

Received at CPC Hearing

E. Jardines

10/19/17

Mark Brecke has been documenting the stories of individuals victimized by war, ethnic conflict, and genocide over the last 20 years in Cambodia, Vietnam, Rwanda, Kosovo, Iraq, Darfur, West Bank, and Somalia. His work is in the public collection of the U.S. Holocaust museum in Washington DC and the Museo of memory in tolerance in Mexico City. Solo and group multimedia exhibitions of his photography and films have been exhibited in the Hammer Museum in Los Angeles, Toronto International Film Festival and Institute of Contemporary Art in Boston. Mark's first feature documentary film *They Turned Our Desert into Fire*, had its world premiere in 2007 at the 31st Sao Paulo International Film Festival where it won the International Jury Prize for Best Documentary. The film won "Best Feature – Human Rights" award at the 2008 Artist Film Festival in Los Angeles. The film received a grant from Humanity United to start its production.

Emerging from the film community in San Francisco, Brecke studied cinema at City College of San Francisco with Phillip Greene (apprentice of Ansel Adams and assistant to Dorothea Lange), and continued his studies at UC Berkeley with found-footage filmmaker, Craig Baldwin.

Brecke was based in Kenya for two years developing a new project in Somalia.

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12. Sure

10/19/17



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: JULY 27/OCTOBER 19, 2017

Case No.: 2013.0975ENX
Project Address: 888 Tennessee Street
Zoning: UMU (Urban Mixed-Use) Zoning District;
45-X Height and Bulk District;
Dogpatch Landmark District
Block/Lot: 4060/001 and 004
Project Sponsor: Melinda Sarjapur, Reuben, Junius and Rose, LLP
One Bush Street, Ste. 600
San Francisco, CA 94104
Staff Contact: Richard Sucre – (415) 575-9108
richard.sucre@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) PERMITTED OBSTRUCTIONS, PURSUANT TO PLANNING CODE SECTION 136, 3) STREET FRONTAGE, PURSUANT TO PLANNING CODE SECTION 145.1, 4) OFF-STREET LOADING, PURSUANT TO PLANNING CODE SECTION 152.1, AND 5) MEASUREMENT OF HEIGHT, PURSUANT TO PLANNING CODE SECTION 260, TO ALLOW CONSTRUCTION OF A NEW FOUR-STORY-WITH-BASEMENT MIXED-USE BUILDING (MEASURING APPROXIMATELY ~~111,442~~112,733 GROSS SQUARE FEET) WITH 110 DWELLING UNITS (CONSISTING OF 16 STUDIOS, 47 1-BEDROOM UNITS, 39 2-BEDROOM UNITS, AND 8 3-BEDROOM UNITS), 5,472 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND 83 OFF-STREET PARKING SPACES, LOCATED AT 888 TENNESSEE STREET, LOTS 001 AND 004 IN ASSESSOR'S BLOCK 4060, WITHIN THE DOGPATCH LANDMARK DISTRICT, UMU (URBAN MIXED-USE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 6, 2014, Melinda Sarjapur of Reuben, Junius and Rose, LLP (hereinafter "Project Sponsor"), on behalf of 888 Tennessee Partners, LLP (Property Owner), filed Application No. 2013.0975ENX (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project

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Authorization to construct a new four-story mixed-use building with 110 dwelling units and 5,472 square feet of ground floor commercial space at 888 Tennessee Street (Block 4060 Lots 001 and 004) in San Francisco, California.

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

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

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

On January 23, 2017, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2013.0975ENX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On ~~July 27~~ October 19, 2017, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2013.0975ENX.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2013.0975ENX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located across two parcels (collectively measuring approximately 39,650 square feet) located at the northwest intersection of Tennessee and 20th Streets. The subject parcel has 198.25-ft of frontage along Tennessee Street, 200-ft of frontage along 20th Street, and 198.25-ft of frontage along Tennessee Street. Currently, the subject lot contains a two-story industrial building that measures approximately 38,520 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Dogpatch Landmark District along a mixed industrial-residential corridor within the Central Waterfront Area Plan. The immediate neighborhood to the north is 701 Minnesota Street, which is a three-story former warehouse that has been converted into live/work condominiums. The project site is located directly across from Espirit Park (to the west) and is located one block away from 3rd Street, which is a transit corridor for the Muni T-Line. Along this portion of 3rd Street are a series of smaller-scale commercial and industrial properties. Along Tennessee Street further south are a number of smaller-scale residential properties, which start mid-block and demarcate the Dogpatch Landmark District. Other zoning districts in the vicinity of the project site include: P (Public); RH-2 (Residential, House, Two-Family); RH-3 (Residential, House, Three-Family) and, PDR-1-G (Production, Distribution and Repair-General).

4. **Project Description.** The Project entails the demolition of the existing two-story industrial building, and the new construction of a four-story-with-basement (45-ft tall) mixed-use building with approximately ~~411,442~~112,733 gross square feet (gsf). The Project includes 110 dwelling units, which consists of eight three-bedroom units, 39 two-bedroom units, 47 one-bedroom units, and 16 studios. The Project also includes 5,472 gsf of ground floor commercial use, 83 off-street parking spaces, 1 car-share parking space, 110 Class 1 bicycle parking spaces, and 34 Class 2 bicycle parking spaces. The Project incorporates approximately 1,985 sq ft of publically-accessible open space along 20th Street, a common area on the ground floor measuring approximately 5,567 sq ft, and a series of private decks. In addition, the Project will undertake living alley improvements for the portion of 20th Street, adjacent to the overpass, between Tennessee and Minnesota Streets, as part of their streetscape requirements.
5. **Public Comment.** The Department has received one letter of support from the Dogpatch Neighborhood Association, and has not received any public correspondence against the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in UMU Zoning Districts.** Planning Code Sections 843.20 and 843.45 states that residential and retail uses are principally permitted use within the UMU Zoning District.

The Project would construct new residential and retail uses within the UMU Zoning District; therefore, the Project complies with Planning Code Sections 843.20 and 843.45.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 9,900 sq ft, located along the rear property line.

Currently, the Project occupies a rectangular-shaped corner lot at the northwest intersection of Tennessee and 20th Streets. Since the adjacent property is live/work (a former industrial warehouse), the immediate block does not possess a pattern of mid-block open space.

The Project features a publically-accessible open space and an interior court on the ground floor. The Project provides open space through the interior courtyard (measuring approximately 5,567 sq ft), a series of private balconies (collectively measuring approximately 540 sq ft), private stoops along Minnesota Street, and a publically-accessible open space along 20th Street (measuring 1,985 sq ft)—all of which collectively measure 8,092 sq ft. Thus, the total amount of open space, which would have been provided through the required rear yard (9,900 square feet), is close to the amount that would have been provided in the rear yard. The Project is providing publically-accessible open space, which will assist in enhancing the adjacent living alley. The Project is seeking an exception of the rear yard requirement as part of the Large Project Authorization, since the Project does not a code-complying rear yard (See Below).

- C. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit, if not publically accessible, or 54 sq ft of open space per dwelling unit, if publically accessible. Private useable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sq ft is located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sq ft if located on open ground, a terrace or the surface of an inner or outer court. Common useable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 sq ft. Further, inner courts may be credited as common useable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sq ft in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

In total, the Project exceeds the amount of required open space by constructing: a publically-accessible open space along 20th Street (measuring 1,985 sq ft)—addressing the open space for 36 dwelling units; a series of private balconies (collectively measuring approximately 540 sq ft)—addressing the open space for ten dwelling units; three private stoops along Minnesota Street—addressing open space for three dwelling units; and, an interior courtyard (measuring approximately 5,567 sq ft)—addressing open space for the remaining 61 dwelling units. All of the provided open spaces meet the dimensional requirements of the Planning Code. Overall, the Project complies with Planning Code Section 135.

- D. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan in compliance with the Better Streets Plan for new construction on a lot that is greater than one-half acre in area.

The Project includes the new construction of a four-story-over-basement mixed-use building on a corner lot (collectively measuring 39,650 sq ft) with approximately 198.25-ft of frontage along Minnesota Street, 200-ft of frontage along 20th Street, and 198.25-ft of frontage along Tennessee Street.

In compliance with the Better Streets Plan, the Project minimizes the number of vehicular opening to one along Minnesota Street. The Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street. Therefore, the Project complies with Planning Code Section 138.1.

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

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

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley, side yard or rear yard must be at least 25 ft in width, or an open area (inner court) must be no less than 25 ft in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure either on Minnesota or Tennessee Streets, or along the inner court, which meets the dimensional requirements of the Planning Code. Therefore, the Project complies with Planning Code Section 140.

- G. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets most of the requirements of Planning Code Section 145.1. The off-street parking is located below grade. The Project has only one 11-ft wide garage entrance to the off-street parking located along Minnesota Street. The Project features active uses on the ground floor with walk-up dwelling units with direct, individual pedestrian access to a public sidewalk, and/or ground floor commercial use. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

The Project does not provide a 17-ft tall ground floor ceiling height. Rather, the Project provides a ground floor ceiling height, which ranges from 13-ft 6-in to 14-ft. Therefore, the Project is seeking an exception to the street frontage requirements as part of the Large Project Authorization (See Below).

- H. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of .75 per dwelling unit.

Currently, the Project provides 83 below-grade off-street parking spaces via stackers for the proposed 110 dwelling units. Therefore, the Project complies with Planning Code Section 151.1.

- I. **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 107,183 gsf of new residential use; thus, the Project requires at one off-street freight loading space. The Project is proposing one on-street loading space along Minnesota Street, and does not possess any off-street freight loading within the below-grade garage. Therefore, the Project is seeking an exception to the off-street freight loading requirement as part of the Large Project Authorization.

- J. **Bicycle Parking.** For projects with over 100 dwelling units, Planning Code Section 155.2 requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units above 100, and one Class 2 bicycle parking spaces for every 20 dwelling units.

The Project includes 110 dwelling units; therefore, the Project is required to provide 103 Class 1 bicycle parking spaces and 5 Class 2 bicycle parking spaces. The Project will provide 110 Class 1 bicycle parking spaces and 34 Class 2 bicycle parking spaces, thus exceeding the requirement. Therefore, the Project complies with Planning Code Section 155.2.

- K. **Car Share.** Planning Code Section 166 requires one car-share parking space for projects with 50 to 200 residential units.

Since the Project includes 110 dwelling units, it is required to provide a minimum of one car-share parking space. The Project will provides ~~one-two~~ car-share parking spaces. Therefore, the Project complies with Planning Code Section 166.

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

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

- M. **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 20 points for 5,472 sq ft of ground floor commercial use and 110 dwelling units.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will achieve its required 10 points through the following TDM measures:

- *Unbundled Parking*
- *Bicycle Parking (Option B)*

- Car-share Parking (Option A)
- Multimodal Wayfinding Signage
- On-Site Affordable Housing

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

For the 110 dwelling units, the Project is required to provide at least 44 two-bedroom units or 33 three-bedroom units. The Project provides 16 studios, 47 one-bedroom units, 39 two-bedroom units, and 8 three-bedroom units. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.

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

Based upon a detail shadow analysis, the Project would cast new shadow upon Espirit Park, which is a property under the jurisdiction of the Recreation and Parks Commission. Based upon the recommendation of the General Manager of the Recreation and Parks Department, in consultation with Recreation and Park Commission (See Recreation and Park Commission Resolution No. 1706-014), the net new shadow would not be adverse to the use of Espirit Park. The Commission has adopted findings regarding the impact of shadow on Espirit, as documented in Motion No. XXXXX.

- P. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on December 3, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must

submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and Community Development and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on October 10, 2016. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on December 3, 2013; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15.4% of the total proposed dwelling units as affordable. 17 units (3 studios, 7 one-bedroom, 6 two-bedroom, and 1 three-bedroom) of the total 110 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- Q. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any development, which results in new construction of twenty dwelling units or more.

The Project includes approximately 107,183 gsf of new residential use and 5,972 gsf of new commercial use. These uses are subject to Transportation Sustainability Fee, as outlined in Planning Code Section 411A. This fee must be paid prior to the issuance of the building permit application.

- R. **Residential Child-Care Impact Fee.** Planning Code Section 411 is applicable to any residential development that results in at least one new residential unit.

The Project includes approximately 107,183 gsf of new residential use. This use is subject to Residential Child-Care Impact Fee, as outlined in Planning Code Section 411A. This fee must be paid prior to the issuance of the building permit application.

- S. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the UMU (Urban Mixed-Use) Zoning District that results in the addition of gross square feet of non-residential space.

The Project includes approximately 107,183 gsf of new residential use and 5,472 gsf of new non-residential use. The Project shall receive credit for existing uses on the project site. These uses are

subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- T. **Certificate of Appropriateness.** Planning Code Section 1006 outlines the requirements for a Certificate of Appropriateness for projects involving new construction within a designated landmark district identified in Article 10 of the San Francisco Planning Code.

On July 19, 2017, the Project received a Certificate of Appropriateness from the Historic Preservation Commission (HPC), as outlined in HPC Motion No. XXXX.

7. **Large Project Authorization 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 a large corner lot and the surrounding context, which includes a large three-story former brick warehouse, several smaller-scale industrial properties and larger-scale residential buildings that create a varied street wall. As noted by the Historic Preservation Commission, 888 Tennessee Street appears to be consistent and compatible with the overall form and continuity of the Dogpatch Landmark District with its large rectangular bulk and four-story height. The industrial properties in the surrounding district are one-to-four-stories in height. The Project relates to this overall form, since the Project features a four-story massing and a large blocky massing. Thus, the Project is appropriate and consistent with the mass and scale of the surrounding neighborhood.

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

The proposed project's architectural treatments, facade design and building materials include light and dark brick tile, painted horizontal fiber cement siding, white and dark cement plaster, board textured concrete, and dark anodized aluminum-sash windows. The Project provides for a unique expression along the street, which draws from the residential and industrial language of the surrounding landmark district. The Project divides the architectural treatment into two masses, which are further articulated into three-to-four individual blocks. As noted by the Historic Preservation Commission, 888 Tennessee Street appears to be largely consistent and compatible with aspects of the district's predominant materials, colors and textures. The residential properties in the surrounding district are primarily characterized by painted horizontal rustic wood siding. The industrial properties in the surrounding district are primarily characterized by standard brick masonry (either red brick or yellow brick), reinforced concrete and stucco, which feature a rough textured or smooth appearance in earth tones of red, brown, green, gray and blue. The Project's material palette is consistent with the qualities of the district's characteristics. Overall, the brick tile relates to the traditional red brick found among several of the historic industrial properties. All of the Project materials are matte in finish. Similarly, the proposed color of the exterior materials, which include brown, white and gray, are consistent with the district's characteristics. Overall, the Project offers a high quality architectural treatment, which

provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.

- 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;

Along the lower floors, the Project provides for ground floor commercial use along 20th Street, and walk-up dwelling units with individual pedestrian access on Minnesota and Tennessee Streets. These dwelling units provide for activity along the street. The Project minimizes conflicts between pedestrian and vehicles by providing only one 11-ft wide garage entrance along Minnesota Street. The Project will apply for an on-street loading space.

- 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 the required open space for the 110 dwelling units through an interior courtyard, a publically-accessible open space along 20th Street, private stoops, and a series of private balconies. The publically-accessible open space will complement the planned living alley improvements along 20th Street, which will be undertaken by the Project Sponsor. Overall, the Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street.

- 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 subject to the mid-block alley requirements of Planning Code Section 270.2.

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

In compliance with Planning Code Section 138.1, the Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street.

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

The Project provides ample circulation in and around the project site through the publically-accessible open space and sidewalk improvements. Automobile access is limited to the one entry/exit (measuring 11-ft wide) on the Minnesota Street façade.

H. Bulk limits;

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

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

The Project, on balance, meets the Objectives and Policies of the General Plan. See Below.

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

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

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

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

The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the project site is 39,650 sq ft in size, and would be required to provide a rear yard measuring 9,900 sq ft. The Project provides a total of 8,092 sq ft of open space through an interior courtyard, a publically-accessible open space along 20th Street, private stoops, and a series of private balconies, thus providing for sufficient open space for the dwelling units. Although the Project provides less open space than would have been required through a code-complying rear yard, some of the provided open space is publically-accessible, which complements the adjacent alley improvements (on 20th Street between Minnesota and Tennessee Streets), thus providing a greater public benefit to the surrounding neighborhood.

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

The Project does not impede access to light and air for the adjacent properties. The adjacent property to the north is a live/work development within a former industrial warehouse. The adjacent buildings on the subject block do not form a pattern of rear yard open space.

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

The Project is not seeking an exception to the open space or dwelling unit exposure requirements.

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

The Project would provide one on-street loading space on Minnesota Street. The on-street loading would meet the retail and residential needs of the Project. Overall, the Project's proposed loading assists in improving the ground floor street frontage and would improve character of the streets.

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

In addition to the exceptions to the requirements for rear yard and off-street loading, the Project is seeking an exception to the requirements for permitted obstructions (Planning Code Section 136), street frontage (Planning Code Section 145.1), and measurement of height (Planning Code Section 260).

Under Planning Code Section 136, permitted obstructions over open spaces are limited in width and dimension. The Project provides awnings over the useable open spaces, which do not align to the strict dimensions permitted by the Planning Code. Given the quality of the ground floor design and the overall uses, the Commission supports this exception, since the awnings provide an appropriate design element that would encourage an active ground floor.

Under Planning Code Section 145.1(c)(3), active use is required within the first 25 feet of building depth on the ground floor facing any public street at least 30-ft wide. Residential uses are considered active uses on the ground floor only if more than 50 percent of the linear residential street frontage features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk and are consistent with the Ground Floor Residential Design Guidelines. Currently the project does not provide walk-up dwelling units along Tennessee Street, due to the grade of the project site and the interior layout and unit design. Given the Project's overall high quality, the Commission supports this exception, since the Project provides a corner commercial space and active uses along the other street frontages on Minnesota and 20th Street.

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Under Planning Code Section 145.1(c)(4), the ground floor ceiling height for non-residential uses is required to be a minimum of 17-ft in the UMU Zoning District. Currently, the Project specifies a ground floor ceiling height, which ranges from 13.5-ft to 14-ft, due to the existing grade of the site and the need to keep the overall building height minimal to avoid casting additional shadow on the adjacent park. Although the ground floor ceiling height varies, the architectural expression along the street frontage is consistent and the overall design reinforces the concept of a tall ground floor. The

Commission supports this exception, due to the overall quality of design and the streetscape improvements.

Under Planning Code Section 260, height is measured from the mid-block of a building from curb for the first 100-ft from and parallel to the street. However, Minnesota Street currently does not possess a sidewalk and curb, and there is a grade difference between Minnesota and Tennessee Streets. To accommodate for this grade differential and the street conditions, the Project would measure height from the mid-block of the lot along Tennessee Street for 100-ft, and would also measure height from the mid-block of the lot along Minnesota Street. This minor modification in the measurement of height would still accommodate an overall building height of 45-ft, and would also allow for the appropriate ground-floor treatments. Given the overall design, the Commission supports this exception to the measurement of height, since the height modification does not rezone the height and bulk district to the next available class of height and bulk.

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

The Project is a higher density residential development in a transitioning industrial area. The Project site is an ideal infill site that is currently occupied by a two-story industrial building. The project site was rezoned to UMU as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. The Project would provide on-site affordable housing units for rent, which will assist in meeting the City's demands for affordable housing.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

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

The architecture of this Project responds to the site's location as a transition between industrial zones and the contemporary and traditional architecture of residential zones. As noted in HPC Motion No. XXXX, the Historic Preservation Commission has reviewed and approved the Project, and its design and integration with the surrounding landmark district. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a material palette, which is compatible with the surrounding residential and industrial context. The exterior is designed with compatible materials, including light and dark brick tile, painted horizontal fiber cement siding, white and dark cement plaster, board textured concrete, and dark anodized aluminum-sash windows.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.6:

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

The Project will create private and common open space areas in a new residential development an interior courtyard, a publically-accessible open space along 20th Street, private stoops, and a series of private balconies. Although the Project will cast shadows over Esprit Park, which is under the jurisdiction of the Recreation and Park Commission, the Commission has determined that the Project would not be adverse to the use of the Project, as noted in Planning Commission Motion No. XXXXX. The Project voluntarily provides a publically-accessible open space along 20th Street, which will be an amenity for the surrounding community and will assist in reinforcing the proposed living alley along 20th Street between Minnesota and Tennessee Streets.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project includes several streetscape improvements, including new street trees, curb extensions, sidewalk improvements, site furnishings, historic lamp posts and construction of a publically-accessible open space along 20th Street.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The Project includes 110 Class 1 bicycle parking spaces and 34 Class 2 bicycle parking spaces in secure, convenient locations.

