potrero Hill Area Plan and the SoMa Pilipinas Filipino Cultural District. The neighborhood is mixed in character, with residential, commercial, and PDR (production, distribution, and repair) uses. It is across the street from the 80 freeway and is between the 8th Street on-ramp and the 7th Street off-ramp. Buildings on the surrounding blocks include industrial warehouses, office buildings, and multi-family housing developments. The Hall of Justice is located a block away, there is an array of entertainment destinations in the area like nightclubs, Oracle Park, and bars and restaurants, and scenic waterfront parks including Mission Creek Channel and the Embarcadero are within comfortable walking and biking distance. The Project Site is at the juncture of the South of Market, Potrero Hill, Mission Bay, and the Mission neighborhoods and is near the borders of the Western SoMa and Central SoMa Area Plans, the Leather & LGBTQ Cultural District, and the SoMa Youth and Family Special Use District. This location at the center point of multiple neighborhoods is ideal for tenants to access a diversity of amenities, jobs, and services.
5. **Public Outreach and Comments.** To date, the Department has received 12087 letters of support and seven-ten letters of opposition to the Project. Supporters referenced the housing shortage and the need for affordable housing in particular, the benefits of activating a vacant property, the array of amenity spaces for residents, and the transit accessibility for the project site. The Greenbelt Alliance and YIMBY Law haves endorsed the project. All letters of opposition came from neighboring tenants within an HOA on Langton Street and expressed opposition to the project for reasons including shadows on their homes, increased traffic on Langton Street, an over-supply of housing with high vacancy rates in the area, and construction and environmental impacts.
 - A. The Sponsor hosted a Pre-Application meeting on April 28, 2021, which 8 people attended. Questions were raised about the building height, the types of people who will live in the building, increased homelessness in the area, and traffic impacts.

B. Since January, the Project Sponsor has had meetings with the SoMa Pilipinas Filipino and Leather & LGBTQ Cultural Districts and has had meetings and been in regular correspondence with neighbors and an HOA across Langton Street.

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.** Per Planning Code Section 843 states that group housing units are principally permitted within the Urban Mixed Use (UMU) Zoning District.

The Project would construct one new residential building containing 218 group housing units, which is principally permitted.

The Project Application was accepted July 30, 2021 and an a Preliminary Housing Development Application (SB 330) was submitted with the Preliminary Project Application (2021-00135PPA) on February 4, 2021. Therefore, the Project is exempt from Ordinance 50-22 (Planning Code – Group Housing Definition) and the subsequent Planning Code amendments which were approved by the Board of Supervisors and Mayor Breed and went into effect on April 30, 2022. The Project is exempt from physical regulations prohibiting cooking facilities in individual group housing units, requiring a minimum amount of internal common space, and requiring a minimum amount of communal kitchens; as well as operational regulations that require group housing units to be rented for a minimum of 30 days. The Project is proposing rental units so the new prohibition of on-site affordable units as ownership tenures is not relevant.

B. **Residential Density.** The UMU Zoning District utilizes form-based density, which regulates residential density by the maximum permitted building volume rather than as a ratio of units to lot area.

The Project would construct one new residential building containing 218 group housing units, which is principally permitted. The Project utilizes State Density Bonus Law to receive a bonus density of up to 50%. As UMU Zoning District is form based, the base density and bonus density are represented by gross floor area. The Project Site has a base density of 67,571 gross residential square feet, and is therefore entitled to a density bonus of 33,786 square feet, for a maximum of 101,478 square feet of residential use. The Project contains approximately 101,478 gross residential square feet, equaling a 50% bonus.

C. **Rear Yard.** Planning Code Section 134 requires properties in the UMU Zoning District to maintain a rear yard area equivalent to 25% of the lot depth on the lowest story containing a dwelling unit and at each succeeding story of the building.

