



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (EN Impact Fees)

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Planning Commission Motion No. 19001 HEARING DATE: OCTOBER 10, 2013

Date: October 3, 2013
Case No.: **2007.0385 EBKX**
Project Address: **345 BRANNAN STREET**
Zoning: MUO (Mixed Use Office)
 65-X Height and Bulk District
Block/Lot: 3788/039
Project Sponsor: Charles F. Bloszies
 228 Grant Avenue, 6th Floor
 San Francisco, CA 94108
Staff Contact: Diego R Sánchez – (415) 575-9082
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ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 AND TO ALLOW AN EXCEPTION FOR ALLOWABLE PERMITTED OBSTRUCTIONS PURSUANT TO PLANNING CODE SECTION 136 TO ALLOW CONSTRUCTION OF A FIVE-STORY COMMERCIAL BUILDING WITH UP TO 102,285 SQUARE FEET OF OFFICE AND APPROXIMATELY 7,167 SQUARE FEET OF OFF-STREET PARKING AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AT 345 BRANNAN STREET, LOT 039 IN ASSESSOR’S BLOCK 3788, WITHIN THE MUO (MIXED USE OFFICE) ZONING DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 18, 2008 Charles F. Bloszies (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for a Large Project Authorization under Planning Code Section 329 to allow an exception for allowable permitted obstructions pursuant to Planning Code Section 136 and an Office Development Authorization to construct a new 116,615 square foot, five story office building with off-street parking on the property at 345 Brannan Street, south side of Brannan Street between 3rd Street and Stanford Street; Lot 039 in Assessor’s Block 3788, (hereinafter “Subject Property”). The project is located within an MUO (Mixed Use Office) Zoning District a 65-X Height and Bulk District.

On March 20, 2013 Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until April 9, 2013 and

On October 10, 2013, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

The Planning Department/Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the MND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2007.0385 EBKX at 1650 Mission Street, Fourth Floor, San Francisco, California.

On October 10, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on a Large Project Authorization, Application No. 2007.0385 EBKX.

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. 2007.0385 EBKX, 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 on the south side of Brannan Street, between 3rd and Stanford Streets. The lot, approximately 24,000 square feet in area, is a flag lot with a 20 foot wide portion at the rear of the lot that stretches approximately 140 feet toward the

east and provides frontage on Stanford Street. The lot also provides 75 feet of frontage along Brannan Street. The property is currently used as a surface parking lot.

3. **Surrounding Properties and Neighborhood.** The project is located within the South of Market Area neighborhood and is approximately one block south of South Park. Properties in the area are commercial and light industrial in nature with residential uses found further away from the site. Immediately to the east and west of the project site are one- and two-story light industrial buildings. To the north of the project site is a four-story commercial building. To the south of site are one-, two- and three-story light industrial buildings that front Townsend Street. Properties in the surrounding area are in the MUO (Mixed Use Office) and SLI (Service Light Industrial) Zoning Districts.
4. **Project Description.** The applicant proposes to construct a new five-story commercial building that will house approximately 102,285 square feet of office use and approximately 7,167 square feet of off-street parking on a site with a surface parking lot. Automobile access into an excavated basement level will be provided from Stanford Street, a minor street located to the east of the project site. Open space for the office tenants is provided at a west-facing deck on the second floor and a 4,300 square foot roof deck
5. **Public Comment.** The Project Sponsor received input from and worked with South Park stakeholders to alter the project and to collaborate on improvements to South Park. In addition Planning Department staff received one letter requesting additional changes 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. **Floor Area Ratio.** Planning Code Section 124 establishes a maximum Floor Area Ratio of 5:1 for properties within the MUO Zoning District and a 65 foot height district.

The lot area is 24,132 square feet, resulting in a maximum floor area ratio of 120,660 square feet. The project proposes up to 116,615 square feet, complying with Planning Code Section 124.
 - B. **Obstructions over Streets and Alleys.** Only obstructions specified in Planning Code Section 136 are allowed over streets and alleys.

The project is proposing bay windows along the front façade that exceed the maximum allowed envelope for bay windows, as specified within Planning Code Section 136, and is seeking an exception pursuant to Planning Code Section 329 Large Project Authorization from this requirement (see discussion below).
 - C. **Useable Open Space.** Planning Code Section 135.3 requires one square foot of useable open space for every 50 square feet of occupied floor area of new office use within the MUO Zoning District.

The project is required to provide 2,003 square feet of useable open space as the project is proposing up to 100,137 occupied square feet of office use. The project is proposing a 4,300 square foot roof deck that complies with Planning Code Section 135.3.