OBJECTIVE 34:

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

Policy 34.1:

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

Policy 34.3:

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

Policy 34.5:

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

The Project provides off-street parking within the permitted ratio offered within the Planning Code. The parking spaces are accessed by one ingress/egress point measuring 11-ft wide from Minnesota Street. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

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

Policy 2.6:

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

The Project is located within the Central Waterfront Area and Dogpatch neighborhood, which is characterized by the mix of residential and industrial uses. As such, the Project provides expressive street façades, which respond to form, scale and material palette of the existing neighborhood, while also providing a new contemporary architectural vocabulary. Further, the Project has been found to be compatible with the surrounding landmark district, as evidenced by HPC Motion No. XXXX.

OBJECTIVE 4:

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

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Although the project site has three street frontages, it only provides one vehicular access point for the entire project, thus limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Along the project site, the pedestrian experience will be greatly improved, especially due to the voluntarily publically-accessible open space along 20th Street.

CENTRAL WATERFRONT AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1

ENCOURAGE THE TRANSITION OF PORTIONS OF THE CENTRAL WATERFRONT TO A MORE MIXED-USE CHARACTER, WHILE PROTECTING THE NEIGHBORHOOD'S CORE OF PDR USES AS WELL AS THE HISTORIC DOGPATCH NEIGHBORHOOD.

OBJECTIVE 1.2

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

Policy 1.2.3

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

Housing

OBJECTIVE 2.3

REQUIRE THAT A SIGNIFICANT NUMBER OF UNITS IN NEW DEVELOPMENTS HAVE TWO OR MORE BEDROOMS EXCEPT SENIOR HOUSING AND SRO DEVELOPMENTS UNLESS ALL BELOW MARKET RATE UNITS ARE TWO OR MORE BEDROOM UNITS.

Policy 2.3.3

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments.

Policy 2.3.6

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

Urban Form

OBJECTIVE 3.1

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

Policy 3.1.6

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

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 3.2.5

Building form should celebrate corner locations.

The Project is mixed-use in character with new residential and retail uses. The Project provides new uses, which is encouraged by the Area Plan for this location. In addition, the Project is located within the prescribed height and bulk guidelines, and includes the appropriate dwelling unit mix, since approximately 42.7% or 47 units are two- or three-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which is sensitive to the prevailing scale and historic neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including light and dark brick tile, painted horizontal fiber cement siding, white and dark cement plaster, board textured concrete, and dark anodized aluminum-sash windows. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees and Transportation Sustainability Fee.

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

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

Currently, the project site does not contain any existing neighborhood-serving uses. The Project improves the urban form of the neighborhood by replacing an industrial building with a new residential development. The Project would add new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses. By providing for new corner retail and/or commercial uses, the Project assists in the potential to provide better neighborhood-serving for the new and existing residents of neighborhood.

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

No housing exists on the project site. The project will provide up to 110 new dwelling units, thus resulting in an increase in the neighborhood housing stock. The Project is expressive in design, and relates to the scale and form of the surrounding neighborhood by providing relationships to the smaller-scale industrial properties as well as the newer, larger-scale nearby residential properties. Further, the Project obtained a Certificate of Appropriateness from the Historic Preservation Commission, who found the Project to be compatible infill new construction within the Dogpatch Landmark District. 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 will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program by providing 17 on-site affordable housing units for rent.

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

The project site is well-served by public transportation. The Project is located within one block of the MUNI T-Line Station. In addition, the Project is located within the vicinity of the 22nd Street Caltrain Station. Future residents would be afforded close proximity to bus or rail transit. The Project also provides sufficient off-street parking, and sufficient bicycle parking for residents and their guests.

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

The Project is consistent with the Central Waterfront Area Plan, which provides for a balance between industrial and residential development. The Project does not displace the City's industrial and services sectors for commercial office development. The Project provides new housing, which is a top priority in the City.

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

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

- G. That landmarks and historic buildings be preserved.

The existing building is a non-contributing resource located within the Dogpatch Landmark District. The removal of the existing building will not impact any historic buildings or landmark properties. The Project obtained a Certificate of Appropriateness from the Historic Preservation Commission, who

found the Project to be compatible infill new construction within the Dogpatch Landmark District. Thus, the Project preserves the character and integrity of a designated landmark district.

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

The Project will cast additional shadow on the nearby Esprit Park and will have an effect on a property managed and owned by the Recreation and Parks Commission. As noted in Planning Commission Motion No. XXXXX, the additional shadow cast by the Project would not be adverse to the usability of Esprit Park.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2013.0975ENX** under Planning Code Section 329 to allow the new construction of a four-story-over-basement mixed-use building with 110 dwelling units and 5,472 sq ft of ground floor commercial use, and exceptions to the requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions (Planning Code Section 136); 3) street frontage (Planning Code Section 145.1); 4) off-street freight loading (Planning Code Sections 152.1); and, 5) measurement of height (Planning Code Section 260), within the Dogpatch Landmark District, UMU (Urban Mixed-Use) Zoning District, and a 40-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 9, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329 Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

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

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

Motion No. XXXXX
~~July 27~~October 19, 2017

CASE NO. 2013.0975ENX
888 Tennessee Street

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on ~~July 27~~October 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: ~~July 27~~October 19, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow for the new construction of a four story-over-basement mixed-use building with 110 dwelling units and 5,472 sq ft of ground floor commercial use, and exceptions to the requirements for 1) rear yard, 2) permitted obstructions, 3) street frontage, 4) off-street freight loading, and 5) measurement of height, located at 888 Tennessee Street, Lots 001 and 004 in Assessor's Block 4060 pursuant to Planning Code Section 329 within the Dogpatch Landmark District, UMU (Urban Mixed-Use) Zoning District, and a 45-X Height and Bulk District; in general conformance with plans, dated July 9, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0975ENX and subject to conditions of approval reviewed and approved by the Commission on ~~July 27~~ October 19, 2017 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on ~~July 27~~ October 19, 2017 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Additional Project Authorization.** The Project Sponsor must obtain a finding that the new shadow cast by the Project would not be adverse to the use of a property under the jurisdiction of the

Recreation and Park Commission, under Planning Code Section 295, and a project authorization from the Historic Preservation Commission, under Planning Code Section 1006 for new construction within a designated landmark district, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

7. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2013.0975E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

9. **Publicly-Accessible Open Space.** As a component of the project open space, the Project Sponsor shall provide a publicly-accessible open space along 20th Street. This open space shall adhere to the Publicly-Accessible Usable Open Space Standards outlined in Planning Code Section 135(h).

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

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

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

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

- On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- On-site, in a driveway, underground;
- On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- Public right-of-way, underground; and based on Better Streets Plan guidelines;
- Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- On-site, in a ground floor façade (the least desirable location).
- Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

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

13. **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.

The Project Sponsor has further proposed living alley improvements to 20th Street adjacent to the Project site. Pending approval of all relevant permits and authorizations by affected City agencies, Developer shall complete final design and construction of the living alley improvements in conjunction with the Project's required street improvements. Should conditions, policies, or determinations by other City agencies require modification or elimination of the proposed living alley improvements prior to completion of the Project's street improvements as provided herein, the Planning Department shall have the authority to authorize revision.

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

PARKING AND TRAFFIC

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

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

15. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 83 off-street parking spaces for the 110 dwelling units in the UMU Zoning District.

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

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

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

17. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 108 bicycle parking spaces (103 Class 1 spaces and 5 Class 2 spaces for the residential portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

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

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

PROVISIONS

19. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
20. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
21. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
22. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
23. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org
24. **Transportation 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.

MONITORING

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

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

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

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

OPERATION

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

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

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

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

29. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what

issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

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

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

INCLUSIONARY HOUSING

31. **Eastern Neighborhoods Affordable Housing Requirements for UMU.** The Project is subject to the Eastern Neighborhoods Affordable Housing Requirements for UMU, as applicable, pursuant to Planning Code Section 419.3.

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

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 15.4% of the proposed dwelling units as affordable to qualifying households. The Project contains 110 units; therefore, 17 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 17 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

2. **Unit Mix.** The Project contains 16 studios, 47 one-bedroom, 39 two-bedroom, and 8 three-bedroom units; therefore, the required affordable unit mix is 3 studios, 7 one-bedroom, 6 two-bedroom, and 1 three-bedroom unit. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

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

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 15.4 percent (15.4%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

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

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

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

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

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.

The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

Motion No. XXXXX
July 27 October 19, 2017

CASE NO. 2013.0975ENX
888 Tennessee Street

If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

10/19/17

C. May

May, Christopher (CPC)

From: David Gamson <davegamson@gmail.com>
Sent: Wednesday, October 18, 2017 4:53 PM
To: CTYPLN - COMMISSION SECRETARY; May, Christopher (CPC)
Cc: Carol Siegal; Peter Browning; Scott Emblidge; David Silverman
Subject: 2444 Lombard Project on Planning Commission Agenda 10/19/17

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Ionin and Mr. May:

Please be advised that we (David Gamson, Carol Siegal and Peter Browning), owners of 3234/3236 Divisadero Street, no longer seek a continuance of this matter on the Planning Commission's October 19, 2017 Agenda and do not have any objection to the proposed project with regard to matters within the purview of the Planning Commission.



**SAN FRANCISCO
PLANNING DEPARTMENT**

Received at OPC Hearing 10/11/17
L. Hogan

**DRAFT Planning Commission Motion
NO. M-XXXXX**

HEARING DATE: October 19, 2017

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Planning
Information:
415.558.6377

Hearing Date: October 19, 2017
Case No.: **2015-005848ENV**
Project Title: **1629 Market Street Mixed-Use Project**
Zoning: NCT-3 (Moderate Scale Neighborhood Commercial Transit District)
and P (Public) Zoning Districts
40-X, 85-X, and OS Height and Bulk Districts
Block/Lot: Assessor's Block 3505/001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A,
033, 033A, 034, 035
Lot Size: 97,617 square feet (2.2 acres)
Project Sponsor: Strada Brady, LLC
William Goodman, (314) 427-0707
wgoodman@stradasf.com
Staff Contact: Don Lewis – (415) 575-9168
don.lewis@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT THAT INCLUDES DEMOLITION OF THE EXISTING UA LOCAL 38 BUILDING AND THE MAJORITY OF THE LESSER BROTHERS BUILDING, REHABILITATION OF THE CIVIC CENTER HOTEL, REMOVAL OF THE EXISTING ON-SITE SURFACE PARKING LOTS, AND CONSTRUCTION OF FIVE NEW BUILDINGS. IN TOTAL, THE PROJECT WOULD INCLUDE 455,900 SQUARE FEET OF RESIDENTIAL USES (CONTAINING A TOTAL OF 584 UNITS, INCLUDING 100 AFFORDABLE UNITS), 33,500 SQUARE FEET OF PRIVATE- AND PUBLICLY-ACCESSIBLE OPEN SPACE, 32,100 SQUARE FEET OF UNION FACILITY USE, AND 13,000 SQUARE FEET OF GROUND-FLOOR RETAIL/RESTAURANT USE. THE PROJECT WOULD ALSO INCLUDE VEHICULAR PARKING, BICYCLE PARKING, LOADING FACILITIES, AND STREETScape IMPROVEMENTS.

MOVED, that the San Francisco Planning Commission (hereinafter "commission") hereby CERTIFIES the final environmental impact report identified as case no. 2015-005848ENV, the "1629 Market Street Mixed-Use Project" (hereinafter "project"), based upon the following findings:

1. The City and County of San Francisco, acting through the planning department (hereinafter "department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

- A. The department determined that an environmental impact report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on February 8, 2017.
 - B. The department held a public scoping meeting on March 1, 2017 in order to solicit public comment on the scope of the project's environmental review.
 - C. On May 10, 2017, the department published the draft EIR (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the commission public hearing on the DEIR; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on May 10, 2017.
 - D. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site on May 10, 2017.
 - E. On May 10, 2017, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.
 - F. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on May 10, 2017.
- 2. The commission held a duly advertised public hearing on said DEIR on June 15, 2017 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on June 26, 2017.
 - 3. The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 47-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a responses to comments document, published on October 4, 2017, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request at the department.
 - 4. A final EIR (hereinafter "FEIR") has been prepared by the department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document all as required by law.
 - 5. Project EIR files have been made available for review by the commission and the public. These files are available for public review at the department at 1650 Mission Street, Suite 400, and are part of the record before the commission.
 - 6. On October 19, 2017, the commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was

prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The commission hereby does find that the FEIR concerning file no. 2015-005848ENV reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the responses to comments document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
8. The commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR would have the following significant unavoidable environmental impacts, which cannot be mitigated to a level of insignificance:
 - A. The proposed project would have a significant, project-specific impact on historic architectural resources; and,
 - B. The proposed project would have a significant, cumulative construction impact related to transportation and circulation.
9. The commission reviewed and considered the information contained in the FEIR prior to approving the project.

I hereby certify that the foregoing motion was ADOPTED by the planning commission at its regular meeting of October 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

Received at CRC Hearing 10/19/17
L. Hoag

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Cultural Resources</p> <p>Mitigation Measure M-CR-1a – HABS Documentation. To document the Lesser Brothers Building more thoroughly than has been done to date, prior to the start of demolition activities, the project sponsor shall cause to be prepared documentation in accordance with the Historic American Buildings Survey (HABS), a program of the National Park Service. The sponsor shall ensure that documentation is completed according to the HABS standards. The photographs and accompanying HABS Historical Report shall be maintained on-site, as well as in the appropriate repositories, including but not limited to, the San Francisco Planning Department, San Francisco Architectural Heritage, the San Francisco Public Library, and the Northwest Information Center of the California Historical Resources Information System. The contents of the report shall include an architectural description, historical context, and statement of significance, per HABS reporting standards. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the <i>Secretary of the Interior's Professional Qualification Standards</i> (36 Code of Federal Regulations, Part 61). HABS documentation shall provide the appropriate level of visual documentation and written narrative based on the importance of the resource (types of visual documentation typically range from producing a sketch plan to developing measured drawings and view camera (4x5) black and white photographs). The appropriate level of HABS documentation and written narrative shall be determined by the Planning Department's Preservation staff. The report shall be reviewed by the Planning Department's Preservation staff for completeness. In certain instances, Department Preservation staff may request HABS-level photography, a historical report, and/or measured architectural drawings of the existing building(s).</p>	<p>Project sponsor and qualified historic preservation professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the <i>Secretary of the Interior's Professional Qualification Standards</i> (36 Code of Federal Regulations, Part 61).</p>	<p>Prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection in connection with Lesser Brothers Building at 1629-1645 Market Street</p>	<p>Planning Department Preservation Technical Specialist to review and approve HABS documentation</p>	<p>Considered complete upon submittal of final HABS documentation to the Preservation Technical Specialist and determination from the Preservation Technical Specialist that documentation is complete.</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-CR-1b – Interpretive Display. Prior to the start of demolition, the project sponsor shall work with Planning Department Preservation staff and another qualified professional to design a publicly accessible interpretive display that would memorialize the Lesser Brothers Building, which would be effectively demolished under the proposed project. The contents of the interpretive display shall be approved by Planning Department Preservation staff, and may include the history of development of the project site, including the non-historic Local 88 union hall building and the Civic Center Hotel (and possibly buildings demolished previously), and/or other relevant information. This display could take the form of a kiosk, plaque, or other display method containing panels of text, historic photographs, excerpts of oral histories, and maps. The development of the interpretive display should be overseen by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the <i>Secretary of the Interior's Professional Qualification Standards</i> (36 Code of Federal Regulations, Part 61). An outline of the format, location and content of the interpretive display shall be reviewed and approved by Planning Department Preservation staff prior to issuance of a demolition permit or site permit. The format, location and content of the interpretive display must be finalized prior to issuance of the Architectural and Mechanical, Electrical, and Plumbing (MEP) Addendum for the Building A project component.</p>	<p>Project sponsor and qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards</p>	<p>Interpretive display to be installed prior to the issuance of a Certificate of Occupancy for Building A</p>	<p>Planning Department Preservation Technical Specialist to review and approve interpretive display</p>	<p>Considered complete upon installation of display</p>
<p>Mitigation Measure M-CR-1c – Protect On-Site Historical Resources from Construction Activities. The project sponsor shall incorporate into construction contracts a requirement that the construction contractor(s) use feasible means to avoid damage to on-site historical resources (portion of the Lesser Brothers Building to be retained and Civic Center Hotel). Such methods may include staging of equipment and materials as far as feasible from historic buildings to avoid direct damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration (such as using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and hand excavation); maintaining a buffer zone when possible between heavy equipment and historic resource(s); and enclosing construction scaffolding to avoid damage from falling objects or debris. These construction specifications shall be submitted to the Planning Department along with the Demolition and Site Permit Applications. To promote proper coordination of construction logistic activities intended to avoid damage to both adjacent and on-site historical resources, the methods proposed in M-CR-1c should be coordinated with those proposed in M-CR-4a, Protect Adjacent Historical Resources from Construction Activities.</p>	<p>Project sponsor and/or its Construction Contractor</p>	<p>Construction specifications to be developed prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection</p>	<p>ERO and/or Planning Department Preservation Technical Specialist to review construction specifications.</p>	<p>Considered complete upon acceptance by Planning Department of construction specifications to avoid damage to on-site historic buildings</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-CR-1d - Vibration Monitoring Program for On-Site Historical Resources. The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the on-site historical resources (portion of the Lesser Brothers Building to be retained and Civic Center Hotel) prior to any ground-disturbing activity. The Pre-Construction Assessment shall be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings. The structural engineer and/or preservation architect shall also develop and the project sponsor shall adopt a Vibration Management and Monitoring Plan to protect the on-site historical resources against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be determined by the structural engineer and/or preservation architect for the project. The Vibration Management and Monitoring Plan shall document the criteria used in establishing the maximum vibration level for the project. The Vibration Management and Monitoring Plan shall include vibration monitoring and regular periodic inspections at the project site by the structural engineer and/or historic preservation consultant throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The Pre-Construction Assessment and Vibration Management and Monitoring Plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits. Should damage to either of the on-site historical resources be observed, construction shall be halted and alternative techniques put in practice, to the extent feasible, and/or repairs shall be completed as part of project construction. A final report on the vibration monitoring of the portion of the Lesser Brothers Building to be retained shall be submitted to Planning Department Preservation staff prior to the issuance of a Certificate of Occupancy for the addition to that building, and a final report on the vibration monitoring of the Civic Center Hotel shall be submitted to Planning Department Preservation staff prior to the issuance of a Certificate of Occupancy for that building following its rehabilitation.</p>	<p>Project sponsor, structural engineer, and preservation architect</p>	<p>Pre-Construction Assessment and Vibration Management and Monitoring Plan to be completed prior to issuance of site permit, demolition permit, or any other construction permit from the Department of Building Inspection. Monitoring to occur during the period of major structural project construction activity, including demolition and excavation</p>	<p>Planning Department Preservation Technical Specialist shall review and approve the Vibration Management and Monitoring Plan.</p>	<p>Considered complete upon submittal to Planning Department of post-construction report on vibration monitoring program and effects, if any, on on-site historical resources, after all major structural project construction activity, including demolition and excavation, has occurred on the site.</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-CR-4a - Protect Adjacent Historical Resources from Construction Activities. The project sponsor shall incorporate into construction contracts a requirement that the construction contractor(s) use feasible means to avoid damage to adjacent historical resources at 42 12th Street and 56-70 12th Street. Such methods may include staging of equipment and materials as far as feasible from historic buildings to direct damage; using techniques in demolition, excavation, shoring, and construction that create the minimum feasible vibration (such as using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and hand excavation); maintaining a buffer zone when possible between heavy equipment and historic resource(s); and enclosing construction scaffolding to avoid damage from falling objects or debris. These construction specifications shall be submitted to the Planning Department along with the Demolition and Site Permit Applications. To promote proper coordination of construction logistic activities intended to avoid damage to both adjacent and on-site historical resources, the methods proposed in M-CR-4a should be coordinated with those proposed in M-CR-1c.</p>	<p>Project sponsor and/or its Construction Contractor</p>	<p>Construction specifications to be developed prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection in connection with Building D</p>	<p>ERO and/or Planning Department Preservation Technical Specialist to review construction specifications</p>	<p>Considered complete upon acceptance by Planning Department of construction specifications to avoid damage to adjacent historic buildings</p>
<p>Mitigation Measure M-CR-4b - Vibration Monitoring Program for Adjacent Historical Resources. The project sponsor shall retain the services of a qualified structural engineer and preservation architect that meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards to conduct a Pre-Construction Assessment of the adjacent historical resources at 42 12th Street and 56-70 12th Street. Prior to any ground-disturbing activity, the Pre-Construction Assessment shall be prepared to establish a baseline, and shall contain written and/or photographic descriptions of the existing condition of the visible exteriors of the adjacent buildings and in interior locations upon permission of the owners of the adjacent properties. The Pre-Condition Assessment shall determine specific locations to be monitored, and include annotated drawings of the buildings to locate accessible digital photo locations and location of survey markers and/or other monitoring devices (e.g., to measure vibrations). The Pre-Construction Assessment shall be submitted to the Planning Department along with the Site Demolition and/or Permit Applications.</p> <p>The structural engineer and/or preservation architect shall develop and the project sponsor shall also adopt a Vibration Management and Monitoring Plan to protect the buildings at 42 12th Street and 56-70 12th Street against damage caused by vibration or differential settlement caused by vibration during project construction activities. In this plan, the maximum vibration level not to be exceeded at each building shall be 0.2 inch/second, or a different level determined by the site-specific assessment made by the structural engineer and/or preservation architect for the project. The Vibration Management and Monitoring Plan should document the criteria used in establishing the maximum vibration level for the project. The Vibration Management and Monitoring Plan shall include continuous vibration</p>	<p>Project sponsor, structural engineer, and preservation architect</p>	<p>Pre-Construction Assessment and Vibration Management and Monitoring Plan to be completed prior to issuance of site permit, demolition permit, or any other construction permit from the Department of Building Inspection in connection with Building D.</p> <p>Monitoring to occur during the period of major structural project construction activity, including demolition and excavation</p>	<p>Planning Department Preservation Technical Specialist shall review and approve Vibration Management and Monitoring Plan.</p>	<p>Considered complete upon submission to Planning Department of report on Vibration Management and Monitoring Plan and effects, if any, on adjacent historical resources, after all major structural project construction activity, including demolition and excavation.</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>monitoring throughout the duration of the major structural project activities to ensure that vibration levels do not exceed the established standard. The Vibration Management and Monitoring Plan shall be submitted to the Planning Department Preservation staff prior to issuance of any construction permits.</p> <p>Should vibration levels be observed in excess of the standard, or if damage to either of the buildings at 42 12th Street and 56-70 12th Street is observed, construction shall be halted and alternative techniques put in practice, to the extent feasible. The structural engineer and/or historic preservation consultant shall conduct regular periodic inspections of digital photographs, survey markers, and/or other monitoring devices during ground-disturbing activity at project site. The buildings shall be protected to prevent further damage and remediated to pre-construction conditions as shown in the Pre-Construction Assessment with the consent of the building owner. Any remedial repairs shall not require building upgrades to comply with current <i>San Francisco Building Code</i> standards. A final report on the vibration monitoring shall be submitted to Planning Department Preservation staff prior to the issuance of a Certificate of Occupancy for Building D.</p>				