The Project Site is a rectangular lot with a small notch on the eastern corner; it is approximately 65 feet wide and 276 feet. The Project Sponsor has chosen to use the Langton Street as the front of the property, thereby requiring a rear yard equivalent to 16-feet 4-inches at all stories containing dwelling units. The proposal would locate a seven-story building within 10-feet of the rear property line. The Project is requesting an incentive/concessional waiver from the requirements of Planning Code Section 134 per State Density Bonus Law. The waiver of rear yard requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

~~The incentive/concession of rear yard requirements would result in cost reductions to provide for affordable housing costs of the Project with increased density provided by Government Code Section 65915(f).~~

- D. **Useable Open Space.** Planning Code Section 135 requires properties within Eastern Neighborhoods Mixed Use districts to either have 80 square feet of private usable open space or 54 square feet of common usable open space per group housing unit. The minimum amount of usable open space provided for each bedroom in a group housing unit shall be one-third the amount required for a dwelling unit as specified in Table 135B.

The Project is in the UMU Zoning District and contains 218 group housing units, including 24 with private, 35-square-foot decks. To comply, the Project must provide 5,035 +10,932 square feet of common open space (11,7725,886 square feet of common space minus the 85140 square feet of private decks). The Project includes 8,421 square feet of usable open space which exceeds the minimum requirement amount, and is therefore seeking a waiver from this requirement per the State Density Bonus Law. The waiver of open space requirements 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 or public alley at least 20 feet in width, a side yard at least 25 feet in width, or a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions.

107 of the proposed group housing units face on Langton Street and 5 face onto Bryant Street, both of which are qualifying public streets. 106 units face onto the non-compliant rear yard which is only 10-feet deep and therefore does not meet the requirements for dwelling unit exposure, therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of exposure requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- F. **Off-Street Parking.** Planning Code Section 151 does not require a minimum number of off-street parking spaces and permits a maximum of 1.5 parking space for each dwelling unit.

The Project will provide 24 off-street parking spaces within the proposed garage, which is below the maximum of limit of 327 parking spaces.

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

The Project includes approximately 101,478 square feet of residential use and requires one off-street freight loading space. No freight loading spaces are proposed, therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of off-street freight loading requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- H. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space per

four group housing beds and two Class 2 spaces for every 100 group housing beds.

The Project proposes 218 Class 1 bicycle parking spaces within a bicycle parking room and 8 Class spaces, which is above the minimum requirement of 49 Class 1 and 6 Class 2 bicycle parking spaces.

- I. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has an approximately 65-foot frontage along Bryant Street and 276-foot frontage along Langton Street. The building lobby, a commercial space, mechanical access points, and access to the parking garage are along Langton Street, achieving compliance with the active frontage requirement. There is no active use or pedestrian access along the Bryant Street frontage. The Project is proposing a basement level amenity space with a triple height ceiling and the ground floor frontage along Bryant Street has glass walls behind a landscape area that extends from 3 to 8 feet. Therefore, the Project is requesting an incentive/concession from this requirement of Planning Code Section 145.1 per State Density Bonus Law. ~~The incentive/concession of rear yard requirements would result in cost reductions to provide for affordable housing costs of the Project with increased density provided by Government Code Section 65915(k) as evidenced in concession justification submitted March 30, 2022.~~

- J. **Ground Floor Ceiling Height.** Planning Code Section 145.1 requires that the ground floor ceiling height for buildings in the UMU Zoning District shall have a minimum floor-to-floor height of 17 feet, as measured from grade.

The Project is approximately 75-feet tall and has an approximately 12-foot ground floor ceiling which is less than the required 17-foot minimum. The height saved from the reduced ground flooring ceiling creates space to allow for the seventh floor and its additional 37 group housing units. Compliance with the ground floor ceiling height would preclude the construction of the 50% increase in unit density; therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of height requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- K. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 48-X Height and Bulk

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District.

The building is approximately 75 feet tall which exceeds the height limit of the 48-X Height and Buk District. Compliance with the height limit would preclude the construction of the 50% increase in unit density; therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of height requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- L. **Horizontal Mass Reduction.** Planning Code Section 270.1 outlines the requirements for horizontal mass reduction on large lots within the Eastern Neighborhoods Mixed Use Districts. For projects with street frontage greater than 200-ft in length, one or more mass reduction breaks must be incorporated to reduce the horizontal scale of the building into discrete sections not more than 200-ft in length. Specifically, the mass reduction must 1) be not less than 30-ft in width; 2) be not less than 60-ft in depth from the street-facing building façade; 3) extend up to the sky from a level not higher than 25-ft above grade or the third story, whichever is lower; and, 4) result in discrete building sections with a maximum plan length along the street frontage not greater than 200-ft.