- D. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction and requires streetscape and pedestrian elements in conformance with the Better Streets Plan when a project is on a lot that is greater than ½-acre in total area and the project includes new construction.

The project is proposing the new construction of a five-story commercial building on a lot that is more than ½ an acre in size with 75 feet of frontage along Brannan Street and 20 feet of frontage along Stanford Street. The project is providing five street trees, in compliance with Planning Code Section 138.1. The Project Sponsor will also submit a streetscape plan to the Planning Department that will be reviewed for conformance with the Better Streets Plan.

- E. **Street Frontage in Mixed Use Districts.** Section 145.1 of the Planning Code 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 or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The project is proposing the off-street parking to be located within an excavated basement that is set in from Stanford Street approximately 140 feet and from Brannan Street approximately 95 feet. The off-street parking entrance accessed from Stanford Street is approximately 15 feet in width; however the entrance is below grade and setback approximately 140 feet. Along Brannan Street the building fronts the property line and provides tenant space for active uses within a ground floor with a floor-to floor height of 16 feet. The storefront along Brannan Street meets the fenestration requirement as it is lined with windows and doors for more than 60 percent of the frontage.

- F. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows up to seven percent of the gross floor area of office use to be dedicated to off-street parking. The off-street parking area is subject to the pricing conditions of Section 155(g).

The project is proposing up to 102,285 square feet of office use, allowing up to 7,167 square feet of off-street parking use. The project is proposing 7,167 square feet of off-street parking use, complying with Planning Code Section 151.1.

- G. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires 0.1 off-street freight loading spaces for every 10,000 square feet of gross floor area of office use.

The project is proposing up to 102,285 square feet of office use, requiring at least one off-street freight loading space or two service vehicle spaces. The project is proposing two service vehicle spaces, complying with Planning Code Section 152.1.

- H. **Bicycle Parking Requirement.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space for each 5,000 square feet of occupied floor area of office space and a minimum of two Class 2 spaces for any office use greater than 5,000 gross square feet plus one Class 2 space for each additional 50,000 occupied square feet.

The project is proposing up to 100,137 square feet of occupied office use, requiring at least 21 Class 1 bicycle parking spaces and three Class 2 bicycle spaces. The project is proposing 36 Class 1 bicycle parking spaces and three Class 2 bicycle open spaces, in compliance with Planning Code Section 155.2.

- I. **Shower Facility and Clothes Locker Requirement.** Planning Section 155.4 of the Planning Code requires at least four showers and eight clothes lockers when gross square footage of the office use floor area exceeds 50,000 square feet.

The project is proposing up to 102,285 square feet of office use, requiring at least four showers and 24 clothes lockers. The project is proposing four showers and 24 clothes lockers, in compliance with Planning Code Section 155.4.

- J. **Transportation Management Program.** Planning Section 163 requires the Project Sponsor to execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services for projects within the MUO District, where the gross square feet of new, converted or added floor area for office use equals at least 25,000 square feet

The project is proposing up to 102,285 square feet of office use, requiring the Project Sponsor to execute an agreement to provide on-site transportation brokerage services. The agreement will be reviewed by the Planning Department prior to the issuance of a temporary certificate of occupancy, in accordance with Planning Code Section 163.

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

The project is proposing a five-story commercial building 65 feet in height, as measured to the finished roof, and was found to cast new shadow upon South Park, a property under the jurisdiction of the Recreation and Park Commission. The Planning Commission finds the new shadow, after 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 South Park.

- L. **Neighborhood Notification.** Planning Section 312 requires neighborhood notification when proposing a change of use from one land use category to another within the Eastern Neighborhoods Mixed Use Districts.

The project is proposing a change of use from the Vehicle Parking land use category to the Office land use category and has conducted the required notification in conjunction with the notification for the Large Project Authorization and the Office Allocation.

- M. **Transit Impact Development Fee.** Planning Code Section 411 applies the Transit Impact Development Fee to projects cumulatively creating more than 800 gross square feet of non-residential uses including Retail/Entertainment, Management, Information and Professional Services and Production/Distribution/Repair.

The project is proposing up to 102,285 square feet of office use. This use is subject to the Transit Impact Development Fee at the per gross square foot rate in place at time of building permit issuance.

- N. **Jobs-Housing Linkage Program.** Planning Code Section 413 applies the Jobs-Housing Linkage Fee to any project that increases by at least 25,000 gross square feet the total amount of any combination of entertainment use, hotel use, Integrated PDR use, office, research and development use, retail use, and/or Small Enterprise Workspace use.