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-CR-6 - Archeological Testing. Based on a reasonable presumption that archeological resources may be present within the project area, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5(a) and (c).</p>	<p>Project sponsor and Planning Department archeologist or a qualified archeological consultant from the Planning Department pool (archeological consultant)</p>	<p>Archeological consultant shall be retained prior to issuance of site permit from the Department of Building Inspection</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO. Qualified archeological consultant will scope archeological testing program with ERO and Planning Department staff archeologist</p>	<p>Considered complete when archeological consultant has approved scope from the ERO for the archeological testing program</p>
<p><i>Consultation with Descendant Communities.</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group, shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>Project sponsor and/or archeological consultant</p>	<p>Throughout the duration of ground-disturbing activities</p>	<p>Project sponsor and/or archeological consultant to submit record of consultation as part of Final Archeological Resources Report, if applicable</p>	<p>Considered complete upon submittal to ERO of Final Archeological Resources Report, if applicable</p>

¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to any soils-disturbing activities on the project site.</p>	<p>Consultant Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soils disturbing activities on the project site.</p>	<p>Date ATP submitted to the ERO: _____ Date ATP approved by the ERO: _____ Date of initial soils disturbing activities: _____</p>

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

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either: A. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the Archeological Testing Program.	Archeological consultant shall submit report of the findings of the ATP to the ERO.	Date archeological findings report submitted to the ERO: _____ ERO determination of significant archeological resource present? Y N Would resource be adversely affected? Y N Additional mitigation to be undertaken by project sponsor? Y N

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context; The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; The archeological monitor(s) shall be present on the project area according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; The archeological monitor shall record and be authorized to collect soil samples and artefactual/ecofactual material as warranted for analysis; If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/construction activities and equipment until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO & archeological consultant shall meet prior to commencement of soils-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soils-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>AMP required? Y N Date: _____ Date AMP submitted to the ERO: _____ Date AMP approved by the ERO: _____ Date AMP implementation complete: _____ Date written report regarding findings of the AMP received: _____</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p><i>Archeological Data Recovery Program.</i> If required based on the results of the ATP, an archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>If required, the scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures</i>—Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis</i>—Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy</i>—Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program</i>—Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures</i>—Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report</i>—Description of proposed report format and distribution of results. • <i>Curation</i>—Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 	Archeological consultant, as directed by the ERO	If there is a determination that an ADRP program is required, conduct ADRP throughout all soils-disturbing activities.	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if required by the ERO.	<p>ADRP required? Y N</p> <p>Date: _____</p> <p>Date of scoping meeting for ADRP: _____</p> <p>Date Draft ADRP submitted to the ERO: _____</p> <p>Date ADRP approved by the ERO: _____</p> <p>Date ADRP implementation complete: _____</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Archeological consultant	Prior to the issuance of the last certificate of occupancy for the proposed project	ERO	Considered complete upon submittal to ERO and other repositories identified in mitigation measure of Final Archeological Resources Report
<p>Mitigation Measure M-CR-7 – Inadvertent Discovery of Human Remains. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and the ERO, and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	Project sponsor, contractor, Planning Department's archeologist or archaeological consultant, and ERO	Throughout the duration of ground-disturbing activities	Project sponsor to notify ERO, Coroner, and, if applicable, NAHC of any discovery of human remains	Considered complete upon completion of ground-disturbing activities

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure		Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-CR-8 - Tribal Cultural Resources Interpretive Program. If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the Environmental Review Officer (ERO), in consultation with the affiliated Native American tribal representatives and the Project Sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the Project Sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>		Project sponsor in consultation with tribal representative(s), as directed by the ERO	If directed by the ERO to implement an interpretive program, approval of interpretive plan prior to the issuance of the certificate of occupancy for the proposed building affecting the relevant Tribal Cultural Resource	ERO	Considered complete upon implementation of any required interpretive program
4. Transportation and Circulation					
<p>Mitigation Measure M-C-TR-8a - Non-Peak Construction Traffic Hours. To minimize the construction-related disruption of the general traffic flow on adjacent streets during the weekday AM and PM peak periods, truck movements and deliveries requiring lane closures should be limited to occur between 9:00 a.m. and 4:30 p.m. (Monday to Friday), outside of peak morning and evening weekday commute hours.</p>		Project sponsor and construction contractor	Throughout the construction period	SFMTA, on a complaint basis	Considered complete upon completion of project construction
<p>Mitigation Measure M-C-TR-8b - Construction Management Plan. The project sponsor and/or its construction contractor shall propose a Construction Management Plan that includes measures to reduce potential conflicts between construction activities and pedestrians, transit and autos at the Project Site. The contractor shall supplement the standard elements of a construction traffic control/management plan with additional measures for Proposed Project construction, such as staggering start and end times, coordinated material drop offs, collective worker parking and transit to job site and other measures. Any such plan shall be reviewed by the TASC for consistency with the findings included herein and, where needed, additional measures may be imposed to minimize potentially significant construction traffic impacts.</p>		Project sponsor, construction contractor, SFMTA, SF Public Works, ISCOT, as directed by the ERO	Prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection	SFMTA, SF Public Works, Planning Department.	Considered complete upon completion of project construction.

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p><i>Alternative Transportation for Construction Workers.</i> Limited parking would be available for construction workers in the future open space portion of the Project Site. The location of construction worker parking shall be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking shall be discouraged. The project sponsor could provide additional on-site parking once the below grade parking garage is usable. To minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include in their contracts methods to encourage carpooling and transit access to the Project Site by construction workers. Construction workers should also be encouraged to consider cycling and walking as alternatives to driving alone to and from the Project Site.</p> <p><i>Proposed Project Construction Updates for Adjacent Businesses and Residents.</i> To minimize construction impacts on access for nearby institutions and businesses, the Proposed Project Sponsor shall provide nearby residences and adjacent businesses, such as through a website, with regularly-updated information regarding Proposed Project construction, including a Proposed Project construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures, and lane closures. At regular intervals to be defined in the Construction Management Plan, an email notice shall be distributed by the project sponsor or its contractor(s) that shall provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</p> <p><i>Coordinate Construction with Nearby Projects.</i> To minimize construction impacts, the Project Sponsor shall coordinate construction activities and closures with nearby projects, such as 10 South Van Ness, One Oak, Better Market Street, and 1500 Mission, as specified in Mitigation Measure M-C-TR-8c – Cumulative Construction Coordination. The Project Sponsor's Construction Management Plan, which would be required for each development, would include a section that summarizes the coordination efforts.</p> <p><i>Maintain Local Circulation.</i> Comprehensive signage should be in place for all vehicle and pedestrian detours. If necessary, the Project Sponsor should provide a traffic control officer to direct traffic around the Project Site during detour periods. Pedestrian access should be preserved during construction detours as long as safe passage can be provided.</p>				

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-C-TR-8c - Cumulative Construction Coordination. If construction of the proposed project is determined to overlap with nearby adjacent project(s) as to result in temporary construction-related transportation impacts, and in addition to preparing its own Construction Management Plan as required by Mitigation Measure M-C-TR-8b, the project sponsor or its contractor(s) shall consult with various City departments such as the SFMTA and Public Works through ISCOTT, and other interdepartmental meetings as deemed necessary by the SFMTA, Public Works, and the Planning Department. This coordination shall address construction-related vehicle routing, detours, and maintaining transit, bicycle, vehicle, and pedestrian movements in the vicinity of the construction area for the duration of the construction period overlap. Key coordination meetings would be held jointly between project sponsors and contractors of other projects for which the City departments determine impacts could overlap. The coordination shall consider other ongoing construction in the project vicinity, including development and transportation infrastructure projects, and topics of coordination shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • <i>Restricted Construction Truck Access Hours</i>— Coordinate limitations on truck movements requiring lane closures to the hours between 9:00 a.m. and 4:30 p.m. (Monday-Friday), or other times if approved by the SFMTA, to minimize disruption to vehicular traffic, including transit, during the AM and PM peak periods. • <i>Construction Truck Routing Plans</i>—Identify optimal truck routes between the regional facilities and the various project sites, taking into consideration truck routes of other development projects and any construction activities affecting the roadway network. • <i>Coordination of Temporary Lane and Sidewalk Closures</i>—Coordinate lane closures with other projects requesting concurrent lane and sidewalk closures through the ISCOTT and interdepartmental meetings process above, to minimize the extent and duration of requested lane and sidewalk closures. Travel lane closures shall be minimized especially along transit and bicycle routes, so as to limit the impacts to transit service and bicycle circulation and safety. • <i>Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access</i>—The project sponsor/construction contractor(s) shall meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Construction Management Plan required by Mitigation Measure M-C-TR-8b to maintain access for transit, vehicles, bicycles and pedestrians. This shall include an assessment of the need for temporary transit stop relocations or other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during 	<p>Project sponsor, construction contractor, SFMTA, SF Public Works, ISCOTT, as directed by the ERO</p>	<p>Prior to the issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection</p>	<p>SFMTA, SF Public Works, Planning Department.</p>	<p>Considered complete upon completion of project construction.</p>

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>construction of the project.</p> <ul style="list-style-type: none"> <i>Carpool, Bicycle, Walk and Transit Access for Construction Workers</i>—Coordinate efforts and methods to encourage carpooling, bicycling, walk and transit access to the various project sites by construction workers (such as providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from www.511.org, participating in emergency ride home program through the City of San Francisco (www.sferh.org), and providing transit information to construction workers). <i>Coordinated Project Construction Updates for Adjacent Businesses and Residents</i>—Coordinate to the extent appropriate, notifications to nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. 				
5. Noise				
<p>Mitigation Measure M-NO-1 – Acoustical Assessment of Mechanical, Electrical, and Plumbing (MEP) Equipment. Prior to issuance of the Architectural and MEP Addendum, the project sponsor shall submit an Acoustical Assessment that analyzes the potential noise impact to adjacent receptors from mechanical equipment and identifies acoustical treatments such as enclosures, acoustical louvers or baffling, as necessary, to achieve a 45 dB interior performance standard resulting from noise generated by mechanical, electrical, and plumbing equipment systems when locations and specifications of such systems are identified in the engineering plans.</p>	Project sponsor	Prior to issuance of the Architectural and MEP Addendum by the Department of Building Inspection	ERO, Department of Building Inspection	Considered complete upon issuance of Architectural and MEP Addendum
<p>Mitigation Measure M-NO-2 – Construction Noise Reduction. Incorporate the following practices into the construction contract agreement documents to be implemented by the construction contractor:</p> <ul style="list-style-type: none"> Conduct noise monitoring at the beginning of major construction phases (e.g., demolition, excavation) to determine the need and the effectiveness of noise-attenuation measures. Measures needed to reduce activity that exceeds 86 dB at a distance of 50 feet or 73 dBA L_{eq} at the property line shall include plywood barriers, suspended construction blankets, or other screening devices to break line of sight to noise-sensitive receivers; Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed; 	Project sponsor and construction contractor	During the construction period	Planning Department, Department of Building Inspection (as requested and/or on complaint basis), Police Department (on complaint basis).	Considered complete at the completion of project construction

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<ul style="list-style-type: none"> • Notify the City and neighbors in advance of the schedule for each major phase of construction and expected loud activities; • Construction activity shall be limited to the hours of 7:00 a.m. to 8:00 p.m. per San Francisco Police Code Article 29. Construction outside of these hours shall be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Building Inspection that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses; • When feasible, select "quiet" construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures); • Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from all identified sensitive receptors. Avoid placing stationary noise generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (measured at 20 feet) from immediately adjacent neighbors; • All construction equipment is required to be in good working order and mufflers are required to be inspected proper functionality; • Prohibit unnecessary idling of equipment and engines; • During Phase 2 of construction, stationary equipment should be located internal to the project to the extent feasible to allow for the shielding provided by the Phase 1 buildings; • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of five dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used where feasible; and • The project sponsor shall designate a point of contact to respond to noise complaints. The point of contact must have the authority to modify construction noise-generating activities to ensure compliance with the measures above and with the San Francisco Noise Ordinance. 				

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>6. Air Quality</p> <p>Mitigation Measure M-AQ-3 – Construction Air Quality. The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. Engine Requirements.</p> <ol style="list-style-type: none"> 1. Electric construction equipment used during the Phase 1 construction period shall include air compressors, concrete/industrial saws, signal boards, pumps, cement and mortar mixers, and stationary cranes. Electric construction equipment used during the Phase 2 construction period shall include air compressors, concrete/industrial saws, signal boards, pumps, cement and mortar mixers, and stationary cranes. 2. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 3. Where access to alternative sources of power is reasonably available, portable diesel engines shall be prohibited. 4. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 5. The Contractor shall require that construction workers and equipment operators properly maintain and tune equipment in accordance with manufacturer specifications. <p>B. Waivers.</p> <ol style="list-style-type: none"> 1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1), and that no air quality significance threshold used in this Initial Study would be 	Project sponsor/contractor(s)	Prior to issuance of a site permit, demolition permit, or any other permit from the Department of Building Inspection, with ongoing compliance with the Construction Emissions Minimization Plan throughout the construction period	ERO to review and approve Construction Emissions Minimization Plan; project sponsor and contractor to comply with, and document compliance with, Construction Emissions Minimization Plan as required by the ERO	Construction Emissions Minimization Plan considered complete upon ERO review and acceptance of Plan; measure considered complete upon completion of project construction and submittal to ERO of required documentation

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance												
<p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible or not commercially available; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If seeking a waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-3a-3, and submit documentation showing that no air quality significance threshold used in this Initial Study would be exceeded. No waivers shall be granted if an air quality significance threshold would be exceeded by doing so.</p>																
<p>TABLE M-AQ-3a-3 OFF-ROAD EQUIPMENT COMPLIANCE STEP-DOWN SCHEDULE</p> <table><tr><th>Compliance Alternative</th><th>Engine Emission Standard</th><th>Emissions Control</th></tr><tr><td>1</td><td>Tier 2</td><td>ARB Level 2 VDECS</td></tr><tr><td>2</td><td>Tier 2</td><td>ARB Level 1 VDECS</td></tr><tr><td>3</td><td>Tier 2</td><td>Alternative Fuel*</td></tr></table> <p>ow to use the table: If the ERO determines that the equipment requirements cannot be met, then the project onsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply f-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. e ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, th e Contractor must meet Compliance Alternative 3.</p> <p>* Alternative fuels are not a VDECS.</p>					Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine</p>																

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. Within six months of completion of construction activity, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor	Quarterly, after start of construction activities, and within six months of completion of construction activity	Project sponsor/ contractor(s) and the ERO	Considered complete on findings by ERO that Plan is being/was implemented

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
13. Geology and Soils Mitigation Measure M-GE-3a – Design Approval and Construction Monitoring for BART Subway Structure. Prior to issuance of the structural plan addendum to the site permit for the proposed project by DBI, the project sponsor shall submit such plans to BART for its review and approval to ensure that the plans comply with BART guidelines for the construction activity in the BART Zone of Influence (ZOI), including the <i>General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures</i> , and <i>Procedures for Permit and Plan Review</i> . The project sponsor and its structural engineer shall coordinate with BART to determine which of the following guidelines must be included in the plans to be submitted to BART for review: <ul style="list-style-type: none"> • Geologic Hazards Evaluation and Geotechnical Investigation reports, which shall include an engineering geology map, a site plan showing the location of subway structures and BART easement, a soil reworking plan, and the geological conclusion and recommendations; • Dewatering monitoring and recharging plans; • A vibration monitoring plan and/or movement and deformation monitoring plans for steel lined tunnels, including locations and details of instruments in subways; • A foundation plan showing the anticipated total foundation loads; • An excavation plan for area in the ZOI, showing excavation slope or shoring system; and • A description of the procedures and control of the soil compaction operation. The project sponsor and its consultant shall monitor the groundwater level in the BART ZOI, and piezometers shall be installed on the sidewalk adjacent to the site if requested by BART.	Project sponsor	Prior to issuance of the structural plan addendum to the site permit from the Department of Building Inspection	BART, Department of Building Inspection	Considered complete on notification to Department of Building Inspection by BART that the foundation and dewatering plans are approved.