The Project Site has an approximately 266 foot long frontage along Langton Street, therefore the Project is required to provide a single horizontal mass break which is not less than 30-ft wide by 60-ft deep, and extends from the third-story up to the sky. The Project is not providing this break. Compliance with the horizontal mass reduction would preclude the construction of the 50% increase in unit density; therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of height requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- M. **Narrow Streets and Alleys.** Planning Code Section 261.1 requires all all Subject Frontages to have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting Narrow Street.

The Project has a 266-foot long frontage along Langton Street which is 40-feet wide and therefore qualifies as a narrow street. Therefore the Project is required to progressively step-back the upper floors, which it is not proposing to do. Compliance with the narrow streets and alleys setbacks would preclude the construction of the 50% increase in unit density; therefore the Project is seeking a waiver from this requirement per the State Density Bonus Law. The waiver of height requirements is necessary to enable the construction of the Project with the increased density provided by Government Code Section 65915(f)(2).

- N. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any residential development that results in at least twenty new residential units.

The Project includes approximately 101,478 gross square feet of newly constructed residential use and is subject to the Transportation Sustainability Fee. This fee must be paid prior to the issuance of the building permit application.

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

The Project includes approximately 101,478 gross square feet of newly constructed residential use and is subject to the Residential Child-Care Impact Fee. This fee must be paid prior to the issuance of the building permit application.

- P. **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.

The Project submitted a compliant TDM plan. As currently proposed, the Project will achieve its required 16 points through the following TDM measures:

- Bicycle Parking (Option A)
- On-Site Affordable Housing (Option C)
- Unbundled Parking (Location C)
- Parking Supply (Option I)

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's mass and scale are appropriate for the surrounding context. The existing SoMa neighborhood is a high-density downtown neighborhood with a mixture of low- to mid-rise development containing commercial, office, industrial, and residential uses, as well as several undeveloped or underdeveloped sites, such as surface parking lots and single-story commercial buildings. The Project's massing has been designed to respect the scale and character of the evolving Central SoMa neighborhood, including the development of nearby towers on other Key Sites as contemplated under the Central SoMa Area Plan. The height of the Project is appropriate given the proximity to taller buildings in the area such as the Hall of Justice and the immediately adjacent blocks that are in the 68-X Height and Bulk District.*
- B. **Architectural treatments, facade design, and building materials.** *The Project's architectural treatments, facade design, and building materials include: cement plaster siding in different colors to highlight the vertical sections of bay windows, perforated metal screen detailing over the front stairwell, and an inset facade with contrasting materials and colors that highlight the sidewalk experience. The Project is contemporary in its character and utilizes contrasting materials to break up the facade and provide a pedestrian scale. Overall, the Project offers high-quality architectural treatment that emphasizes its corner location, which provides for a unique and expressive design that is consistent and compatible with the buildings in the surrounding neighborhood.*
- C. **The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access.** *The Project's ground floor is has residential communal spaces, a commercial tenant space, and allowable mechanical and parking access points. The lower two floors are inset and use contrasting colors and vertical striping to visually differentiate them from the upper residential floors. The Bryant Street*

frontage does not include any direct pedestrian access and is a glassy façade into the void above the basement amenity space. The Project Sponsor is seeking a concession or incentive to allow this design as allowed under the State Density Bonus Program.

- 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 open spaces for 24 of the units and common open spaces on both the roof and off the basement community amenity space. The 851 square feet of private open space and 7,570 square feet of common open space substantially exceed amount required for group housing within the Urban Mixed Use zoning district. The Project is also seeking a usable open space waiver for the amount of usable open space because it does not meet code requirements.*
 - 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 code-complying mid-block alley pursuant to Planning Code Section 270.2.*
 - F. Streetscape and other public improvements, including tree planting, street furniture, and lighting. *Per Planning Code Section 138.1, the Project includes new streetscape elements, such as a widened sidewalk, lighting, bike racks, landscape features, and new street trees. The building is set back from the property lines along both Langton and Bryant Streets to help create additional space for comfortable sidewalks. These improvements will 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. Loading access is limited to the secondary street, Langton Street.*
 - H. Bulk limits. The Project Site is within the 48-X Height and Bulk District, X Bulk Districts do 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. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program ("Program"). Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. For the Project to be eligible for the On-Site Affordable Housing Alternative, the Project must submit an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" to the Planning Department stating that the Project is a Rental Housing Project and any Affordable Units will remain as affordable for the life of the project.