The project proposes up to 102,285 square feet of office use subject to Planning Code Section 413, and is subject to the Jobs-Housing Linkage Program. The Project Sponsor may elect between the Housing Requirement option, the Payment to Housing Developer option, the In-Lieu Fee Payment option or compliance by combination payment to Housing Developer and payment of In-Lieu Fee at the time of building permit issuance.

- O. **Child Care Requirements for Office Development Projects.** Planning Code Section 414 applies the Child Care Requirements for Office Development Projects Requirement to any project that increases by at least 50,000 gross square feet the total amount of office space.

The project proposes up to 102,285 square feet of office use and is subject to the Child Care Requirements for Office Development Projects. Prior to issuance of the first construction document, the Project Sponsor will elect between compliance by providing an on-site child-care facility, compliance in conjunction with the sponsors of other development projects to provide an on-site child care facility at another project, compliance in conjunction with the sponsors of other development projects to provide a child-care facility within one mile of the development projects, compliance by

payment of an in-lieu fee, compliance by combining payment of an in-lieu fee with construction of a child care facility or compliance by entering into an arrangement with a non-profit organization.

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

The project is proposing up to 102,285 square feet of office use and is subject to Planning Code Section 423. The Impact Fee must be paid prior to the issuance of the building permit application.

- Q. **Office Use in MUO Zoning Districts.** Planning Code Section 842.66 states that office use is a permitted use within the MUO Zoning District.

The proposed project would construct new office space within the MUO Zoning District; therefore, the proposed project complies with Planning Code Section 842.66. Please see Case 2007.0385EBKX for additional discussion and findings pursuant to Planning Code Section 321, Office Development: Annual Limit.

7. **General Compliance with the Large Project Authorization in Eastern Neighborhoods Mixed Use District Objectives.** 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 proposed building mass and scale is appropriate for the existing area context which is characterized by larger, light industrial buildings that create strong street walls of multiple stories. The existing buildings do not setback from front property lines at any story, and the proposed project is in keeping with this pattern. Furthermore the area is transitioning to a pattern of five- and six-story office buildings. The proposed project is appropriately scaled to compliment this pattern.

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

The Brannan Street storefront provides ample glazing and emphasizes, through the use of a canopy, the primary entrance into the six-story commercial building. A terra cotta rain screen comprises the principal façade element, with the terra cotta being an appropriate material for the existing context of masonry light industrial buildings. Aluminum windows, on the upper floors, are situated in a manner that creates a gentle rhythm, while an end column of bay windows provides an asymmetrical accent and an element of visual interest.

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

The Brannan Street storefront is heavily glazed, encouraging interaction between the tenant space and the public realm. The ground floor plan is designed with the primary lobby leading to the conveyance for the upper floors at the east end and a secondary entrance for a ground floor tenant at the west end of the building. Off-street parking and freight loading is situated within an excavated basement level. This basement level is accessed through the minor, secondary Stanford Street façade, located at the rear of the property.

The Commission has expressed a preference for a ground floor retail space. The design of the lower floor shall be modified accordingly.

- 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 required useable open space for the office use is provided on a 4,300 square foot roof deck. The roof deck is of particular quality in that it is setback from a vegetated roof and, at 65 feet in height, will provide pleasant views of the surroundings.

- 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;

Given that the property has no frontages greater than 75 feet in length, the project does not provide any midblock alley or pathways pursuant to Planning Code Sections 270 and 270.2.

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

The proposed project will provide the required street trees, in accordance with Planning Code Section 138.1, and will submit a streetscape improvement plan in accordance with the Better Streets Plan.

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

Automobile access is provided exclusively through the minor Stanford Street façade. The entry is at the rear of the lot, approximately 250 feet from the Brannan Street façade. The Brannan Street façade is the focal point for pedestrian access, as it is the primary façade.

- H. Bulk limits;

The proposed 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 proposed project, on balance, meets the Objectives and Policies of the General Plan.

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

The proposed project is seeking an exception, as the proposed bay windows at the Brannan Street façade exceed the dimensional limits for allowed obstructions over streets and alleys, as established by Planning Code Section 136(c). Allowing this exception would maintain an important stylistic feature of the principal façade with little to no apparent harm to the general welfare of the public or to improvements in the vicinity.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed office development will provide net benefits to the City and the community in the form of new office space and in the use of an underutilized lot within a zoning district with the stated intent of locating and encouraging the growth of office use. The nature of the office use has few physical consequences that are undesirable and the standard Conditions of Approval (Exhibit A) will help ensure that the operations will not generate any unforeseen problems.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location

The proposed office development will help attract new commercial activity to San Francisco as it provides a large quantity of vacant office space for use. It also contributes to San Francisco's attractiveness as a firm location as it is within short walking distance of South Park, the amenities encircling South Park and the emerging 3rd Street Corridor near AT&T Park.