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-GE-3b - Monitoring of Adjacent Structures in the Event of Dewatering. If recommended by the final geotechnical report, the project sponsor would retain a qualified professional to monitor potential settlement and subsidence at permanent structures within 50 feet of the project site. The monitoring shall include, but not be limited to, the following tasks prior to dewatering:</p> <ul style="list-style-type: none"> • Establish survey measurements of the exterior elevations of adjacent properties to monitor any movement or settlement of adjacent permanent structures during excavation; • Photograph and/or video the exterior the relevant structures to document existing conditions prior to commencement of dewatering. The photographic and/or video survey shall be adequate in scope to provide a legally binding "before and after" comparison of the conditions of the adjacent permanent structures; and • Install inclinometers and piezometers if necessary to monitor movement of the shoring system and to monitor groundwater levels, respectively, during excavation and construction. <p>Upon start of construction, the qualified professional shall perform the following tasks:</p> <ul style="list-style-type: none"> • Monitor the relevant structures weekly until dewatering and foundation construction and sealing work has been completed; and • In the event that there is more than one-half inch of lateral movement, or one-quarter inch of vertical movement, at an adjacent permanent structure within 50 feet of the project site, the qualified individual shall immediately notify the adjacent property owner, the project sponsor's general contractor, the shoring and excavation subcontractor, and DBI, and the project sponsor shall instruct its contractor and subcontractor to stop work until such time that appropriate remedial steps have been completed. 	Project sponsor	If recommended by final geotechnical report, sponsor to retain qualified professional prior to the start of dewatering; monitoring to occur throughout foundation construction in both Phases 1 and 2.	ERO, Department of Building Inspection	Considered complete at the completion of Phase 2 foundation.

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Mitigation Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions/Schedule and Verification of Compliance
<p>Mitigation Measure M-GE-6 – Inadvertent Discovery of Paleontological Resources. If potential vertebrate fossils are discovered by construction crews, all earthwork or other types of ground disturbance within 50 feet of the find shall stop immediately and the monitor shall notify the City. The fossil should be protected by an "exclusion zone" (an area approximately five feet around the discovery that is marked with caution tape to prevent damage to the fossil). Work shall not resume until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the qualified paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The qualified paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations shall be consistent with SVP's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and currently accepted scientific practice, and shall be subject to review and approval by the City. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection [e.g., the University of California Museum of Paleontology], and may also include preparation of a report for publication describing the finds. The City shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.</p>	<p>Project sponsor, construction contractor, and, if required due to discovery of potential vertebrate fossil(s), qualified paleontologist</p>	<p>Throughout the duration of ground-disturbing activities</p>	<p>Project sponsor to notify ERO of any discovery of potential vertebrate fossil(s)</p>	<p>Considered complete upon completion of ground-disturbing activities</p>

IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>4. Transportation and Circulation</p> <p>Improvement Measure I-TR-2a – Monitoring and Abatement of Queues. As an improvement measure to reduce the potential for queuing of vehicles accessing the project site, it should be the responsibility of the project sponsor to ensure that recurring vehicle queues or vehicle conflicts do not occur adjacent to the site. A vehicle queue is defined as one or more vehicles blocking any portion of adjacent sidewalks or travel lanes for a consecutive period of three minutes or longer on a daily and/or weekly basis.</p> <p>If recurring queuing occurs, the owner/operator of the facility should employ abatement methods as needed to abate the queue. Appropriate abatement methods would vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking and loading facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</p> <p>Suggested abatement methods include, but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies as discussed in the Transportation Demand Management (TDM) Program in the project description; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.</p> <p>If the Planning Director, or his or her designee, determines that a recurring queue or conflict may be present, the Planning Department should notify the project sponsor, successor owner/operator or garage operator, as applicable, in writing. Upon request, the owner/operator should hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant should prepare a monitoring report to be submitted to the Planning Department for review. If the Planning Department determines that a recurring queue or conflict does exist, the project sponsor should have 90 days from the date of the written determination to abate the recurring queue or conflict, to the satisfaction of the Planning Department.</p>	<p>Project sponsor, successor building owner(s)/operator(s), parking garage operator(s)</p>	<p>Ongoing during project operation</p>	<p>ERO or other Planning Department staff</p>	<p>Monitoring of the public right-of-way would be on-going by the owner/operator of off-street parking operations.</p>

IMPROVEMENT MEASURES ADOPTED AS CONDITIONS OF APPROVAL

Improvement Measure	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule
Improvement Measure I-TR-2b – Notification at Driveway. The Project Sponsor should provide visible/audible warning notification at the two driveway entrances to alert pedestrians to vehicles entering and exiting the driveway. Signage should be installed inside and outside the garage entrances, directing drivers to proceed with caution. Conditions at the driveways should be monitored during project occupancy to determine whether an additional audible warning signal(s) or detectable warning surfaces are necessary to supplement the visible warning signal. The final site design will ensure the proposed project driveways are designed appropriately for the visually impaired.	Project sponsor	Prior to issuance of Certificate of Occupancy for building served by relevant driveway (Building A and Building B)	ERO and SFMTA	Considered complete upon installation of devices.
Improvement Measure I-TR-6a – Consolidated Service Deliveries. Building management should work with delivery providers (UPS, FedEx, DHL, USPS, etc.) to coordinate regular delivery times and appropriate loading locations for each building, and retail tenants should be required to schedule their deliveries. The Project Sponsor will evaluate the benefits of consolidating residential deliveries for the market-rate buildings by providing package storage in the buildings that front a loading zone as a potential way to discourage short-term parking on Market Street. Management should instruct all delivery services that trucks bound for the project site are not permitted to stop on Market Street, to encroach in the transit-only or bicycle lanes on Market Street, or to impede the movement of transit vehicles, other vehicles or bicycles by restricting access to the right-turn-only lane on Market Street at 12th Street. Delivery service providers should be strongly encouraged to comply with the project site's loading procedures.	Project sponsor or successor owner/ manager of residential building TDM coordinator	Ongoing during project operation	Planning Department – TDM monitoring staff, SFMTA	Ongoing
Improvement Measure I-TR-6b – Managed Move-In/Move-Out Operations. Building management should be responsible for coordinating and scheduling all move-in and move-out operations. To the extent possible, such operations requiring the use of on-street loading zones would occur during after-hours and on weekends. Tenants would be strongly encouraged to comply with building move-in/move-out operations.	Project sponsor or successor owner/ manager of residential building TDM coordinator	Ongoing during project operation	Planning Department – TDM monitoring staff SFMTA	Ongoing

FILE NO.

ORDINANCE NO.

[Planning Code, Zoning Map - 1629 Market Street Special Use District]

Ordinance amending the Planning Code and the Zoning Map to add the 1629 Market Street Special Use District; and making findings under the California Environmental Quality Act, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~striketrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~striketrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) California Environmental Quality Act.

(1) At its hearing on October 19, 2017, and prior to recommending the proposed Planning Code amendments for approval, by Motion No. _____, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the 1629 Market Street Project (Project) pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of the Administrative Code. A copy of said Motion is in Board of Supervisors File No. _____, and is incorporated herein by reference. In accordance with the actions contemplated herein, the Board has reviewed the FEIR, concurs with its conclusions, affirms the Planning Commission's certification of the FEIR, and finds

1 that the actions contemplated herein are within the scope of the Project described and
2 analyzed in the FEIR.

3 (2) In recommending the proposed Planning Code amendments for approval by
4 the Board of Supervisors at the Planning Commission's hearing on October 19, 2017, by
5 Motion No. _____, the Planning Commission also adopted findings under CEQA,
6 including a statement of overriding consideration, and a Mitigation Monitoring and Reporting
7 Program (MMRP). A copy of said Motion and MMRP are in Board of Supervisors File No.
8 _____, and are incorporated herein by reference. The Board hereby adopts and
9 incorporates by reference as though fully set forth herein the Planning Commission's CEQA
10 approval findings, including the statement of overriding considerations. The Board also
11 adopts and incorporates by reference as though fully set forth herein the Project's MMRP.

12 (b) At the same hearing on October 19, 2017, the Planning Commission, in Resolution
13 No. _____, (1) adopted a Resolution recommending that the Board of Supervisors
14 adopt amendments to the General Plan, Market and Octavia Area Plan, and (2) adopted
15 findings that the actions contemplated in this ordinance are consistent, on balance, with the
16 City's General Plan, as amended, and eight priority policies of Planning Code Section 101.1.
17 The Board adopts these findings as its own. A copy of said Resolution is in Board of
18 Supervisors File No. _____, and is incorporated herein by reference.

19 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
20 Planning Code amendments will serve the public necessity, convenience, and welfare for the
21 reasons set forth in Planning Commission Resolution No. _____, and the Board
22 incorporates such reasons herein by reference.

23
24 Section 2. The Planning Code is hereby amended by adding Section 249.81 to read as
25 follows:

1 **SEC. 249.81. 1629 MARKET STREET SPECIAL USE DISTRICT.**

2 A Special Use District entitled the 1629 Market Street Special Use District (1629 Market Street
3 SUD, or SUD), is hereby established for the purposes set forth in this Section 249.81.

4 (a) Location. The 1629 Market Street SUD is generally bounded by Market Street to the north,
5 Brady Street to the west, Chase Court to the south, and 12th Street to the east, and consists of
6 Assessor's Parcel Block No. 3505, Lots 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A,
7 034, and 035. Its boundaries are shown on Special Use District Map SU07 of the Zoning Map.

8 (b) Purpose. The purpose of the 1629 Market Street SUD is to give effect to the Development
9 Agreement for the 1629 Market Street Project, as approved by the Board of Supervisors in the
10 ordinance in File No. _____. The 1629 Market Street SUD will facilitate the provision of a mixed use
11 development in a transit-rich location with residential, retail, open space, parking, and related uses.
12 The SUD will provide benefits to the City including: provision of on-site affordable housing units at a
13 levels of affordability exceeding City requirements; replacement of existing Residential Hotel Units
14 with modern, on-site units at a replacement ratio exceeding the requirements of Chapter 41 of the
15 Administrative Code, the Residential Hotel Unit Conversion and Demolition Ordinance; land donation,
16 construction, and maintenance of publicly accessible open space; and improvement of Stevenson Street
17 for pedestrian and automobile use.

18 (c) Controls. Applicable provisions of the Planning Code shall apply to the 1629 Market Street
19 SUD except as otherwise provided in this Section 249.81. In the event of a conflict between other
20 provisions of the Planning Code and this Section, this Section shall control.

21 (1) Usable Open Space.

22 (A) Amount Required and Phasing. The required square footage of usable open
23 space shall be 36 square feet per dwelling unit. Open space requirements may be met at this ratio with
24 the following types of open space: "private usable open space" as defined in Section 135(a) of this
25 Code; and "common usable open space" as defined in Section 135(a), which may be open to the public.

1 Usable open space has been designed on a SUD-wide basis and the requirements are expected to be
2 met through a combination of private and common spaces associated individual buildings, as well as
3 approximately 8,600 square feet of plaza and mid-block open space that will be developed in
4 accordance with the Development Agreement for the project. Accordingly, compliance with open space
5 requirements shall be evaluated at project buildout on a District-wide (as opposed to building-by-
6 building) basis.

7 (B) Common usable open space that otherwise qualifies as an inner court under
8 Section 135(g)(2) of this Code shall be exempt from the 45-degree requirements of that Section, and
9 projections of portions of adjacent residential structures over such open space shall be considered
10 permitted obstructions under Sections 135(g)(2) and 136 of this Code, provided that each such
11 projection leaves at least 7 1/2 feet of headroom.

12 (2) Narrow Streets and Alleys. Planning Code Section 261.1(d)(1) shall not apply to
13 the following subject frontages: the north side of Chase Court and the west side of Colusa Place; the
14 north side of Colton Street and the east side of Colusa Place; the north side of Stevenson Street; and
15 the east side of Brady Street. Planning Code Section 261.1(d)(2) shall not apply to the following
16 subject frontages: the south side of Colton Street, and the south side of Stevenson Street.

17 (3) Affordable Housing. The following shall apply in lieu of any other inclusionary or
18 affordable housing exactions set forth in this Code: Twelve percent (12%) of all of the residential units
19 constructed on site shall be affordable to residents at or below 100% Area Median Income for the life
20 of the applicable building, except for the approximately 95 to 100 residential units to be constructed on
21 Assessor's Parcel Block No. 3505, Lots 27 and 28, referred to as the Colton Street Building, which
22 shall be affordable to residents at or below 60% Area Median Income for the life of the building. As a
23 result, the project will achieve approximately twenty eight percent (28%) affordability.
24
25

Section 3. The Planning Code is hereby amended by revising Zoning Map ZN07, Height and Bulk Map HT07, and Special Use Map SU07, as follows:

(a) To change Zoning Map ZN07 from NCT-3 and Public to NCT-3 and Public in a portion of the SUD, as follows:

Assessor's Block	Lots	Current Zoning	Proposed Zoning
Block 3505	001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, and 035	NCT-3 and Public	NCT-3 and Public, as more particularly depicted on Exhibit A in Board of Supervisors File No. _____.

(b) To change Height and Bulk Map HT07 from 85-X and Public, and 40-X, to 85-X and Public and 68-X, respectively, as follows:

Assessor's Block	Lots	Current Height Designations	Proposed Height Designations
Block 3505	001, 007, 008, 029, 031, 031A, 032, 032A, 033, 033A, and 035	85-X and Public	85-X and Public, as more particularly depicted on Exhibit B in Board of

			Supervisors File No. _____.
Block 3505	027, 028	40-X	68-X

(c) To change Special Use District Map SU07 to include the new 1629 Market Street Special Use District, as follows:

Assessor's Block	Lots	Special Use District Created
Block 3505	001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A, and 035	1629 Market Street Special Use District.

Section 4. The Board of Supervisors hereby authorizes the City Engineer, following consultation with the Planning Department and the City Attorney's Office, to make any corrections and boundary adjustments to final maps as needed to conform with the final Project as developed.

Section 5. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1 (b) This ordinance shall become operative on, and no rights or duties are affected
2 until),the later of (1) its effective date, or (2) the date that the ordinance approving the
3 Development Agreement for the Project, and the ordinance, approving amendments to the
4 General Plan for the Project, have both become effective. Copies of said Ordinances are on
5 file with the Clerk of the Board of Supervisors in File No. _____.

6
7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10
11 By:

12 
13 ANDREA RUIZ ESQUIDE
14 Deputy City Attorney

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Received at CPC Hearing 10/19/17
L. Hoagland



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other (TSF, Sec. 411A & M&O CIF, Sec. 416) |

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Planning Commission Draft Motion

HEARING DATE: OCTOBER 19, 2017

Case No.: 2015-005848CUA
Project Address: 1601-1645 Market Street (aka 1629 Market St Mixed-Use Project)
Existing Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;
P (Public) Zoning District
OS, 40-X and 85-X Height and Bulk Districts
Proposed Zoning: NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning District;
P (Public) Zoning District
OS, 68-X and 85-X Height and Bulk Districts
Block/Lot: 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035
Project Sponsor: Strada Brady, LLC
101 Mission Street, Suite 420
San Francisco, CA 94105
Staff Contact: Linda Ajello Hoagland - (415) 575-6823
linda.ajellohoagland@sfgov.org

ADOPT FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION AND PLANNED UNIT DEVELOPMENT FOR: 1) DEVELOPMENT ON A LOT LARGER THAN 10,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 2) ESTABLISHMENT OF A NON-RESIDENTIAL USE LARGER THAN 4,000 SQUARE FEET IN THE NCT-3 ZONING DISTRICT; 3) MODIFICATION OF THE DWELLING UNIT MIX REQUIREMENT, PURSUANT TO SECTIONS 121.1, 121.2, 207.6, 303, 304 AND 752 OF THE PLANNING CODE WITH A MODIFICATION TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134), PERMITTED OBSTRUCTIONS (PLANNING CODE SECTION 136), DWELLING UNIT EXPOSURE (PLANNING CODE SECTION 140), STREET FRONTAGE (PLANNING CODE SECTION 145.1), OFF-STREET LOADING (PLANNING CODE SECTION 152), AND MEASUREMENT OF HEIGHT (PLANNING CODE SECTION 260), AT 1601-1645 MARKET STREET (ASSESSOR'S BLOCK 3505, LOTS 001, 007, 008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035) WITHIN THE P (PUBLIC) AND NCT-3 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICTS AND A OS (OPEN SPACE), 68-X & 85-X HEIGHT AND BULK DISTRICTS, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On October 19, 2016, Michael Cohen on behalf of Strada Brady (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization

and Planned Unit Development under Planning Code Section(s) 121.1, 121.2, 207.6, 303, 304 and 752 to allow a non-residential use greater than 4,000 square feet, a modification to the dwelling unit mix, and development on a lot larger than 10,000 square feet at 1601-1645 Market Street within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) and P (Public) Zoning Districts and a OS, 68-X and 80-X Height and Bulk Districts.

The Project Sponsor filed an Environmental Evaluation Application for the Project with the Department on July 10, 2015.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department ("Department"), as lead agency, published and circulated a Notice of Preparation ("NOP") on February 8, 2017, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on March 1, 2017, at the American Red Cross Building at 1663 Market Street.

During the approximately 30-day public scoping period that ended on March 10, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

The Department published a Draft EIR for the project on May 10, 2017, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On May 10, 2017, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on June 15, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until June 26, 2017.

The San Francisco Planning Department then prepared the Comments and Responses to Comments ("RTC") on Draft EIR document. The Final EIR (FEIR) document was published on October 4, 2017, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

The Commission reviewed and considered the Final Environmental Impact Report (FEIR) for the Project and found the FEIR to be adequate, accurate and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and approved the FEIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

By Motion No. XXXXX, the Planning Commission approved California Environmental Quality Act (CEQA) Findings, including adoption of a Mitigation Monitoring and Reporting Program (MMRP),

under Case No. 2015-005848CUA, for approval of the Project, which findings are incorporated by reference as though fully set forth herein. The CEQA Findings included adoption of a Mitigation Monitoring and Reporting Program (MMRP) as Attachment B, which MMRP is hereby incorporated by reference as though fully set forth herein and which requirements are made conditions of this approval.

The Planning Department Commission Secretary is the custodian of records, located in the File for Case No. 2015-005848CUA at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-005848CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-005848CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site occupies approximately 97,617 square feet, or 2.2 acres, on the block bounded by Market, 12th, Otis, and Brady Streets located within the boundaries of Market & Octavia Area Plan. Most of the site is located within the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Zoning District, while the southwestern portion of the site, occupying approximately 20,119 square feet is in a P (Public) Zoning District. The portions of the project site north of Stevenson Street and east of Colusa Place are located within an 85-X Height and Bulk District, while the portion of the project site south of Colton Street is in a 68-X Height and Bulk District, and the portion of the project site in the P (Public) Zoning District is in an Open Space (OS) Height and Bulk District.

The project site is currently occupied by four surface parking lots containing 242 parking spaces, an approximately 15-foot-tall Bay Area Rapid Transit (BART) ventilation structure for the below-grade BART tunnel,¹ as well as three buildings: the Civic Center Hotel, the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry (UA) Local 38 building, and the Lesser Brothers Building, which is currently occupied by a variety of retail tenants.

¹ The BART ventilation structure is located on a separate lot (3505/034), which is owned by BART.

3. **Surrounding Properties and Neighborhood.** The project site is located in an area that is mixed-use in character with a variety of residential uses and commercial establishments, including an automobile-oriented businesses, urgent care medical services, and residential buildings with ground-floor, neighborhood-serving retail. Several community facilities, including the San Francisco Conservatory of Music, the International High School and the Chinese American International School, and the San Francisco Law School are located north of the project site near Market Street, while the City College of San Francisco has an auditorium and administrative offices along Gough Street, west of the project site.