The Project Sponsor has elected the On-Site Affordable Housing Alternative under Planning Code Sections 415.5 and 415.6 and will satisfy the requirements of the Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. The Project Sponsor submitted an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" on December 17, 2021. A Project Application was accepted on June 29, 2021. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 21% of the base project units as affordable, with a minimum of 12% of the units affordable to low income households, 4.5% of the units affordable to moderate-income households, 4.5% of the units affordable to middle-income households. In addition, since the Project is seeking a 50% bonus, an additional 4 units or 3% are required per State Density Bonus Law. All units are group housing units so 100% of the on-site affordable units will also be group housing units. If the Project becomes ineligible to meet its Program obligation through the On-site Affordable Housing Alternative, it must elect another Alternative or pay the Affordable Housing Fee with interest, if applicable. Additional Information is available in the table below.

PRJ/EEA Accepted Date	06/29/2021
Project Tenure	Rental
Zoning District / Plan Area	Urban Mixed Use / Showplace Square/Potrero Hill Area Plan
Project Size	Large Project - 25 or more total units
On Site Rate	24% to comply with SDB program (21% required under the City's Inclusionary Program)
Fee Rate	30%
Total On-Site Affordable Units	35
AMI Levels	3% at Low Income for State Density Bonus Law (50% AMI: State Requirement) 12% at Low Income (55% AMI: Inclusionary Program) 4.5% at Moderate Income (80% AMI: Inclusionary Program) 4.5% at Middle Income (110% AMI: Inclusionary Program)
Affordable Unit Mix	Group Housing Units
Total Residential Floor Area	101,478
Base Residential Floor Area or Base Units (SDB only)	67,671
% Density Bonus	50%

9. Individually Requested State Density Bonus Findings. Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession, or Waiver for any Individually Requested Density Bonus Project:

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

The Project consists of five or more dwelling units on a site in the UMU Zoning District that is currently developed as a single-story warehouse and surface parking lot with no existing residential units on site.

Therefore, eligible for the Individually Requested Density Bonus Program.

The base density study for the project includes 146 group housing units. The Project provides at least 15% of the dwelling units in the base density study (22 units) as affordable to low income households, defined as those earning 50% of area median income, and is therefore entitled to a 50% density bonus under California Government Code Sections 65915 et sec.

- 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 is seeking ~~two one~~ incentives and concessions for the ~~Rear Yard and Active Street Frontages~~ requirements. ~~Under Planning Code Section 134, the Project is required to provide a rear yard equal to 25% of the lot depth on the lowest story containing a dwelling unit and at each succeeding story of the building.~~

~~The Project Sponsor has chosen to use the Langton Street as the front of the property and is proposing to locate a seven-story building within 10 feet of the rear property line. Compliance with the rear yard requirement would result in a reduced building depth from about 60.5 feet to 53.75 feet, which would make it challenging to maximize density by having a double-stacked hallway with vertically oriented group housing units. The average group housing unit size would decrease from about 390 square feet to 316 square feet which would be less desirable for tenants and could result in financial impacts from adjusted rental rates. As such, a concession from the Rear Yard requirements of the Planning Code decreases financial burdens for the project.~~

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~~The Project also seeks an incentive and concession for the Active Street Frontage requirement. Under Planning Code Section 145.1(b)(2). The Project is required to provide active uses for the first 25-feet of building depth on the ground floor and they must "have access directly to the public sidewalk or street." If it is less than 25-feet deep and/or there is no direct sidewalk access an otherwise compliant use, such as community room for building residents, does not count. The Project Sponsor is proposing a community room in the basement level that has a triple-height ceiling. This is not compliant along the Bryant Street frontage because there is no direct access from the sidewalk and the triple-height space results in there being 0-feet of active use space at the ground level along the Bryant Street façade.~~