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.

The Project will install street trees at approximately 20 foot intervals along the Brannan Street frontage, in compliance with requirements.

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 36 bicycle parking spaces in a secure, convenient location within the basement level.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.3:

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

The design of the proposed office development complements the existing character of the 300 block of Brannan Street as its scale, massing and choice of façade materials draws inspiration from the light industrial and masonry buildings that line the street. The proposed development does not stand out, but rather contributes to a general pattern of building type, massing and scale along a transitioning segment of Brannan Street.

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 choice of façade materials and the proposed building massing, form and scale of the proposed development respect and complement the existing character of the light industrial and masonry buildings that are found along the 300 block of Brannan Street.

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.2:

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

The proposed development successfully melds a new building into an area with an established presence of 20th century light industrial buildings. The proposed development does not clash with the existing context as the selected building materials, massing and scale are typical of the buildings found along the 300 block of Brannan Street.

EAST SOMA PLAN AREA

Objectives and Policies

OBJECTIVE 3.1:

PROMOTE AN URBAN FORM THAT REINFORCES EAST SOMA'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.

The design of the proposed office development, a contemporary interpretation of 20th Century light industrial buildings, complements the existing character of the 300 block of Brannan Street as its scale, massing and choice of façade materials draws inspiration from the light industrial and masonry buildings that line the street.

OBJECTIVE 3.2:

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

Policy 3.2.3:

Minimize the visual impact of parking.

The off-street parking is located within an excavated basement level at the rear of the lot. The parking cannot be seen from the Brannan Street façade, which is the primary interface with the public realm.

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

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

The proposal would enhance the neighborhood-serving retail district by introducing a large number of new employees and potential patrons to the retail uses in the area.

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

The existing neighborhood character will be preserved as the design of the proposal is in harmony with the building scale, massing and form found in the vicinity.

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

The proposed development will not add or remove housing.

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

It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking as the sole automobile entrance is on a minor side street and the excavated basement provides the maximum allowable off-street parking.

- 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.

No existing industrial and service sector establishments will be displaced as a result of the office development.

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

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

The Historic Resource Evaluation Report indicates the absence of an historic resource on the subject property.

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

The Planning Commission found that the net new shadow cast by the project upon South Park will not be adverse to the park.

11. 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.
12. The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2007.0385EBKX** under Planning Code Sections 329 to allow the new construction of a five-story commercial building with up to 102,285 square feet of office use and an exception from the allowable permitted obstructions requirement within the MUO (Mixed Use Office) Zoning District and a 65-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 August 5, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FMND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization and/or Office Allocation to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19001. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 10, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: October 10, 2013

Motion No. 19001
October 10, 2013

CASE NO. 2007.0385 EBKX
345 Brannan Street

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project to allow the new construction of a five-story commercial building with up to 102,285 square feet of office use and an exception from the maximum permitted obstruction requirement located at 345 Brannan Street, Lot 039 in Assessor's Block 3788 pursuant to Planning Code Section 329 within the MUO (Mixed Use Office) Zoning District and a 65-X Height and Bulk District; in general conformance with plans, dated August 5, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2007.0385EBKX and subject to conditions of approval reviewed and approved by the Commission on **October 10, 2013** under Motion No. **19001**. 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 10, 2013** under Motion No. **19001**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19001** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Large Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Large Project Authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

3. **Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

4. **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

5. **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

6. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

7. **Ground Floor Retail.** The Project Sponsor shall incorporate a retail space on the ground floor level along Brannan Street with a minimum of 300 sq ft of floor area.

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

8. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the 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.

PARKING AND TRAFFIC

9. **Bicycle Parking.** Pursuant to Planning Code Section 155.2, the Project shall provide no fewer than 21 Class 1 and three Class 2 bicycle parking spaces.

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

10. **Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.4, the Project shall provide no fewer than four showers and 24 clothes lockers.

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

11. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 7,167 square feet for off-street parking spaces.

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

12. **Off-Street Freight Loading.** Pursuant to Planning Code Section 152, the Project will provide one off-street freight loading space or two service vehicle spaces.