On the north side of Market Street across from the UA Local 38 Building (1621 Market Street) and the Lesser Brothers Building (1629-1645 Market Street) on the project site is a recently constructed five-story (approximately 60 feet tall) building with residential uses above a Golden Gate Urgent Care facility located on the ground floor, and a three-story (approximately 45 feet tall), masonry-clad residential building with a Pilates studio on the ground-floor. On the north side of Market Street across from the Civic Center Hotel (1601 Market Street) is a six-story (approximately 75 feet tall), brick-clad residential building with ground-floor retail, including two cafes, a bicycle shop, and a small workout/training facility. An approximately 30-foot-tall Honda Dealership and Service Center is located east of the Civic Center Hotel across 12th Street at 10 South Van Ness Avenue. The Ashbury General Contracting & Engineering business is located in a two-story (approximately 35 feet tall) stucco building located south of the Civic Center Hotel across Stevenson Street. A one-story rear portion (approximately 20 feet tall) of a three-story, masonry-clad vacant building forms the southern boundary of the parking lot south of Stevenson Street on the project site, as well as the western boundary of the parking lot bounded by Colton Street to the north, Colusa Place to the east, and Chase Court to the south. The southern boundary of this parking lot is formed by two one-story masonry (approximately 20 feet tall) buildings containing the City Ballet School, LLC and an auto service center. A two-story, wood shingle-clad residence forms the eastern boundary of this parking lot and is located south of Colton Street across from the project site. A one-story (approximately 20 feet tall), wood-clad building containing a full-service sign shop is also located south of Colton Street across from the project site. A five-story (approximately 60 feet tall), brick-clad building containing a hair salon and a clothing and accessories shop on the ground floor and residential uses above is located west of the project site across Brady Street.

4. **Project Description.** The Project includes the demolition of the existing UA Local 38 Building, demolition of the majority of the Lesser Brothers Building, and rehabilitation of the Civic Center Hotel, as well as the demolition of the 242-space surface parking lots on the project site. The Project would construct a total of five new building on the project site, including a new UA Local 38 building, and a 10-story addition to the Lesser Brothers Building with ground-floor retail/restaurant space at the corner of Brady and Market Streets ("Building A"). A new 10-story residential building with ground-floor retail/restaurant space ("Building B") would be constructed on Market Street between the new UA Local 38 building and Building A. A nine-story residential building would be constructed at the end of Colton Street and south of Stevenson Street ("Building D"). The five-story Civic Center Hotel would be rehabilitated to contain residential units and ground-floor retail/restaurant space ("Building C"), and a new six-story Colton Street Affordable Housing Building would be constructed south of Colton Street as part of the Project. Overall, the Project will include construction of 455,900 square feet of

residential use containing up to 484 residential units (including market rate and on-site affordable housing units) and up to 100 affordable units in the Colton Street Affordable Housing Building, for a total of up to 584 dwelling units. The residential unit breakdown for the 484 units would consist of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). In addition, the Project will include 32,100 square feet of union facility use, 13,000 square feet of ground-floor retail/restaurant use, and 33,500 square feet of publicly-accessible and residential open space. In addition, the Project would include construction of a two-level, below-grade garage with up to 316 parking spaces (some of which may include the use of stackers) accessible from Brady and Stevenson Streets. As part of the project, the Project Sponsor will develop a new privately-owned publicly-accessible open space at the northeast corner of Brady and Colton Streets.

5. **Public Comment.** The Department has not received any public correspondence in support or in opposition to the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 752 defines the permitted uses within the NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District. Per Planning Code Section 752, residential, retail and institutional uses as principally permitted uses.

The Project would provide up to 584 residential units, including up to 100 units in the Colton Street Affordable Housing Building and an additional 12 percent of the remaining residential units designated as affordable housing, construct a new UA Local 38 building, and provide 6,950 square feet of retail sales and service use and 6,050 square feet of eating and drinking uses. Therefore, the proposed uses comply with Planning Code Section 752.

- B. **Non-Residential Use Size.** Planning Code Section 121.2, the project is required to obtain Conditional Use Authorization for a non-residential use size of 4,000 square feet or larger.

The Project includes the demolition of the existing 24,100 square foot UA Local 38 Building and construction of a new 32,095 square foot UA Local 38 Building (an institutional use); therefore, the Project is requesting Conditional Use Authorization from the Planning Commission to establish a non-residential use size larger than 4,000 square feet in the NCT-3 Zoning District.

- C. **Development of Large Lots in the NCT-3 Zoning District.** Planning Code Section 121.1, the project is required to obtain Conditional Use Authorization from the Planning Commission for new development on a lot larger than 10,000 square feet.

The Project site occupies approximately 97,617 square feet, or 2.2 acres, therefore the Project is requesting Conditional Use Authorization from the Planning Commission for development on a large lot in the NCT-3 Zoning District.

- D. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet.

Currently, the Project does not provide a rear yard according to the requirements specified in the Planning Code, and is seeking a modification of this requirement in the PUD. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground floor open space (1,151 sq. ft.), and common ground floor open space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12th Streets (7,839 sq. ft.); however, this space is not included in the overall open space calculation, since the Project Sponsor is requesting in-kind credit for the construction of this open space, as outlined in the Development Agreement (See Case No. 2015-005848DVA).

Overall, the Project provides more than 33,500 square feet of open space, including the privately owned, publicly accessible open space utilized for in-kind credit. Since the Project does not provide a code-complying rear yard, the Project is seeking a modification to the rear yard requirement as part of the Planned Unit Development. The Project occupies the majority of the block bounded by Market, Brady, 12th, Colton and Stevenson Streets. The subject block does not currently possess a pattern of mid-block open space, since the majority of the project site is currently occupied by three existing buildings and surface parking lots. However, the new privately owned, publicly accessible open space will create new open space.

- E. **Usable Open Space.** Per the 1629 Market Street SUD, a minimum of 36 square feet of private or common open space is required per dwelling unit.

Common open space within this SUD is exempt from the 45-degree requirements of Planning Code Section 135(g)(2), and projections of portions of adjacent residential structures over such open space are considered permitted obstructions under Planning Code Sections 135(g)(2) and 136, provided that each such project leaves at least 7 1/2 feet of headroom.

The Project includes open space through a roof deck on Building A (measuring 2,950 sq ft), a roof deck on Building D (measuring 1,500 sq ft), private stoops along Brady Street (measuring 1,163 sq ft), an inner court around Building B, C and the new UA Local 38 Building (measuring 2,230 sq ft), an inner court behind Building D (measuring 743 sq ft), an inner court behind the Colton St Affordable Housing Project (measuring 608 sq ft), a publicly-accessible mid-block passage between Building A and B (measuring 6,645 sq ft), and open space north of the new Mazzola Gardens (collectively measuring 4,043 sq ft). All common open space complies with Planning Code Section 135's dimensional requirements as specifically modified by the 1629 Market Street SUD. In total, the Project provides 21,032 sq ft of useable open space; therefore, the Project meets the requirements for open space at 36 square feet per dwelling unit.

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

Currently, the Project includes bay windows and projections in Buildings A and B, which project over the street and useable open space, and projections at Building BD which project over usable open space that do not conform to the dimensional requirements of the Planning Code. Therefore, the Project is seeking a modification of this requirement under the PUD.

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. To meet exposure requirements, a public street, public alley at least 20 feet wide, side yard or rear yard must be at least 25 feet in width, or an open area (either inner court or a space between separate buildings on the same lot) must be no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located.

The Project organizes the dwelling units to have exposure on Market, Brady 12th, Stevenson and Colton Streets and Colusa Place or along an inner court or open space between buildings. As proposed, 36 dwelling units in Building D do not meet the dwelling unit exposure requirements of the Planning Code; therefore, the Project does not comply with Planning Code Section 140 and is seeking a modification of this requirement under the PUD.

- H. **Off-Street Parking.** Planning Code Section 151.1 states that off-street parking is not required in the NCT-3 Zoning District. Rather, Planning Code Sections 151.1 permits a maximum of .50 off-street parking spaces per residential dwelling unit and a 1 space for every 1,500 square feet of institutional and retail uses.

The Project provides 316 off-street parking spaces, including 4 car share-share spaces where a maximum of 323 spaces is permitted; therefore, the Project complies with Planning Code Section 151.1.

- I. **Bicycle Parking.** Planning Code Section 155.2. requires 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100 for buildings containing more than 100 dwelling units and 1 Class 2 space for every 20 units; a minimum of two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area for institutional uses and a minimum of two Class 2 spaces for any use greater than 5,000 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for retail sales and service uses and one Class 2 space for every 2,500 square feet of Occupied Floor Area; one Class 1 space for every 7,500 square feet of Occupied Floor Area for eating and drinking uses and one Class 2 space for every 750 square feet of Occupied Floor Area eating and drinking uses.

The Project includes 584 dwelling units, 6,950 square feet of retail, 6,050 square feet of eating and drinking uses and 32,095 square feet of institutional uses; therefore, the Project is required to provide 221 Class 1 bicycle parking spaces and 28 Class 2 bicycle parking spaces for residential uses; two Class 1 and two Class 2 bicycle space for retail uses; 1 Class 1 and eight Class 2 bicycle parking spaces for eating and drinking uses; and six Class 1 bicycle spaces and two Class 2 bicycle parking spaces for the institutional uses. The Project will provide two-hundred and thirty (230) Class 1 bicycle parking

spaces and forty (40) Class 2 bicycle parking spaces, which meets the requirement. Therefore, the Project complies with Planning Code Section 155.2

- J. **Off-Street Loading.** Planning Code Section 152 requires three (3) off-street loading spaces for uses greater than 500,000 square feet, plus one (1) for each additional 400,000 square feet. Further, these loading spaces must meet the dimensional requirements outlined in Planning Code Section 154.

The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, thus ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses. The Project does not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154 and is seeking a modification of these requirements under the PUD.

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

Per Planning Code Section 145.1(b)(2)(A), residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.

Overall, the Project meets the majority of the requirements outlined in Planning Code Section 145.1. However, the Project provides a garage entrance along Stevenson Street, which measures 23-ft wide. Per Planning Code Section 145.1, new garage entrances are limited to 20-ft wide; therefore, the Project is seeking a modification of this requirement under the PUD.

- L. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 61 points.

The Project submitted a completed Environmental evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a target of 30.5 points. As currently proposed, the Project will achieve its required 30.5 points through the following TDM measures:

- Improve Walking Conditions (Option B)
- Bicycle Parking (Option A)
- Bicycle Repair Station
- Car-share Parking and Membership (Option A)
- Delivery Supportive Amenities
- Family TDM Amenities – Residential Use (Option A)
- Multimodal Wayfinding Signage
- Real Time Transportation Information Displays
- Tailored Transportation Marketing Services (Option A)
- On-site Affordable Housing (Option C)
- Unbundle Parking: Location C
- Parking Supply (Option C)

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

Overall, the Project provides a dwelling unit mix consisting of approximately 131 studio units (27.1 percent), 185 one-bedroom units (38.2 percent), and 168 two-bedroom units (34.7 percent). Excluding the Colton Street Affordable Housing Building and the rehabilitated Civic Center Hotel ("Building C"), 40 percent of the remaining residential units would be two-bedroom units. Since the Project does not provide the required dwelling unit mix for the entirety of the Project, the Project is seeking an exception from this requirement.

- N. **Measurement of Height.** Planning Code Section 260(a)(1)(B) requires that for sites such as the Project site, where a lot slopes down from the street, the point at which building height is measured be taken at curb level, at the centerpoint of the building or building step. That point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. After that 100 foot line, the height limit is considered in relation to the opposite (lower) end of the lot, measured pursuant to Planning Code Section 260(a)(1)(C). Planning Code Section 260(a)(1)(C) which requires that on lots sloping upward from the centerline of the building or building step, the point at which building height is measured be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section.

The Project seeks a modification of the Planning Code Section 260(a)(1)(B) requirement for Buildings A and B, which would permit the Market Street measurement point to be used for height measurement only for the first 100 feet of lot depth. Compliance with this requirement would eliminate

approximately 50% of 9th floor dwelling units in Buildings A and B. Accordingly, the Project seeks the following minor deviations from the provisions for measurement of height: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet.

- O. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.
- P. **Market & Octavia Infrastructure Impact Fee.** Per Planning Code Section 416, the Project is subject to the Market & Octavia Infrastructure Impact Fee.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

The Project will satisfy a portion of this fee with an in-kind contribution of publicly-accessible open space, as set forth in the Development Agreement.

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

The Project will meet the TSF requirements that apply under Section 411A based on the Environmental Evaluation Application submittal date of July 10, 2015, as set forth in the Development Agreement

- R. **Residential Child-Care Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

The Project will comply with Section 414A, as set forth in the Development Agreement.

- S. **Inclusionary Affordable Housing.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. For any development project that submitted a complete Environmental Evaluation application on or prior to January 12, 2016, affordable units in the amount of 14.5 percent of the number of units shall be constructed on-site.

The Development Agreement outlines terms for the Project's affordable inclusionary housing requirements. At buildout, approximately 26-28% of the Project's units will be affordable to low- and very low-income residents through a combination of on-site affordable rental units and the Solton Street Affordable Housing building's approximately 100 units, including integrated community and social service space.

7. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Developments of Large Lots in Neighborhood Commercial Districts. On balance, the project complies with said criteria in that:

- a) The mass and facade of the proposed structure are compatible with the existing scale of the district.

Overall, the Project would result in six buildings, including the rehabilitation of the Civic Center Hotel and the reuse of a portion of the Lesser Brothers Building. The new construction rises to 85-ft tall, and is compatible with the scale and mass of new buildings found along Market Street. The Project would rehabilitate the Civic Center Hotel and retain all of its exterior character-defining features. The Project integrates new construction in a manner that provides a physical separation and a visual buffer between the Civic Center Hotel and adjacent new construction. The Project would retain the entire 140-foot-long Market Street facade of the Lesser Brothers Building, which is the building's primary facade and only facade with ornamentation, including the following character-defining features: the facade's single-story height, storefronts divided by piers and capped by wood-frame transoms, stucco-clad and cast cement frieze and cornice, and tile-clad pent roof. Although the Lesser Brothers Building's single-story height and massing would be eliminated, the Market Street facade and portions of the Brady Street facade and newly exposed east facade would remain visible as a single-story element. The retained facades would be incorporated into the new 85-foot-tall structure containing mixed residential and retail/restaurant uses, with a 10-foot setback, irregularly-spaced, multi-story rectangular bay windows and a new material palette providing contrast with the historic facades, while aligning rectangular bays with storefronts in the retained facades to create a geometric relationship between old and new construction. The Project's collection of buildings provide an appropriate scale and mass for this portion of Market Street with the recognition of the lower-scale buildings found along Brady and Colton Streets.

- b) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project retains the entire 140-foot-long Market Street facade of the Lesser Building and will rehabilitate the existing Civic Center Hotel. The new buildings will incorporate design and architectural treatments with various vertical and horizontal elements and a pedestrian scale ground floor which is consistent with the design features of adjacent facades and of those in the district along Market Street. The new buildings' character ensures the best design of the times with high-quality building materials (including board textured concrete, cement plaster, metal cladding, metal and glass guardrails, metal fins and brick tile) that relate to the surrounding structures that make-up the character of the neighborhood while acknowledging and respecting the positive attributes of the older buildings. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears consistent and compatible with the surrounding neighborhood.

8. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for non-residential use size in Neighborhood Commercial Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The existing 24,100 gsf UA Local 38 Building will be demolished and replaced with a new 32,095 gsf UA Local 38 Building; thus, resulting in an additional 7,995 gsf. The new facility will provide updated meeting and office space for UA Local 38, which is an institutional use. Therefore, the larger use will not foreclose the location of other needed neighborhood-serving uses in the area. As part of the larger Project, retail and eating and drinking uses are proposed on other parts of the project site.

- b) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The existing 24,100 gsf UA Local 38 Building was constructed in 1923. The new 32,095 gsf building will provide updated meeting and office space for UA Local 38 to accommodate their current needs. The new, updated and enlarged building will allow the organization to remain in the neighborhood and continue to serve its members in the community as it has done for many years.

- c) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The design and scale of the new UA Local 38 Building has been designed to relate to the existing historic buildings and new buildings that are included in the Projects overall scope. The height, bulk and massing of the new building is consistent with the existing Civic Center Hotel, in which it is adjacent to and has been designed in a classic contemporary style which will contribute to and respect the existing context of the district.

9. **Planning Code Section 207.6** establishes criteria for the Planning Commission to consider when reviewing applications for dwelling unit mix in Neighborhood Commercial Transit Districts. On balance, the project does comply, on balance, with said criteria in that:

- a) The project demonstrates a need or mission to serve unique populations, or

Portions of the Project include market-rate housing with on-site inclusionary affordable housing units in Buildings A, B, C and D. The Colton Street Affordable Housing Building will be a 100% affordable housing project with supportive housing services. Supportive housing is much needed throughout the City.

- b) The project site or existing building(s), if any, feature physical constraints that make it unreasonable to fulfill these requirements.

The Project will comply with Planning Code Section 207.6's dwelling unit mix criteria in Buildings A, B, and D. The Colton Street Affordable Housing Building is exempt from the applicable dwelling unit mix criteria as a 100% affordable building. The Civic Center Hotel (Building C) was determined to be eligible for the California Register as a historic building, due in part to the building's fenestration pattern of regularly punched, double-hung wood windows for SRO units; this pattern will be retained as part of the building's adaptive reuse. This fenestration pattern, along with the need to preserve the

building's other historic features creates a physical constraint making it unreasonable to fulfill the requirements of Planning Code Section 207.6, as fulfillment of those requirements would entail construction of a large number of one and two bedroom units that vary significantly in dimension and layout from the existing units within the building.

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

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

The Project will demolish the existing UA Local 38 Building and partially demolish the existing retail space in order to construct a new mixed-use development with five new buildings, including 584 residential units, approximately 157 (26-28 percent) of which will be affordable to low- and very low-income residents, and a new UA Local 38 facility. These units include 57 inclusionary units and up to 100 units in a stand-alone supportive housing building for formerly homeless individuals which will replace the Single Room Occupancy (SRO) units from the Civic Center Hotel. The Project will also include ground-floor retail and other active commercial uses.

The Project is necessary and desirable in that it will create a new mixed-used infill development on Market Street with a scale and stature that appropriately preserves the diversity and vitality of the neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing new housing opportunities and minimizing displacement. Housing is a top priority for the City and County of San Francisco. The size and intensity of the proposed development is consistent with the policies and objectives of the Market & Octavia Area Plan and is necessary and desirable for this neighborhood and the surrounding community because it will provide new opportunities for housing and add new site amenities that will contribute to the character of the surrounding neighborhood, including a new system of parks and pedestrian connections to and through the site. The Project will also replace an underutilized site and adaptively reuse and rehabilitate a notable historic resource (Civic Center Hotel) while also providing new public amenities, including landscaping, sidewalk improvements and bicycle parking. The Project will also include the required 1:1 replacement units for the SRO dwelling units, which are being removed from the Civic Center Hotel. The Project is consistent with the neighborhood uses, which include a mix of ground floor commercial uses with residential above, educational facilities, multi-family residential building and commercial uses. The influx of new residents will contribute to the economic vitality of the existing neighborhood by adding new patrons for the nearby retail uses. In summary, the Project is an appropriate urban invention and infill development.

- 2) The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The Project is an infill development that replaces existing buildings and surface parking lots with a new mixed-use development that is generally consistent with the Market & Octavia Area Plan and NCT-3 Zoning District. The site is substantial in size at approximately 100,000 square feet. The Project provides an appropriate residential density at this transit-rich location while also introducing new pedestrian connections, hard- and soft-scape open space, and allowing for a scale of development that is consistent with existing and planned development in the area. The shape and arrangement of structures has been carefully crafted to allow for a consistent street wall along Market and 12th Streets, and active ground floor spaces along the site's perimeter, with an appropriate variation in building design, texture and scale. The arrangement and sculpting of buildings is also designed to frame the network of pedestrian and visual pathways through the site and to its major open spaces, creating a sense of permeability and connectivity with the surrounding neighborhood.