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The Department discussed design alternatives with the Project Sponsor, such as providing an entrance, landing, and stairs into the basement level amenity space, elevating the amenity space to the ground floor, or adding another Code-compliant amenity space on the ground. The Project Sponsor provided a fiscal breakdown explaining why the amenity space could not be redesigned to be compliant. The Project Sponsor stated that the direct costs to add an ADA compliant entrance, including a landing or floor-area large enough to count as usable amenity space, elevators, and a staircase would be about \$75,000. The Project is therefore seeking a concession and incentive to build the permitted density bonus without the required active ground floor use because it would trigger additional construction costs, evidenced in the concession justification submitted on March 30, 2022.

- 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.

In order to achieve the proposed residential density, the Project is requesting seven waivers from development standards, including: Usable Open Space (Sec. 135), Dwelling Unit Exposure (Sec. 140), Rear Yard Setback (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1(c)(4)), Off Street Freight Loading spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1). Without the waivers, the Project will be physically precluded from constructing the additional dwelling units represented by 101,478 square feet of residential use, as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 50% density bonus.

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Without the additional height, relief from massing regulations such as the required rear yard, narrow street controls, ground floor ceiling height, and horizontal mass reduction, and relief from the dwelling unit and amenity standards like off-street freight loading, usable open space, and dwelling unit exposure, the Project would not be able to achieve its allowed 50% density bonus under the State Density Bonus Program.

- 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 Density Bonus for the Project is not based on any donation of land.

- E. If the Density Bonus or Concession/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.

- 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 3,127 square feet of retail use at the ground floor and is principally permitted in the UMU Zoning District. As it is principally permitted in the UMU Zoning District, this does not constitute a Concession or Incentive under Government Code Section 65915(k)(2).

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10. **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 1.2

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

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

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

Policy 4.4

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

Policy 4.5

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

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.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3

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

Policy 3.2

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

SHOWPLACE SQUARE/POTRERO HILL AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.2

IN AREAS OF SHOWPLACE/POTRERO 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.

OBJECTIVE 2.1

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE SHOWPLACE / POTRERO IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

Policy 2.1.1

Require developers in some formally industrial areas to contribute towards the City's very low, low, moderate and middle income needs as identified in the Housing Element of the General Plan.

OBJECTIVE 3.2

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

Policy 3.2.1

Require high quality design of street-facing building exteriors.

Policy 3.2.3

Minimize the visual impact of parking.

Policy 3.2.5

Building form should celebrate corner locations.

The Project is a high-density residential development, providing 218 new group housing units in a mixed-use area of South of Market. The Project would maximize residential density on the site by utilizing the State Density Bonus Program and include 35 on-site affordable housing units for rental, which contributes to the City's housing stock and assists in meeting the City's affordable housing goals.

The Project is located in close proximity to local and regional public transportation options and neighborhood business districts. The Project will demolish an existing vacant warehouse and surface parking lot and reactivate the corner. As a group housing project, many residents will be single people and young professionals. There is an array of entertainment destinations in the area like nightclubs, Oracle Park, and bars and restaurants, and scenic waterfront parks including Mission Creek Channel and the Embarcadero are within comfortable walking and biking distance. The Project Site is at the juncture of the South of Market, Potrero Hill, Mission Bay, and the Mission neighborhoods and is near the borders of the Western SoMa and Central SoMa Area Plans, the Leather & LGBTQ Cultural District, and the SoMa Youth and Family Special Use District. This location at the center point of multiple neighborhoods is ideal for tenants to access a diversity of amenities, jobs, and services.

The Project design is contemporary and responsive to the neighborhood character. The Project provides an articulated front facade with windows, bays, and entries compatible with proportions of the surrounding buildings, and a pedestrian friendly ground floor with recessed residential entries. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

11. **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 currently contains a vacant single-story warehouse and surface parking lot, no existing businesses will be displaced. The Project provides 218 new group housing units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

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

The project site does not possess any existing housing. The Project would provide 218 new group housing units, thus resulting in an overall increase in the neighborhood housing stock. The Project is expressive in design and highlights its prominent corner location. 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 35 below-market rate group housing 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 local and regional public transportation options. The Project is within walking distance of the CalTrain Station at Fourth and King Streets and also provides sufficient bicycle parking for residents.