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

PROVISIONS

13. **Transportation Brokerage Services - C-3, EN, and SOMA.** Pursuant to Planning Code Section 163, the Project Sponsor shall provide on-site transportation brokerage services for the actual lifetime of the project. Prior to the issuance of any certificate of occupancy, the Project Sponsor shall execute an agreement with the Planning Department documenting the project's transportation management program, subject to the approval of the Planning Director.

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

14. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

15. **Jobs Housing Linkage.** Pursuant to Planning Code Section 413 (formerly 313), the Project Sponsor shall contribute to the Jobs-Housing Linkage Program (JHLP). The calculation shall be based on the net addition of gross square feet of each type of space to be constructed as set forth in the permit plans. The Project Sponsor shall provide evidence that this requirement has been satisfied to the Planning Department prior to the issuance of the first site or building permit by the Department of Building Inspection.

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

16. **Childcare Requirements for Office and Hotel Development Projects.** Pursuant to Section 414 (formerly 314), the Project Sponsor shall pay the in-lieu fee as required. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

17. **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

MONITORING

18. **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

19. **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

20. **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>

21. **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>

22. **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

**EXHIBIT C:
 MITIGATION MONITORING AND REPORTING PROGRAM
 (Including the Text of the Mitigation Measures Adopted as Conditions of Approval)**

Mitigation Measures Adopted As Conditions of Approval	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
1. Archeological Resources				
<p>The following mitigation measure is required to avoid any potential adverse effect from the project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractors), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	Project Sponsor.	Prior to any soil-disturbing activities.	Project Sponsor to provide affidavit to the ERO confirming that all field personnel have received copies of the "ALERT" Sheet.	Considered complete upon ERO receipt of affidavit.
<p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p>	Project Sponsor, Contractor(s), and Archeologist.	During soil-disturbing activities.	Consultant to prepare memorandum to file indicating results of consultation with archeologist.	Considered complete upon later of ERO's drafting of memo or ERO's direction to implement further measures.

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Archeological Resources (cont'd.)				
Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	(see above)	(see above)	(see above)	(see above)
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological 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.	Project sponsor and Archeological Consultant.	Following completion of any archeological field program.	ERO to review Draft FARR.	Considered complete upon ERO approval of Draft FARR.
Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 Major Environmental Analysis division of the Planning Department shall receive three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.	Project Sponsor.	Upon ERO approval of Draft FARR.	Project Sponsor to provide ERO with copies of transmittals of FARR distribution.	Considered complete upon receipt by ERO of evidence of distribution.
2. Hazardous Materials				
<i>Step 1: Soil Testing</i> Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) and groundwater samples from areas on the site in which soil would be disturbed and test the soil and groundwater samples for petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples.	Project Sponsor	Prior to soil-disturbing activity.	DPH to review soil testing report and advise ERO and Department of Building Inspection (DBI) if Site Mitigation Plan (SMP) is required.	Prior to issuance of grading or excavation permit. Considered complete upon receipt by DPH, ERO, and DBI of monitoring report.

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<p>Hazardous Materials (cont'd.)</p> <p>The consultant shall prepare a report on the soil and groundwater testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of soils and groundwater tested.</p> <p>The project sponsor shall submit the report on the soil and groundwater testing to the Department of Public Health (DPH) and shall pay the applicable fee required by DPH to review the report pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the soil and groundwater testing report to determine whether the soil or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>If DPH determines that the soils and groundwater on the project site are not contaminated with petroleum hydrocarbons at or above a potentially hazardous level, no further mitigation measures with regard to contaminated soils or groundwater on the site would be necessary.</p>	(see above)	(see above)	(see above)	(see above)
<p><i>Step 2: Preparation of Site Mitigation Plan</i></p> <p>If, based on the results of the soil and/or groundwater tests conducted, DPH determines that the soils and/or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels, DPH shall determine whether preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by DPH, the SMP shall include a discussion of the level of contamination of soils and/or groundwater on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; 3) the specific practices to be used to handle, haul, and dispose of contaminated site soils; and 4) the specific practices to be used to handle, treat, and dispose of contaminated groundwater. The SMP shall be submitted to DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.</p>	Project Sponsor.	Upon DPH determination that SMP is required.	If SMP is required, Project Sponsor or contractor shall submit a monitoring report to DPH, with a copy to DBI and ERO, at end of construction.	Prior to issuance of certificate of occupancy. Considered complete upon receipt of monitoring report.