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

The Project provides a total of 316 spaces, three on-site loading areas (one on 12th Street and two on Brady Street) and 230 Class 1 and 40 Class 2 bicycle parking spaces, as permitted by the Planning Code. The Project provides a parking supply that is consistent with the Market & Octavia Area Plan's goals to improve the pedestrian realm and promote transit use and is adequate to serve the site given its transit-rich location on Market Street. Additionally, a compliant TDM program will be incorporated into the Project. The Project is in close proximity to numerous public transit options given the proximity to the Market & Van Ness Muni Station, and the various bus routes along Market Street.

The Project will provide new pedestrian connection to and through the site. Parking garage access will be from Brady Street. Stevenson Street will be treated as a shared "green street" with paving and landscaping to encourage pedestrian connection between 12th Street and the site's open space, in addition to vehicular garage access. The Project also includes three on-street loading zones, one on 12th Street and two on Brady Street. These loading zones function in concert with the streetscape and sidewalk plans for both streets.

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

The Project will comply with Title 24 standards for noise insulation. The Project will also be subject to the standard conditions of approval for lighting and construction noise. Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance

complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the Project would be required to follow specified practices to control construction dust and to comply with this ordinance. As a mixed-use residential development, Project operations are not expected to create any noxious or offensive emissions. Overall, the Project is not expected to generate dust or odor impacts.

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

The Project will create a series of new north/south and east/west pedestrian connections, including substantial new landscaping around and throughout the site, and major new publicly accessible open space. The open space plan and landscape design includes features such as plaza and garden elements, drought resistant plantings at modest heights to retain sight lines, incorporation of natural elements, and a sculptural installation or landscape wall around the existing BART vent as a visual anchor. The Project Sponsor will use commercially reasonable efforts to enter into an agreement with BART regarding proposed improvements on the BART Parcel, which BART would continue to own; all improvements on the BART Parcel would be subject to BART's operational needs and permitting requirements. Lighting, signs and all other project elements will be consistent with the City's Better Streets Program.

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

The Project will generally comply with the provisions of the Planning Code, with amendments to the Planning Code and General Plan (Market & Octavia Plan) identified and addressed in the Legislative Amendment application. As amended, the Project will be consistent with the General Plan, including the Market & Octavia Area Plan, and particularly plans and policies related to locating density near transportation, creating new housing, including affordable/supportive housing, providing new publicly accessible private open space, creating new pedestrian connections to and through the neighborhood, and implementing streetscape improvements.

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

The Project is consistent with the stated purposes of NCT-3 Districts in that the intended use is a moderate to high density mixed-use project that will support neighborhood-serving commercial uses on the ground floor with housing above and will maximize residential and commercial opportunities on or near major transit service. As described in Planning Code Section 754, the NCT-3 Zoning Districts are described as follows:

NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or

broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for Residential Uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

NCT-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NCT-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings may range in height, with height limits varying from four to eight stories.

NCT-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story.

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

A. **Modifications.** The Project Sponsor requests the following modification from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- i. Rear Yard:

- a) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and

Since the Project does not provide a code-complying rear yard, the Project is seeking a modification of the rear yard requirement defined in Planning Code Section 134. The Commission finds this modification warranted, since the Project provides for a comparable amount of open space accessible to residents of the development, in lieu of the required rear yard. The Project provides open space through a series of private and public open spaces and landscaped areas, including common roof decks (4,450 sq. ft.), private ground-floor open space (1,151 sq. ft.), and common ground-floor open space (4,957 sq. ft.). The Project also includes additional open space through a series of inner courts (10,474 sq. ft.); under the 1629 Market Street SUD, these spaces count toward the usable open space notwithstanding technical non-compliance with certain requirements of Planning Code Section 135(g)(2). Furthermore, the Project provides a privately owned, publicly accessible open space with frontage on Brady and Colton Streets and direct access from Market and 12th Streets (7,839 sq. ft.), which is not included in the overall tabulation because it will be separately credited as an in-kind agreement.

- b) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

The Project site, which occupies almost the entire block, has been carefully designed in a manner that will not significantly impede the access to light and air for the adjacent properties.

- c) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The subject block does not possess a strong pattern of mid-block open space; therefore, the Project does not impact the pattern of mid-block open space

- ii. Permitted Obstructions: *The Project includes bay windows and projections over the street and useable open space, which do not meet the dimensional requirements of the Planning Code. Specifically, Buildings A, B and D possesses projections, which do not conform to the dimensional requirements of the Planning Code. Overall, the Commission finds this modification to be acceptable given the unique design and high quality materials of the Project.*

- iii. Dwelling Unit Exposure: *In order to meet exposure requirements, residential units must face a public street or alley at least 20 feet in width, side yard at least 25 feet in width, or a rear yard meeting the requirements of the Planning Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater*

than its width. As proposed, approximately five percent of the units do not meet the exposure requirements for which an exception has been requested. Overall, the Commission finds this exception to be acceptable given the unique design and configuration of the Project, along with the available common and publicly-accessible open space available to Project residents.

- iv. Off-Street Loading: Because the Project's five off-street loading spaces do not comply with the off-street loading dimensional requirements in Planning Code Sections 152 and 154, the Project seeks a modification of these requirements under the PUD. The Project is proposing five off-street loading spaces, four 20-foot long spaces in the underground parking garage and a designated 25-foot long on-site move-in/move-out loading space adjacent to Building D. Move-in/move-out loading for Buildings A and B will occur in the underground parking garage off-street loading spaces. The off-street loading spaces do not meet the Planning Code Section 154 dimensional requirements, but would be supplemented by on-street loading zones on Brady and 12th Streets, ensuring sufficient loading space to serve the residential, institutional, and retail/restaurant uses.
 - v. Street Frontage: The Project provides a garage entrance along Stevenson Street, which measures 24 feet wide, and therefore seeks a modification of the Planning Code Section 145.1 requirement limiting new garage entrances to a 20-foot width. The Commission finds this modification to be acceptable given that Stevenson Street is located within the block, rather than on the 12th, Market, or Brady perimeter streets, and because the modification will allow for larger vehicles with greater turning radii to more easily access the off-street loading spaces provided in the underground garage.
 - vi. Measurement of Height: The Project seeks an exception in the form of the following minor deviations from the Planning Code Section 260(a)(1)(B) provisions for measurement of height at Buildings A and B: at Building A, allow the Market Street point of measurement to be used for a lot depth of up to 180 feet; at Building B, allow for the Market Street point of measurement to be used for a lot depth of up to 185 feet. Without these minor deviations, approximately 50% of 9th floor dwelling units in Buildings A and B would be eliminated, reducing the overall number of units and a corresponding number of inclusionary affordable housing units. These deviations are minor and do not depart from the purposes or intent of Planning Code 260, and would be minor enough in nature not to constitute an effective height reclassification. Given the above, the Commission finds this exception to be acceptable given the Project site's configuration and the desire to provide ample market-rate and inclusionary affordable housing units at the Project site.
- B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

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

The Project complies with the objectives and policies of the General Plan (See Below) and the Market & Octavia Area Plan.

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

The Project provides 316 off-street parking spaces, including 4 car-share spaces, which is below the maximum permitted per the Planning Code.

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

The Project would provide approximately 33,500 square feet of open space, distributed across publicly-accessible and common residential open space. The proposed Special Use District would set the ratio of usable open space per dwelling unit at 36 square feet, and the Project would comply with that requirement.

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

There are no residential density limits by lot area in the NCT-3 Zoning District. Density is restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of the Planning Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. Therefore, the Project does not seek any additional density through the PUD.

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

The Project is not located in an R District.

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

The Project would rezone a portion of the site from a 40 foot to a 68 foot height district to accommodate sufficient density at the Supportive Housing Building. In addition, the proposed Special Use District would modify Planning Code Section 261.1 restrictions on height limits for narrow streets and alleys. Minor deviations from the provisions for measurement of height are sought through the PUD to accommodate the height of the

"A" and "B" Buildings, and would be consistent with the purposes and intent of the Planning Code's height limit provisions.

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

Field Code Changed

Field Code Changed

In the NCT-3 District, floor area ratio limits apply only to non-residential uses. The approximately 45,000 square feet of non-residential uses are well within the applicable 3.6 to 1 floor area ratio limit.

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

Field Code Changed

The Project is located within a NC District, and has requested Conditional Use Authorization from the Planning Commission to establish a non-residential use (UA Local 38) greater than larger than 4,000 sq. ft. in the NCT-3 Zoning District, per Planning Code Sections 121.2 and 752. The Project's first-floor retail/restaurant uses are permitted in the NCT-3 District, as are the first-floor and upper-floor residential uses and the multi-floor UA Local 38 uses.

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

The Project creates new publicly-accessible north/south and east/west connections to and through the site, facilitating access to publicly-accessible open space, creating passageways through the site breaking down its scale, creating a pattern of block size, streets and alleys that is consistent with the surrounding neighborhood and contemporary urban design, and fostering beneficial pedestrian and vehicular circulation to and through the site.

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

Field Code Changed

The Project would retain or replace the existing 29 street trees along 12th, Market, Brady, and Colton Streets, and would plant an additional 39 trees, for a total of up to 68 street trees in compliance with Planning Code Section 138.1. Per Planning Code Section 138.1(c)(1), the Department of Public Works is responsible for reviewing and guiding any new street trees present on the project site. If any underground utilities or other barriers prevent a street tree from being planted, the Project would comply with Section 138.1's requirements pursuant to Section 138.1(c)(2)(C)(iii).

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

Field Code Changed

The Project is not subject to the requirements of Planning Code Section 132(g) and (h); however, the Project does provide new streetscape elements, including new street trees, new landscape areas and new sidewalk paving around the Project site.

12. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, as adopted in Planning Commission Motion No. XXXXX and incorporated by reference as though fully set forth herein.
13. **Planning Code Section 101.1(b).** The Project is, on balance, consistent with the Findings of Planning Code Section 101.1(b), as adopted in Planning Commission Motion No. XXXXX and incorporated by reference as though fully set forth herein.
14. **First Source Hiring** The Project is subject to the requirements of the First Source Hiring Program and the Local Business Enterprise program under Chapters 83 and 14B, respectively of the Administrative Code, as well as additional operational period commitments agreed to by the Project Sponsor, in each case under the terms and conditions set forth in the Development Agreement.

See the Development Agreement for the detailed provisions regarding First Source and Local Business Enterprise requirements that will apply to the Project

15. 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, as adopted in Planning Commission Motion No. XXXXX and incorporated by reference as though fully set forth herein.
16. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City for the reasons set forth in this Motion above.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-005848CUA**, under Planning Code Sections 121.1, 121.2, 207.6, 303, 304 and 752, for: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirements; and, 3) establishment of a non-residential use larger than 4,000 square feet in the NCT-3 Zoning District, for the 1629 Market Street Mixed-Use Project. Under the PUD, the Commission must also grant modifications from the Planning Code requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); 4) street frontage (Planning Code Section 145.1); 5) off-street loading (Planning Code Section 152); and, 6) measurement of height (Planning Code Section 260), within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a OS, 68-X and 85-X Height and Bulk Districts. The following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 31, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

SAN FRANCISCO
PLANNING DEPARTMENT

Draft Motion
October 19, 2017

CASE NO. 2015-005848CUA
1629 Market Street

NAYS:

ABSENT:

ADOPTED: October 19, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow: 1) development on a lot larger than 10,000 square feet; 2) modification of the dwelling unit mix requirement; and 3) establishment of a non-residential use (Plumbers' Hall) larger than 4,000 square feet in the NCT-3 Zoning District, with modifications for: rear yard, dwelling unit exposure, permitted obstructions, street frontage, off-street loading and measurement of height, located at 1629 Market Street, Assessors Block 3505/001,007,008, 027, 028, 029, 031, 031A, 032, 032A, 033, 033A & 035, pursuant to Planning Code Sections 134, 136, 135, 140, 207.6, 260 and 731.93 within the Public (P) and NCT-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts and a 40-X and 85-X Height and Bulk Districts; in general conformance with plans, dated August 31, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-005848CUA and subject to conditions of approval reviewed and approved by the Commission on October 19, 2017 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 October 19, 2017 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

RELATIONSHIP TO DEVELOPMENT AGREEMENT

In the case of any conflict between this Conditional Use Authorization, the Development Agreement shall prevail.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for the term of the Development Agreement.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after expiration or earlier termination of the Development Agreement, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued for a building, construction must commence within the timeframe required by the Department of Building Inspection for such building and be continued diligently to completion.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of the Development Agreement with respect to City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
6. **Mitigation Measures.** Mitigation measures described in the MMRP (Case No. 2015-005848ENV) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

have been agreed to by the project sponsor. Their implementation as applicable to each building or component of the project is a condition of project approval.

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

Field Code Changed

7. **Additional Authorizations.** The Project Sponsor must obtain a Planning Code Text Amendment and Zoning Map Amendment to establish the 1629 Market Street Special Use District and an amendment to the Zoning Map No. 07 and Height & Bulk District Map No. 07 to realign the zoning to the adjusted parcel boundaries and increase the height and bulk of Block 3505 Lots 027 and 028 from 40-X to 68-X, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply, where not inconsistent with the Development Agreement.

This approval is contingent on, and will be of no further force and effect until the date that the San Francisco Board of Supervisor has approved by resolution approving the Zoning Map Amendment, Planning Code Text Amendment and General Plan Amendment.

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

Field Code Changed

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on May 25, 2017. These conditions state:

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

11. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
12. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

13. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
14. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
15. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
16. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
17. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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18. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

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

Field Code Changed

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

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

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

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

Field Code Changed

PARKING AND TRAFFIC

20. **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, with the exception of the Colton Street Affordable Housing Building units, for which no parking is provided. Each unit within the Project, with the exception of the Colton Street Affordable Housing Building units, shall have the first right of refusal to rent or purchase a parking space until the number of residential

parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

Field Code Changed

21. **Car Share.** Pursuant to Planning Code Section 166, no fewer than four (4) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

Field Code Changed

22. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 270 bicycle parking spaces (221 Class 1 and 28 Class 2 spaces for the residential portion of the Project and two (9 Class 1 and 12 Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

Field Code Changed

Field Code Changed

23. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than three-hundred and sixteen (316) off-street parking spaces.

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

Field Code Changed

24. **Off-Street Loading.** Pursuant to Planning Code Section 152, the Project will provide five (5) off-street loading spaces.

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

Field Code Changed

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

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

Field Code Changed

PROVISIONS

26. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

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

Field Code Changed

27. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program set forth in the Development Agreement. Following expiration or earlier termination of the Development Agreement, the provisions of Administrative Code Chapter 83 regarding development projects shall apply.

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

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28. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A, as set forth in the Development Agreement. Based on the Project's Environmental Evaluation Application date of July 10, 2015, and pursuant to Planning Code Section 411A(d)(2), residential uses subject to the TSF shall pay 50% of the applicable residential TSF rate, and the non-residential uses subject to the TSF shall pay the applicable Transit Impact Development Fee (TIDF) rate.

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

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29. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

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

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30. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421.

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

Field Code Changed

MONITORING - AFTER ENTITLEMENT

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

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

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

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

Field Code Changed

OPERATION

33. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

Field Code Changed

34. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

Field Code Changed

35. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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36. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Field Code Changed



SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 10/19/17
W. Wietgreffe

Supplemental Memorandum to Executive Summary

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Date: October 19, 2017
Case Number: 2017-006854OTH
Project Name: San Francisco Transportation Demand Management (TDM) Plan
Staff Contact: Wade Wietgreffe, (415) 575-9050
wade.wietgreffe@sfgov.org
RE: Amendments to the TDM Plan

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Since publication of the executive summary on October 13 for the above case number, staff made three amendments in response to comments received at the October 17 San Francisco County Transportation Authority Board hearing. The three amendments are below and staff will post online the full amended TDM Plan with the hearing materials.

NOTE: **Unchanged Plan text** are in plain Arial font.

Additions to Plan are in single-underline italics Times New Roman font.

Deletions to Plan are in ~~strikethrough italics Times New Roman font~~.

Asterisks (* * * *) indicate the omission of unchanged Plan subsections or parts of tables.

GEOGRAPHIES

* * * *

As such, the TDM program will continue to analyze the city's transit, bus, pedestrian, and car sharing network and focus efforts ~~on the audiences in accordance with~~ in geographies of the city using the following ~~geographic priority tiers~~ prioritization:

Geographic Tier 1: Locations with high rates of driving, adequate transit service with available capacity, but lower than expected transit usage; situated near the bike network; and in proximity to vehicle sharing sites.

Geographic Tier 2: either (a) Locations with high rates of driving, well serviced by transit but lacking the capacity to absorb increases in ridership; located near or moderately near the bike network and in proximity to carshare sites;

~~Geographic Tier 3:~~ OR (b) Locations with lower rates of driving, moderately serviced by transit that have the capacity to absorb increases in ridership; situated relatively close to the bike network; and that have access to carshare sites.

IMPLEMENTATION STRATEGIES

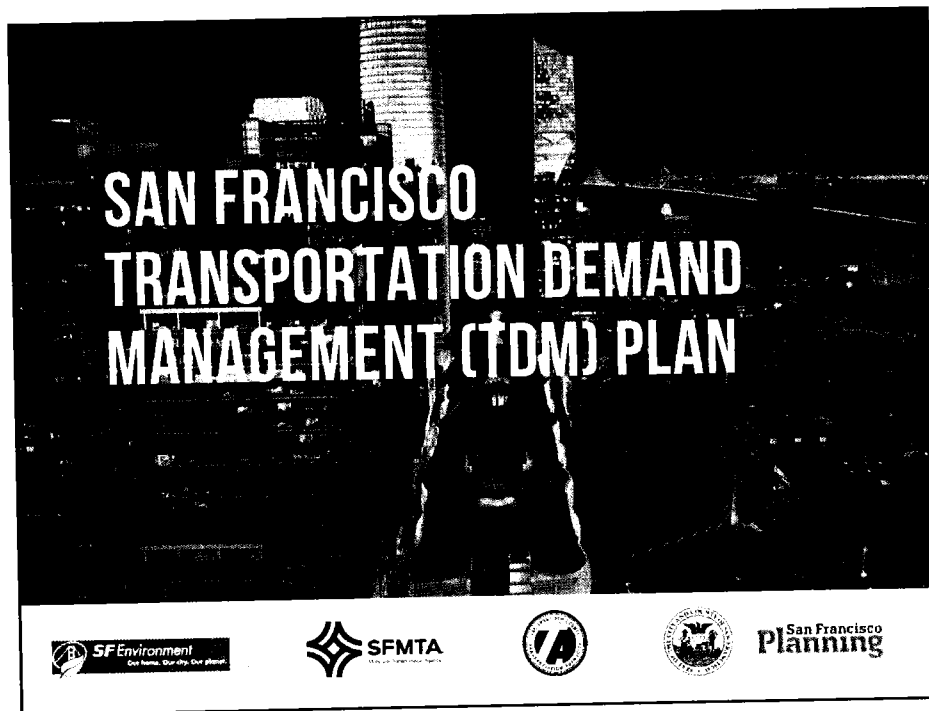
Strategy 1: Development program infrastructure for public engagement.

* * * *

Alongside the key actions listed here, the Partners Working Group commits to conducting comprehensive community outreach and engagement wherein community stakeholders are engaged in all TDM programs and projects in a proactive and meaningful way. Appendix E is provided as one example of the many approaches to community engagement in San Francisco.