- 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. Although the Project would demolish an existing vacant warehouse, the Project does provide new housing which is a 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 constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve 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 does not cast a shadow on public parks or open space.

- 12. 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.

Draft Motion
Hearing Date: July 28, 2022

RECORD NO. 2021-005342ENX
925 Bryant Street

13. 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.
14. The Commission hereby finds that approval of the Eastern Neighborhoods Large Project Authorization would promote the health, safety and welfare of the City.

Draft Motion
Hearing Date: July 28, 2022

RECORD NO. 2021-005342ENX
925 Bryant Street

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 Eastern Neighborhood Large Project Authorization Application No. 2021-005342ENX** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 23 2022, 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 improvement and mitigation measures identified in the Eastern Neighborhoods Area Plan EIR and contained in the MMRP are included as Conditions of Approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329 Eastern Neighborhoods 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 July 28, 2022.

Jonas P. Ionin
Commission Secretary

AYES:
NAYS:
ABSENT:

Draft Motion
Hearing Date: July 28, 2022

RECORD NO. 2021-005342ENX
925 Bryant Street

Page 1 of 1
Meeting Date: July 28, 2022

RECUSED:

ADOPTED: July 28, 2022

That said, after the Board has reviewed the information
contained in the draft motion, it is recommended that the
Board approve the draft motion and the Board's
Application Application No. 2021-005342
is a general recommendation with the intent to
inform the Board of the information available to the
Board and the Commission's findings.
The Board and Commission should consider the
findings of the draft motion and the Board's
recommendation and take the appropriate
action.

APPEAL AND EFFECTIVE DATE OF MOTION
The Board should take action on the draft
motion. The effective date of the Board's
action is the date of the Board's
action. The Board should take action on the
draft motion on or before the date of the
Board's action.

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EXHIBIT A

Authorization

This authorization is for an Eastern Neighborhoods Large Project Authorization to construct a new seven story, 75-foot tall residential building containing 218 groups housing units under the Individually Requested State Density Bonus Program. The Project requests waivers from ~~Usable Open Space (Sec. 135)~~, Dwelling Unit Exposure (Sec. 140), ~~Rear Yard Setback (Sec. 134)~~, Ground Floor Ceiling Height (Sec. 145.1(c)(4)), Off Street Freight Loading spaces (Sec. 152.1), Height Limit (Sec. 260), Narrow Street Controls (Sec. 261.1), and Horizontal Mass Reduction (Sec. 270.1) and ~~two one~~ concessions/incentives for ~~Rear Yard Setback (Sec. 134)~~ and Active Street Frontages (Sec. 145.1(b)(2)) requirements pursuant to the State Density Bonus Law. The Project is located at 925 Bryant Street, Block 3780 and Lot 077, within the Urban Mixed Use zoning district and 48-X Height and Bulk district; in general conformance with plans dated March 23, 2022, and stamped "Exhibit B" included in the docket for Record No. 2021-005342ENX and subject to conditions of approval reviewed and approved by the Commission on July 28, 2022 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 July 28, 2022 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 Eastern Neighborhoods Large Project Authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Eastern Neighborhoods 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.sfpplanning.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.sfpplanning.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.sfpplanning.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.sfpplanning.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 attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

For information about compliance, contact Code Enforcement, Planning Department at 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 628.652.7313, 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 628.652.7313, www.sfplanning.org

9. **Laundry Facilities.** The Project Sponsor shall provide sufficient on-site laundering access for residential occupants through on-site communal laundry facilities, individual in-unit laundry hook-ups, or some combination thereof.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7313, www.sfplanning.org

10. **Cooking Facilities.** Each group housing unit shall have a combination microwave/convection oven that is determined by the Zoning Administrator to be compliant with the Zoning Administrator Interpretation for "Group Housing with Limited Cooking Facilities" from October, 2005.