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<p>Hazardous Materials (cont'd.)</p> <p><i>Step 3: Handling, Hauling, Treatment, and Disposal of Contaminated Soils and Groundwater</i></p> <p>a) Specific work practices: If, based on the results of the tests conducted, DPH determines that the soil or groundwater on the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil or groundwater odor or soil color and texture and results of on-site soil and groundwater testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately and to treat and dispose of such groundwater appropriately, as dictated by local, state, and federal regulations, including OSHA work practices, when such soils or groundwater are encountered on the site.</p> <p>(b) Dust suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface water runoff control: Where soils are stockpiled, visqueen or comparable plastic sheeting shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles.</p> <p>(d) Soil replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Handling, treatment, and disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California. Contaminated groundwater shall be subject to requirements of the City's Industrial Waste Ordinance (Ordinance Number 199-77), requiring that groundwater meet specified water quality standards before it may be discharged into the sewer system.</p>	<p>Project Sponsor.</p>	<p>During construction.</p>	<p>Project Sponsor to provide DPH with monitoring report following soil-disturbing construction period and final monitoring report at conclusion of building construction. Copies of reports to be provided to DBI and ERO.</p>	<p>Prior to issuance of certificate of occupancy.</p> <p>Considered complete upon receipt of monitoring report.</p>

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<p>Hazardous Materials (cont'd.)</p> <p><i>Step 4: Preparation of Closure/Certification Report</i></p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and groundwater from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>	Project Sponsor.	At completion of foundation.	Project Sponsor to provide closure/certification report to DPH, with copy to DBI and ERO.	<p>Prior to issuance of certificate of occupancy.</p> <p>Considered complete upon receipt of monitoring report.</p>
<p>UST Removal and/or Monitoring:</p> <p>In accordance with San Francisco Health Code Article 21, the project sponsor shall file an application with the San Francisco Department of Public Health (DPH) for removal and/or monitoring of any UST that are identified during project construction. If the proposed excavation activities encounter groundwater, the groundwater shall also be tested for contaminants. Copies of the test results shall be submitted to the DPH, Division of Environmental Health, and to the Planning Department, prior to the start of construction.</p> <p>If contamination or abandoned tanks are encountered, the project sponsor shall immediately notify the DPH, Division of Environmental Health, and shall take all necessary steps to ensure the safety of site workers and members of the public. USTs shall be removed by an appropriate licensed UST contractor under permit by the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. Imported fill shall be characterized to be below residential ESLs. A health and safety plan shall be submitted two weeks prior to the commencement of work. EHS-HWU requires confirmatory sampling to occur following excavation of the site to confirm the removal of contaminated soils. These steps shall include implementation of a health and safety plan prepared by a qualified professional, and disposal of any contaminated soils removed from the site at an approved facility. In addition, the project shall be constructed, so that all remaining site soils are entirely encapsulated beneath a concrete slab. If confirmation testing following site excavation indicates that contaminated soils remain on site, a deed restriction notifying subsequent property owners of the contamination and the necessity of maintaining the cap, shall be executed, prior to a certificate of occupancy.</p>	Project sponsor and construction contractor(s).	During construction.	Project sponsor and construction contractor(s).	Considered complete on issuance of building permit.

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<p>Disposal of Contaminated Soil, Site Health and Safety Plan</p> <p>If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, any contaminated soils designated as hazardous waste and required by DPH to be excavated shall be removed by a qualified Removal Contractor and disposed of at a regulated Class I hazardous waste landfill in accordance with U.S. Environmental Protection Agency regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.</p> <p>If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan shall be required by the California Division of Occupational Safety and Health (Cal-OSHA) prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum: (1) Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets. (2) Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards. (3) The dust controls specified in the Construction Dust Control Ordinance (176-08). This includes dust control during excavation and truck loading shall include misting of the area prior to excavation, misting soils while loading onto trucks, stopping all excavation work should winds exceed 25 mph, and limiting vehicle speeds onsite to 15mph. (4) Protocols for managing stockpiled and excavated soils. (5) The Site Health and Safety Plan shall identify site access controls to be implemented from the time of surface disruption through the completion of earthwork construction. The protocols shall include as a minimum: (6) Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier or sufficient height and structural integrity to prevent entry and based upon the degree of control required. (7) Posting of "no trespassing" signs. (8) Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>During construction.</p>	<p>Project sponsor and construction contractor(s).</p>	<p>Considered complete on issuance of building permit.</p>

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<p>If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.</p> <p>The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.</p> <p>The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures shall include, but would not be limited to, investigation and removal of underground storage tanks or other hazards.</p>				