APPENDIX E: PUBLIC OUTREACH & ENGAGEMENT

Received at CPC Hearing 10/19/2017
W. Wietzke



Agenda

TDM Partners Background

TDM Plan

Additional TDM Projects and Activities

Feedback

SF TDM Plan

TDM Partners

2012 Partnership

2014 Strategy

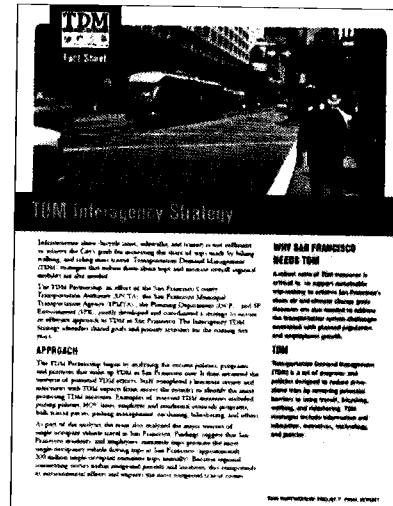
Four Agencies



San Francisco Planning



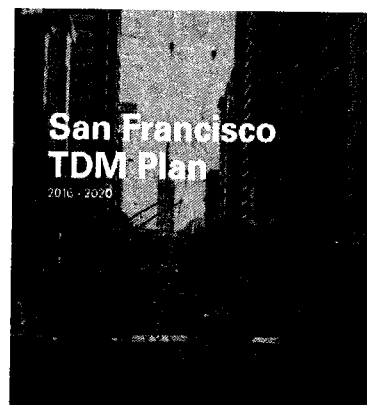
SF Environment
Our Name. Our City. Our Planet.



SF TDM Plan

2016 – 2020 TDM Plan: Vision

Encourage transit,
walking, biking,
and shared rides
as the preferred
means of travel in
SF



SF Environment
Our Name. Our City. Our Planet.

SAN FRANCISCO PLANNING DEPARTMENT

SF TDM Plan

2016 – 2020 TDM Plan: Goals

1. Make it easy
2. Institutionalize a culture
3. Collaborate
4. Monitor and evaluate



SF TDM Plan

2016 – 2020 TDM Plan

Working Group

Funding

Evaluation

Feedback



SF TDM Plan

2016 – 2020 TDM Plan: Projects



TDM ordinance
Development monitoring and enforcement



Commuter Benefits
Emergency Ride Home
CCSF Employee TDM outreach
TDM policy for City Employees



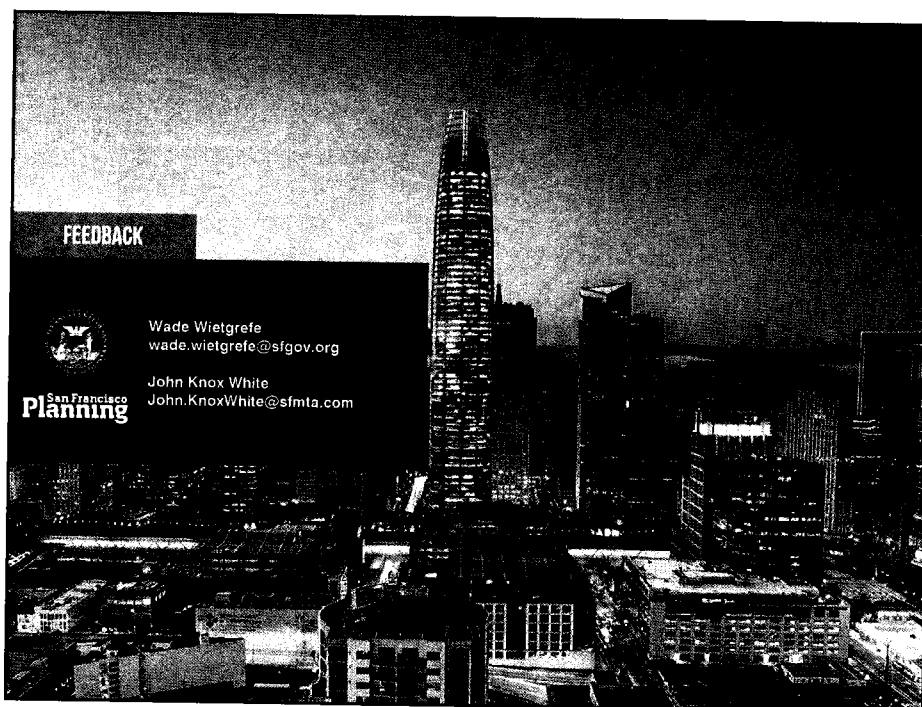
Citywide TDM Branding
Develop business outreach pilots
School TDM program development



BART Perks Test Program
Bayview Moves Pilot Program
Freeway Corridor Management Study
Late Night Transportation Plan



SF TDM Plan



10/19/2017

Received at CPC Hearing _____

D. Solovay



SFMTA

Municipal
Transportation
Agency

2017 Transportation Sector Climate Action Strategy

San Francisco Planning Commission

10.19.2017

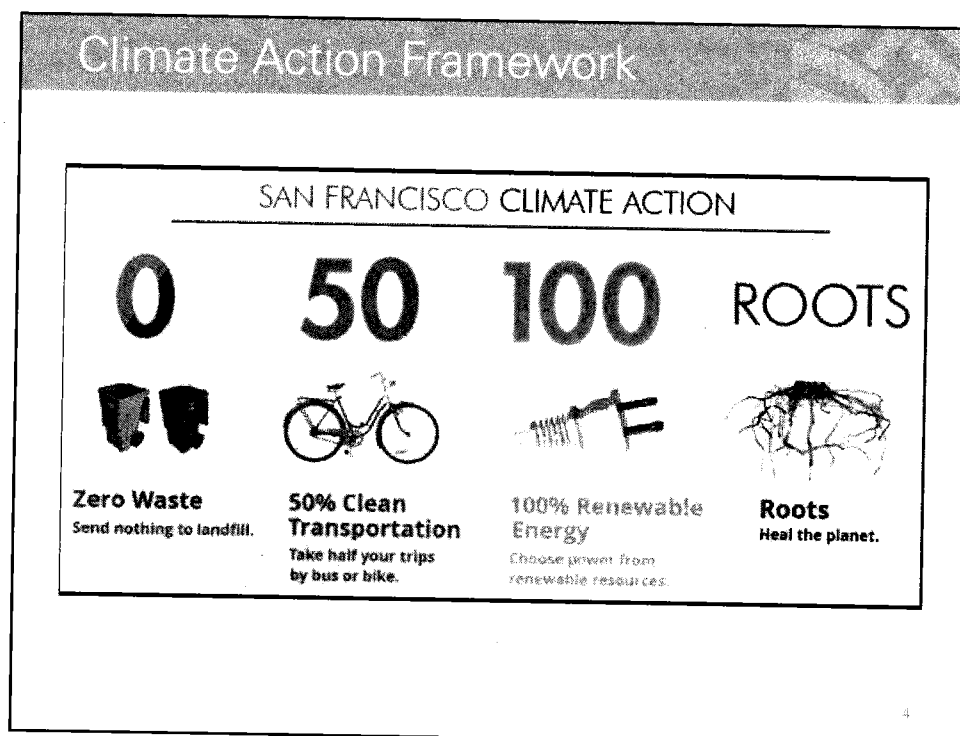
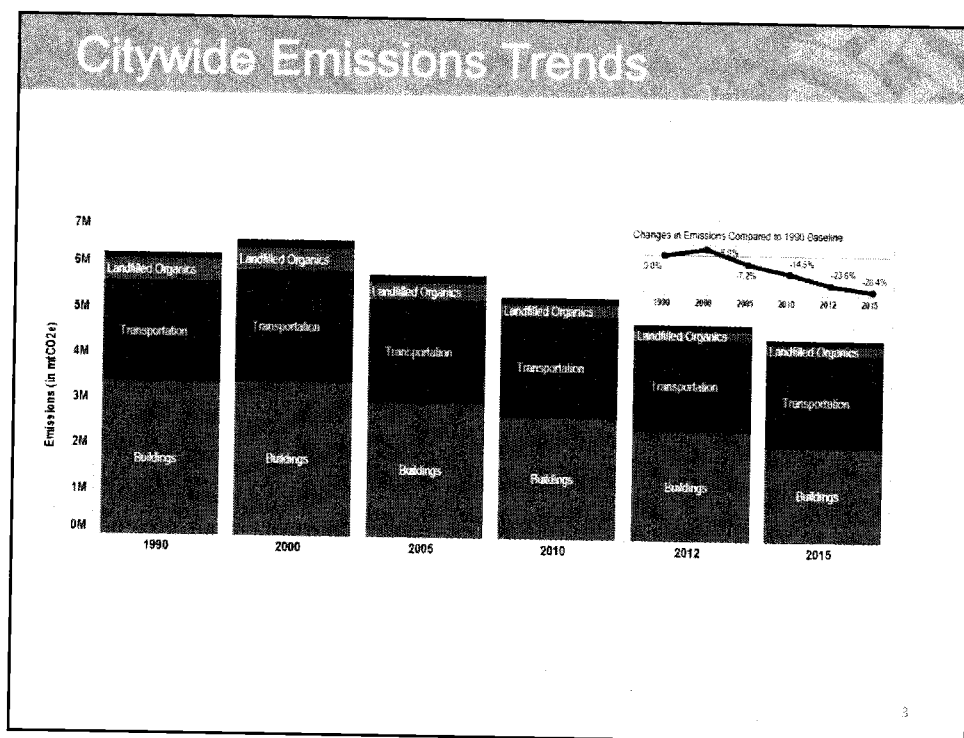
Dual Mandates

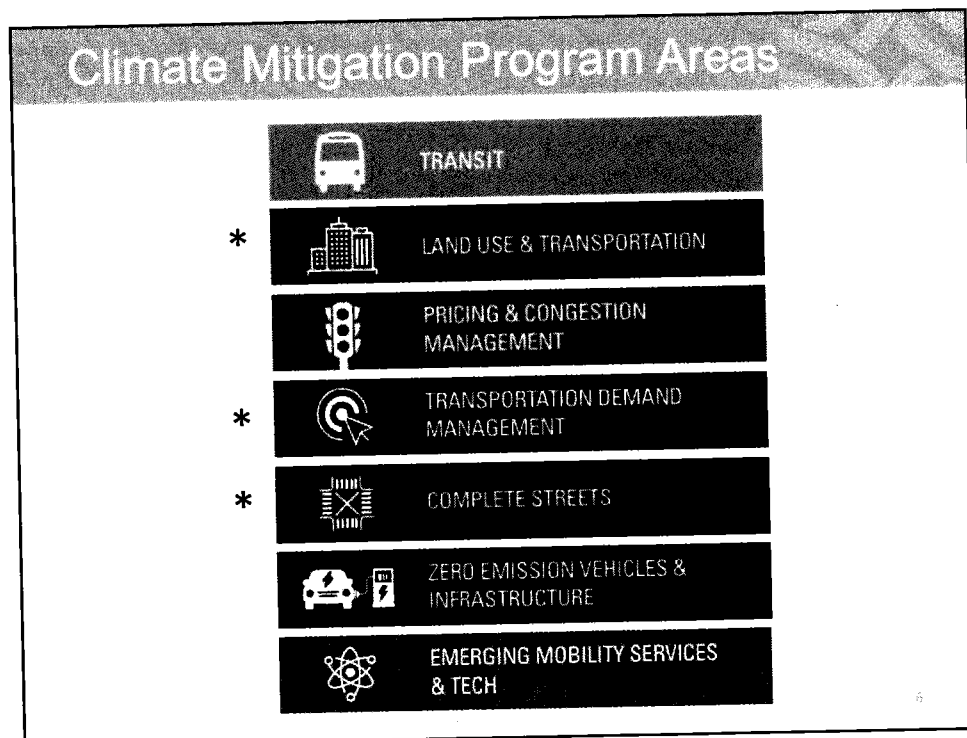
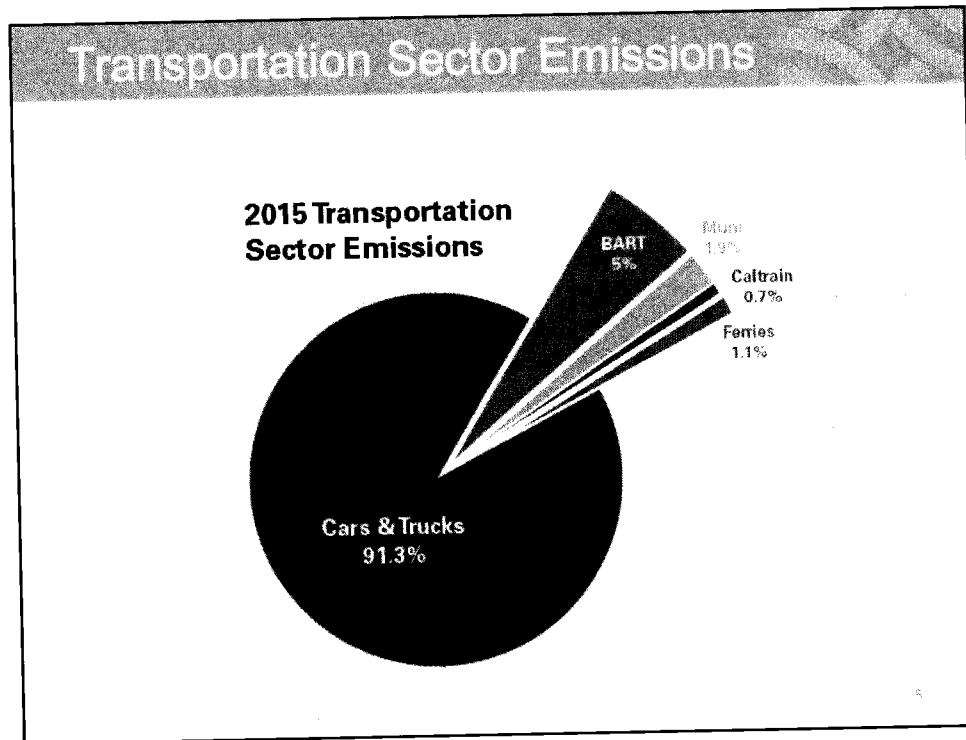
Proposition A mandates SFMTA to develop a Strategy every two years that reports on the progress towards achieving greenhouse gas reduction goals.

Climate Action Strategy

The Sea Level Rise Action Plan
mandates that each department conduct a
vulnerability assessment of their
systems and assets.







Climate Adaptation Program Areas

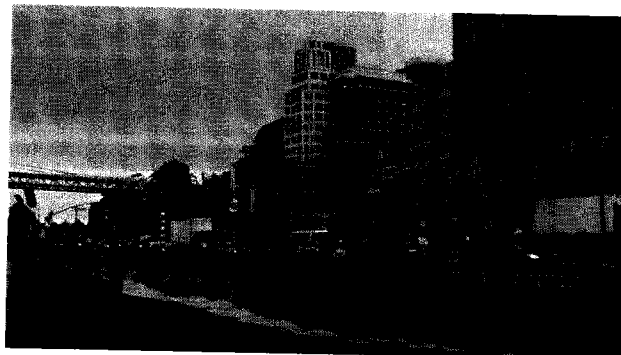
- *  EDUCATION CAPACITY & COMMUNICATION
- *  CAPITAL PLANNING
- *  VULNERABILITY ASSESSMENT
- *  ADAPTATION STRATEGIES, PLANS & POLICIES
- *  PARTNERSHIPS & COLLABORATION

7

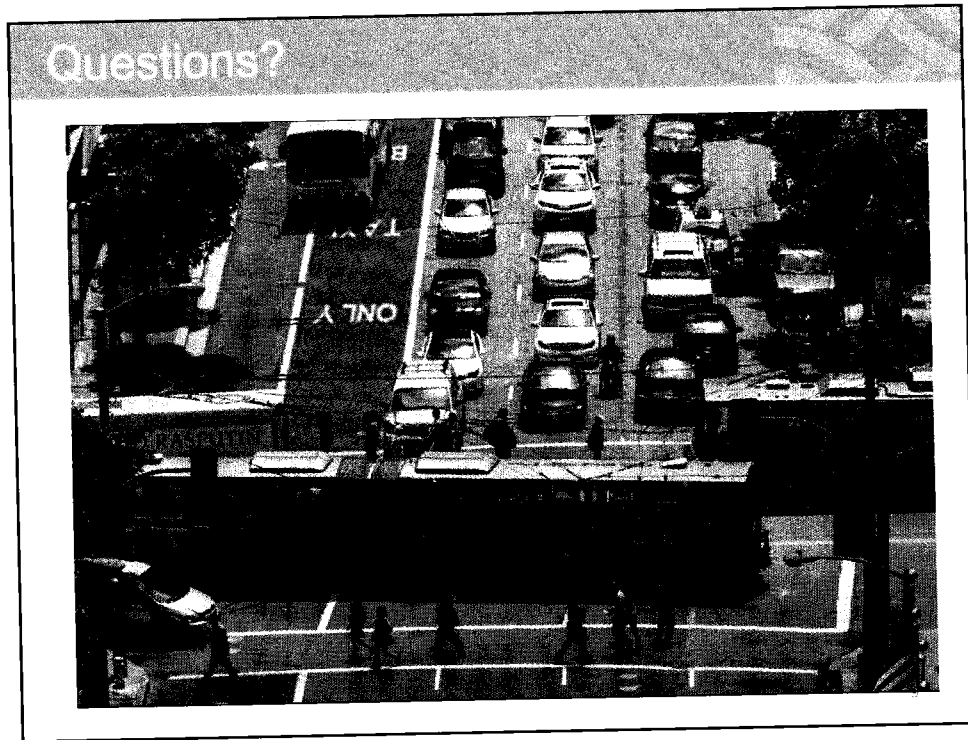
Transformation

How will we achieve goals?

- **Bold policies**
- **Innovative projects**
- **Strategic investments**
- **Sustained leadership**



8



Received at CPC Hearing 10/19/17
A. S. H.