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- 10.11. **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

11.12. 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 628.652.7313, www.sfplanning.org

12.13. 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: within the building frontage along Langton Street and is compliant with purpose and regulations of Planning Code Section 145.1. 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

13.14. 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

14.15. 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

15.16. 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

16-17. 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

17-18. Car Share. Pursuant to Planning Code Section 166, no fewer than two (2) 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

18-19. Bicycle Parking. The Project shall provide no fewer than 218 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

19-20. Parking Maximum. Pursuant to Planning Code Section 151 or 151.1, the Project shall provide no more than twenty-six (26) off-street parking spaces.

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

20-21. 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

21-22. 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 628.652.7313, www.sfplanning.org

22-23. 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

23-24. 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 628.652.7313, www.sfplanning.org

24-25. Jobs-Housing Linkage. The Project is subject to the Jobs Housing Linkage Fee, as applicable, pursuant to Planning Code Section 413.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7313, www.sfplanning.org

25-26. 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 628.652.7313, www.sfplanning.org

26-27. Inclusionary Affordable Housing Program. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the

requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of the Site Permit.

For information about compliance on any of the Conditions noted below, contact the Planning Department at 628-652-7600 or at www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, or at www.sfmohcd.org

27-28. State Density Bonus Regulatory Agreement. Recipients of development bonuses under this Section 206.6 shall enter into a Regulatory Agreement with the City, as follows.

- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
- B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Project.
- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
 - i. The total number of dwelling units approved for the Project, including the number of Restricted Affordable Units;
 - ii. A description of the household income group to be accommodated by the Restricted Affordable Units and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), the project sponsor must commit to completing a market survey of the area before marketing Restricted Affordable Units;
 - iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the Restricted Affordable Units;
 - iv. Term of use restrictions for the life of the project;
 - v. A schedule for completion and occupancy of Restricted Affordable Units;
 - vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
 - vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement); and
 - viii. Other provisions to ensure implementation and compliance with Section 206.6.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org

28-29. Number of Rental Units in a State Density Bonus Project. The Project Sponsor has elected the Combination Alternative pursuant to Planning Code Section 415.5. The applicable on-site rate is 21% and the Affordable Housing Fee rate is 30%. The Sponsor has satisfied 67.4% of the Inclusionary Obligation by providing 31 Affordable Units on-site, which represents 21% of the 146-unit base project. In addition, in order to achieve a 50% bonus, the Project is providing an additional four units or 3% at 50% AMI. 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"). The Sponsor will satisfy the remaining 32.6% of the Inclusionary Obligation through payment of the Affordable Housing Fee. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.

29-30. Unit Mix. The Project contains 218 group housing units and no studios, one-bedrooms, two-bedrooms, or three-bedroom units. If the overall unit mix of the Project changes, the affordable unit mix will be modified accordingly with written approval from the Planning Department in consultation with MOHCD.

30-31. Unit Tenure. The project is a Rental Housing Project as defined in Section 415.2. If the Project seeks to convert from a Rental Housing Project to an Ownership Housing Project, the Project shall require Planning Commission approval pursuant to Planning Code Section 415.5(g)(5). Conversion from a Rental Unit to an Owned Unit shall follow the procedures set forth in the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), as amended from time to time.

If a Rental Housing Project becomes an Ownership Housing Project, 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 Ownership Housing Projects, 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 Ownership Housing Projects. 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 as specified in Planning Code Section 415.

31-32. Mixed Income Levels for Affordable Units. Pursuant to Planning Code Section 415.3, the Project is required to provide 21% of the proposed dwelling units as Affordable to Qualifying Households. At least 12% must be affordable to low-income households, at least 4.5% must be affordable to moderate income households, and at least 4.5% must be affordable to middle income households. In addition, the Project is providing an additional 3% or four units at 50% AMI to qualify for a 50% bonus under State Density Bonus Law. Rental Units for low-income households shall have an affordable rent set at 55% 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.

	Number of Units	Affordable Rent AMI	Household AMI Eligibility
Very Low Income Units			
Low Income Units	18	55%	Up to 65%
Moderate Income Units	7	80%	65% - 90%
Middle Income Units	6	110%	90% - 130%

The Affordable Units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households with income not to exceed 50% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% of AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for Affordable Units under the Inclusionary Affordable Housing Program. After such Density Bonus Law units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to (55) percent of Area Median Income under the Inclusionary Affordable Housing Program, using income table published by MOHCD called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco," and shall remain affordable for the remainder of the life of the Project. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. The remaining units being offered for rent shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and (iv) recertification are set forth in the Procedures Manual.