Clerical Corrections for Board File 171041, Cannabis Regulations

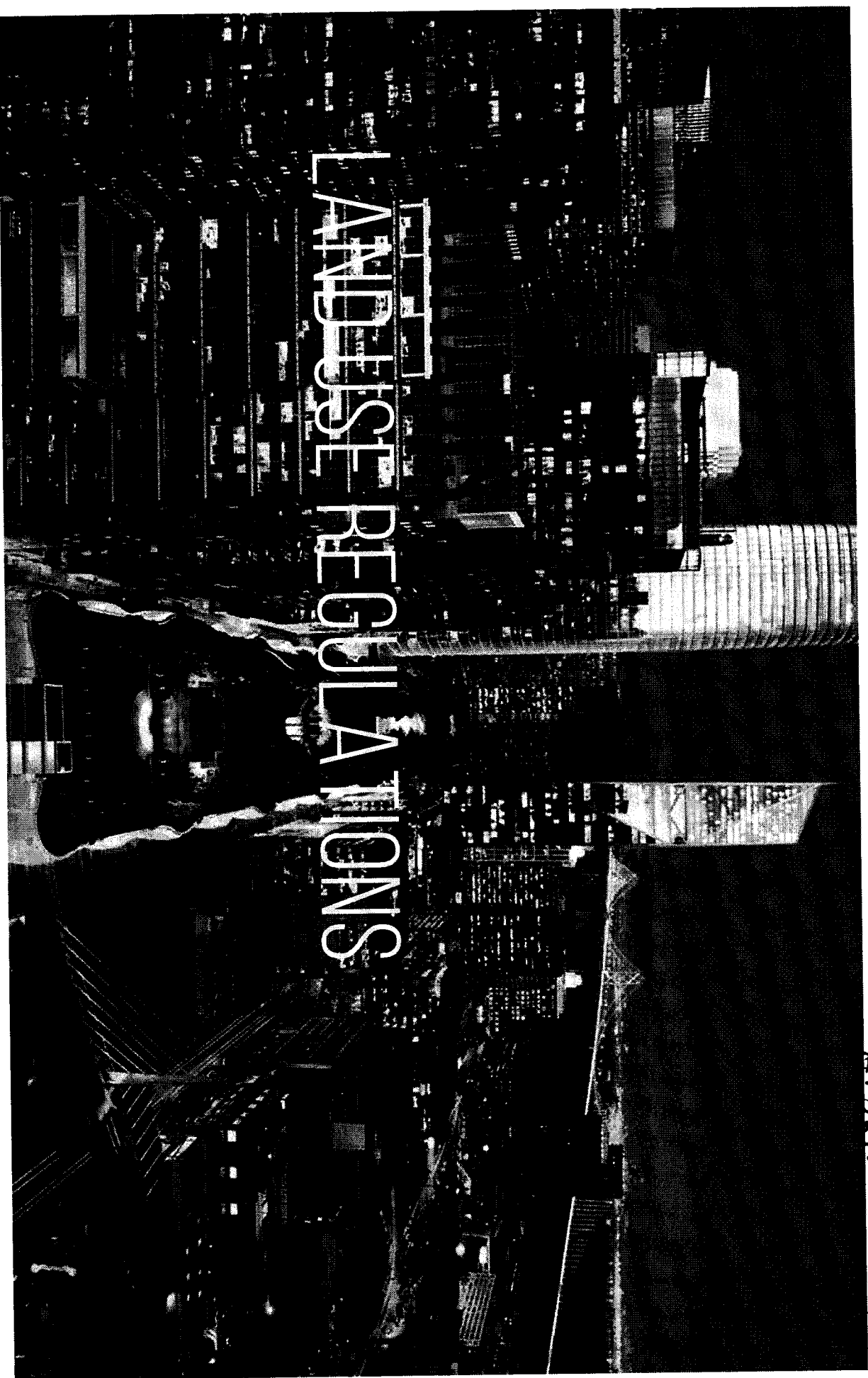
1. Add Cannabis Retail to the list of Active Commercial uses in Section 145.4
2. Change "Non-Retail Greenhouse or Plant Nursery" in the SALI zoning Control table to "Industrial Agriculture."
3. Remove this line from MCD location and operating controls in Section 202.2 (underlined and strikethrough text represent changes already proposed in the ordinance)

Smoking on the premises of a Medical Cannabis Dispensary Use located within ~~1000~~600 feet of a School, public or private, ~~or a Public Facility, Community Facility, or Private Community Facility that primarily serves persons under 18 years of age~~ is not permitted.

4. Add the following text to the definition or location and operating conditions for MCDs

Cannabis may be consumed on site pursuant to authorization by the City's Office of Cannabis and Department of Public Health, as applicable.

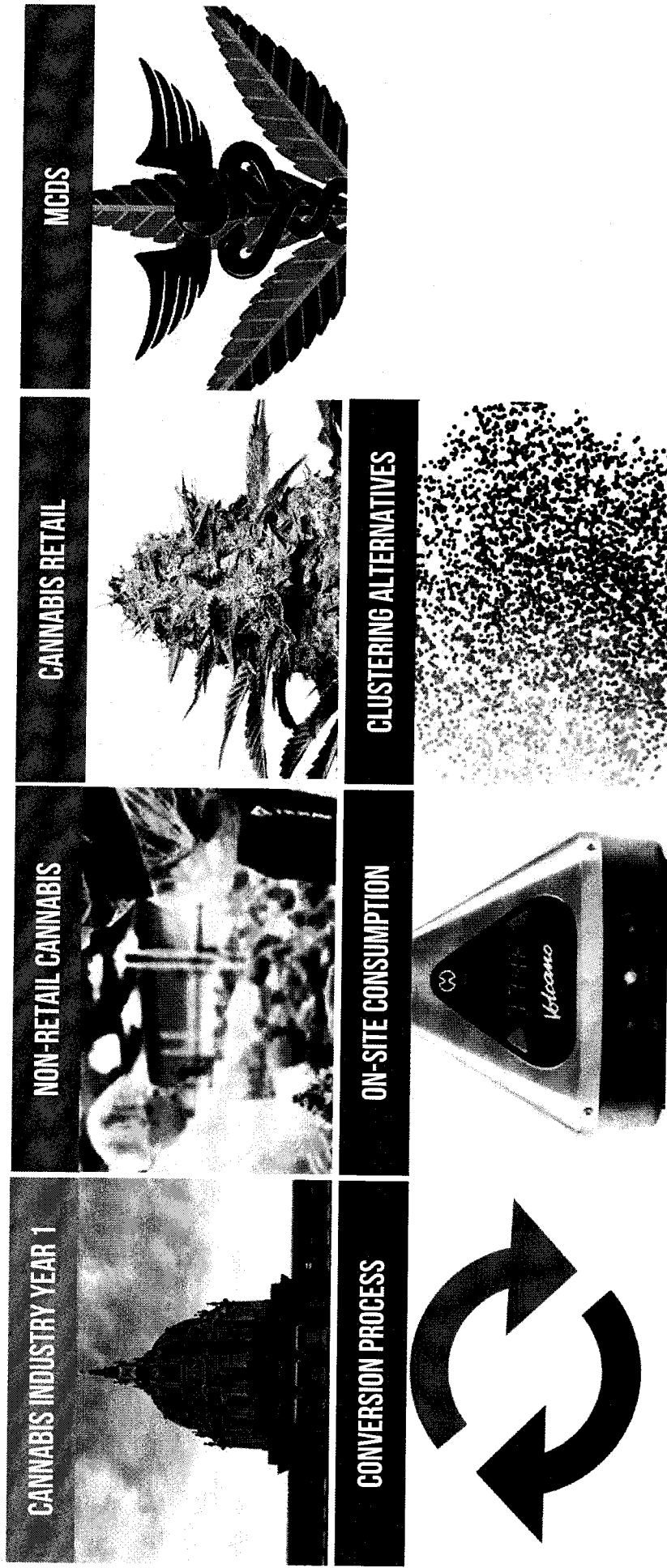
Received at CPC Hearing 10/19/17
A. Starr



LAND USE REGULATIONS

Aaron Starr
Planning Commission Hearing – October 19, 2017

Presentation Overview



Cannabis Industry

Only social equity applicants and businesses that have been operating in San Francisco prior to September of 2017 will qualify for a license from the OOC.

No cannabis licenses will be issued until the City establishes an equity program.

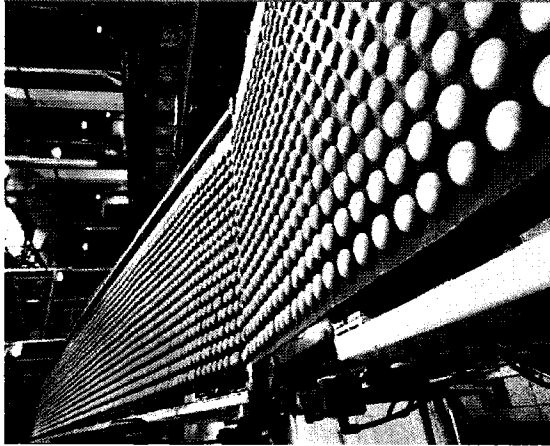
There are around 42 approved MCDs in the city, all of which will be eligible to convert to Cannabis Retail in 2018.

Number of non-retail uses operating in the City is unknown,

OOC has opened up a registration process for existing non-retail businesses which closes in late November.

Only those non-retail businesses that have registered would be eligible for a license to operate in 2018.

Zoning Provisions Non-Retail Cannabis



Manufacturing

Falls under either "Light Manufacturing" (no VOCs) or "Agricultural & Beverage Processing 2" (with VOCs). Light Manufacturing is allowed in most PDR, Downtown, Eastern Neighborhood, & SoMa Districts. A&BP2 is only allowed in PDR Districts



Growing

Falls under "Industrial Agriculture." Allows indoor growing only, and limited to 22,000 sq. ft. of canopy. Allowed in PDR, C-2, C-3-S and some Eastern Neighborhood and SoMa Districts.



Distribution

Falls under "Wholesale." Allows for the distribution of cannabis for wholesale purposes and retail where no on-site retail is present. Allowed Downtown, PDR, SoMa, and Eastern Neighborhoods.



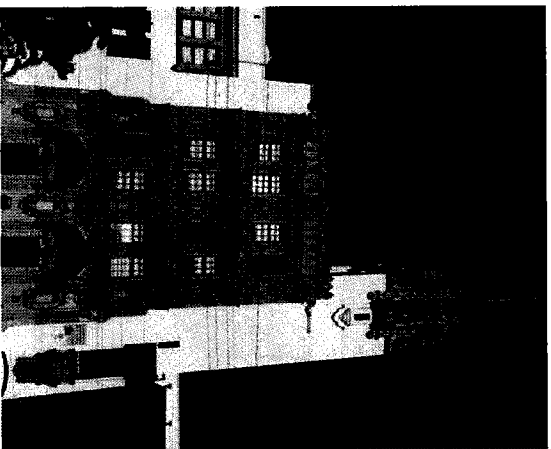
Testing

Falls under "Laboratory." Allows for testing of cannabis and cannabis products. Allowed in most Downtown, PDR, Eastern Neighborhood and SoMa Districts.

Zoning Provisions Cannabis Retail

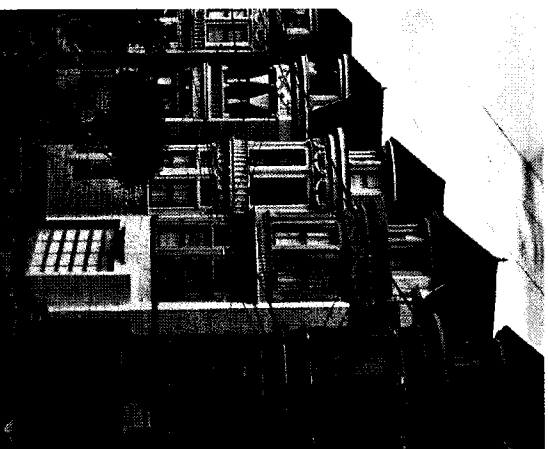
Sensitive Uses

Cannabis Retail would be prohibited within 600' of schools.



District-Level Controls:

- Residential and NC-1 Districts: Prohibited.
- Residential-Commercial: Permitted on the ground floor, Conditional Use required above.
- NC & Chinatown: Allowed on 2nd floor and below with Conditional Use.



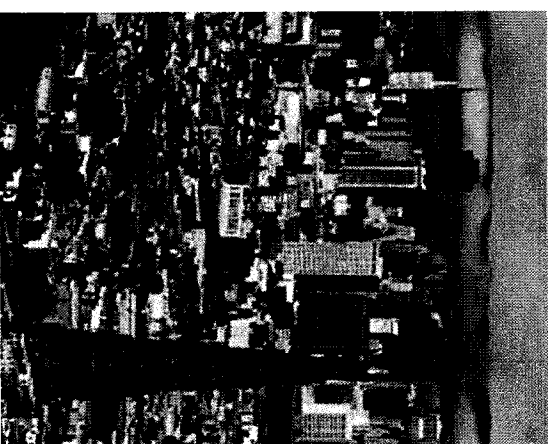
Clustering

New Cannabis Retail establishments would be prohibited within 300' of an MCD or another Cannabis Retail.



District-Level Controls:

- PDR: Allowed only with Microbusiness License
- Eastern Neighborhoods: Notice required. Conditional Use is required in SPD and MUG Districts.
- Community Business, Downtown, and SoMa: Permitted as of right.



GENERALIZED PROPOSED LAND USE CONTROLS

- NC & Chinatown Districts: Generally allowed on 2nd floor and below with CU
- RC Districts: Permitted as-of-right on the ground floor; CU above
- C, DTR & SolMa: Permitted as-of-right
- Eastern Neighborhoods: Generally permitted as-of-right along with neighborhood notice



EXISTING AND PROPOSED GREEN ZONE



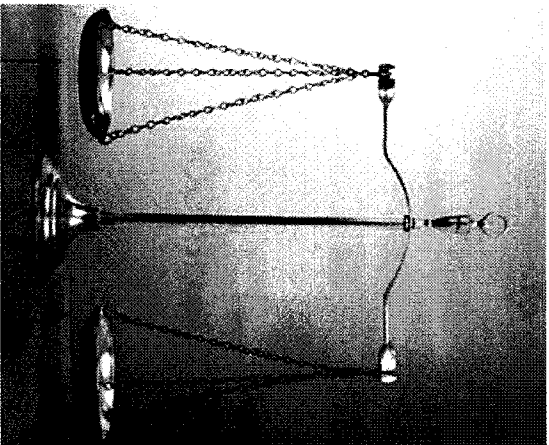
- Existing Green Zone
- Proposed Green Zone

Retaining Medical Cannabis Dispensaries

The Planning Department proposes that the MCD definition be maintained for the following four reasons:

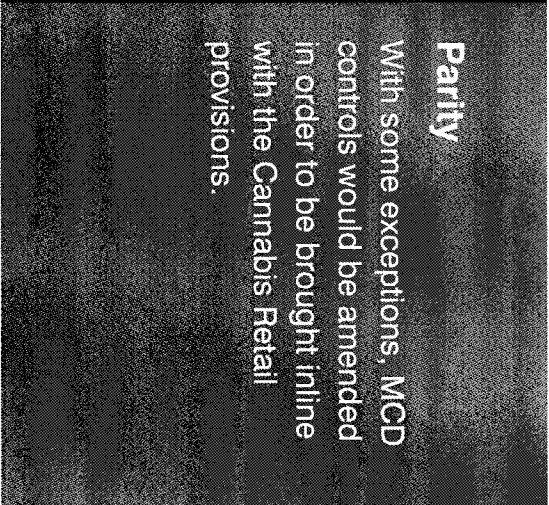
- **Clear Conversion Process:** Keeping two distinct land uses provides a clear path for conversion.
- **Less Impactful Use:** Starting January 1, 2018, the rules for medical cannabis will be more stringent.
- **Medical Cannabis Community.** The community would like to maintain San Francisco's unique medical cannabis industry and culture.
- **The Unknown:** It is far from clear as to what the adult use cannabis market will look like and how it will impact the medical cannabis industry.

Zoning Provisions Medical Cannabis Dispensaries



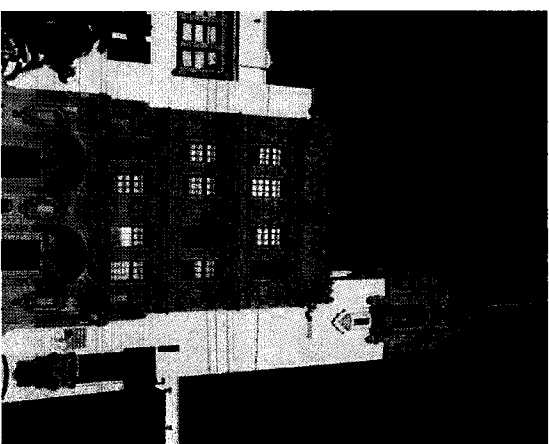
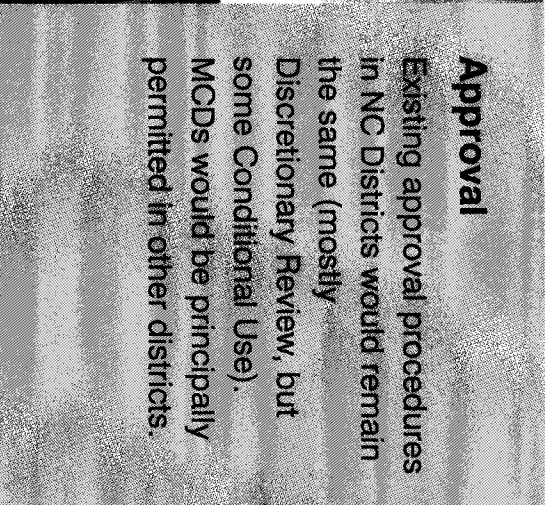
Parity

With some exceptions, MCD controls would be amended in order to be brought inline with the Cannabis Retail provisions.



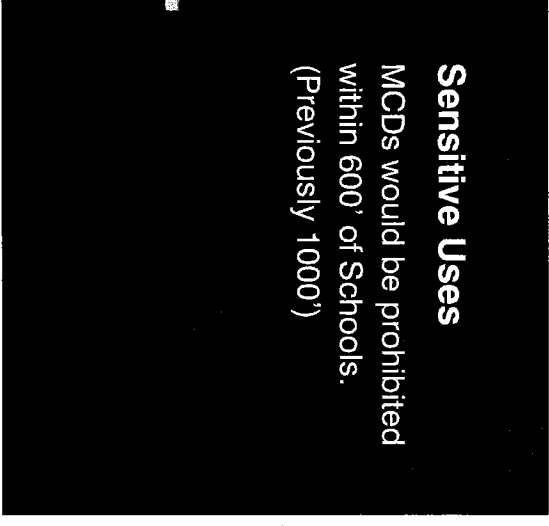
Approval

Existing approval procedures in NC Districts would remain the same (mostly Discretionary Review, but some Conditional Use). MCDs would be principally permitted in other districts.



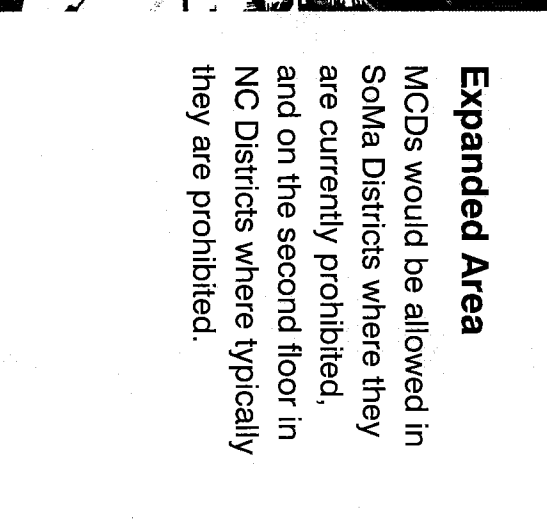
Sensitive Uses

MCDs would be prohibited within 600' of Schools. (Previously 1000')



Expanded Area

MCDs would be allowed in SoMa Districts where they are currently prohibited, and on the second floor in NC Districts where typically they are prohibited.



Conversion Process From MCD to Cannabis Retail

Conversion applications:

- Would NOT require Conditional Use authorization.
- Would require neighborhood notification in districts where neighborhood notification is required.
- Are still subject to Discretionary Review, CEQA appeal, and the Board of Appeals.
- Would need to be filed before June 30, 2018 and approved by December 31, 2019

On-site

On-site consumption can include applying salves or balms, vaporizing or smoking, or ingesting edibles made with cannabis extracts.

As proposed, the Planning Code would allow Cannabis Retailers and MCDs to have on-site consumption only with authorization from the OOC and DPH.

OOC and DPH are proposing to allow on-site vaporizing or smoking only at the 8 existing MCDs that currently have it. Other types of consumption would be permitted at all retailers.

DPH is concerned about maintaining indoor air quality and sending mixed messages with regards to smoking tobacco and smoking cannabis.

Department has significant concerns that if the City fails to allow on-site vaporizing or smoking in more locations, patrons will consume on streets, sidewalks, parks, plazas, and other public places.

Clustering Alternatives

DISTRICT CONCENTRATION

- Evaluates the overall concentration of Cannabis Retailers and MCDs in a given NCD.
- Similar to how we evaluate Restaurant or Formula Retail concentration.
- Unsure what the concentration % should be & it would be difficult and time consuming to implement.

CLUSTERING-AS- FINDING

- Removes mandatory clustering in neighborhoods that require CU; instead, the 300' buffer would be a finding as part of the CU.
- Where a CU is not required, retail cannabis would be principally permitted unless it was within 300' of another retail cannabis business

ORBIT OPTION

- Would allow a new retail cannabis only if there were no more than 2 other existing retail cannabis businesses within a 1,000' radius.
- Either (1) a "hard cap" that would prohibit more than 3 retail cannabis within 1,000' or (2) a "soft cap" that would trigger CU.

THANK YOU



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