32.33. Occupancy of Middle Income Units. For any Affordable Units with rents set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons.

33.34. Minimum Unit Sizes. Pursuant to Planning Code Section 415.6(f)(2), the Affordable Units shall meet the minimum unit size 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 overall project, provided that a 10% variation in floor area is permitted.

- 34-35. Notice of Special Restrictions.** Prior to the issuance of the architectural addendum or twelve months prior to the first certificate of occupancy, whichever is earlier, the Project Sponsor shall record a Notice of Special Restrictions 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 comply with Zoning Administrator Bulletin No. 10 or any other affordable housing designation standards published by the Planning Department and updated periodically. The Project Sponsor shall provide a copy of the recorded Notice of Special Restrictions to the Planning Department and MOHCD or its successor prior to the issuance of the architectural addendum. If a Project does not anticipate an architectural addendum, then the Notice of Special Restrictions shall be recorded prior to the issuance of the Building Permit. Following the designation of affordable units, changes to the overall residential square footage or to any unit within the Project require written approval from the Planning Department in consultation with MOHCD who will determine if the changes are consistent with Zoning Administrator Bulletin No. 10.
- 35-36. Construction Timeline.** Prior to the issuance of the Site Permit, the Project Sponsor shall submit an estimated construction timeline to the Department in accordance with Section 415.6(g).
- 36-37. Phasing.** If any building permit is issued for partial phasing of the Project, the Project shall have designated not less than twentyone percent (21%) of each phase's total number of dwelling units as on-site affordable units.
- 37-38. Duration.** Under Planning Code Section 415.8, all units are constructed pursuant to Section 415.6, and therefore must remain Affordable to Qualifying Households for the life of the project.
- 38-39. 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.
- 39-40. Modification of Elected Alternative.** Pursuant to Planning Code Section 415.5(g)(3), any proposed change from the on-site alternative to another alternative, including the Affordable Housing Fee, requires public notice for hearing and approval from the Planning Commission to amend these Conditions of Approval.
- 40-41. 20% below market rents.** Pursuant to PC Section 415.6, the maximum affordable rents shall be no higher than 20% below market rents for the neighborhood within which the project is located, which shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood rents and sales prices on an annual basis.
- 41-42. Procedures Manual.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"), as amended from time to time. The Procedures Manual 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: <https://sfmohcd.org/inclusionary-housing-program-manuals>

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 initial rental, re-rental, and recertification.

- a) Comparability. 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 floor plates; (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the project; and (4) be maintained in the same manner as the market units. The interior features in Affordable Units should be generally the same as those of the market units in the 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 Zoning Administrator Bulletin No. 10 and the Procedures Manual. Any material changes to an affordable unit following recordation of the Notice of Special Restrictions (referenced in Section 10) requires written approval from the Planning Department in consultation with MOHCD
- b) Tenure. The project is a Rental Housing Project. Therefore, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and (iv) recertification for the Affordable Units are set forth in the Procedures Manual.
- c) Marketing. 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 shall submit a request for pricing determination from MOHCD at least eight months prior to first certificate of occupancy.
- d) Parking. The 24% of the total number of parking spaces leased to residential tenants in the Project shall be made available to renters of Affordable Units according to the Procedures Manual.

42-43. Compliance. If the Project 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 the Project's compliance. The Planning Department, MOHCD and City Attorney's Office may also enforce against violations of the Inclusionary Affordable Housing program. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the Project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

43-44. Eastern Neighborhoods Infrastructure Impact Fee. The Project is subject to the Eastern Neighborhoods

Infrastructure Impact Fee, Tier 1, as applicable, pursuant to Planning Code Section 423.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7313, www.sfplanning.org

Monitoring - After Entitlement

44-45. 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

45-46. Monitoring. The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

46-47. 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

47-48. 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.sfpublishworks.org

48-49. 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

49-50. 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

