



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 (Sec. 423)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19218

HEARING DATE: AUGUST 14, 2014

Date: August 7, 2014
Case No.: **2012.1218 X**
Project Address: **645 TEXAS STREET**
Zoning: MUR (Mixed Use Residential)
 40-X Height and Bulk District
Block/Lot: 4102/026
Project Sponsor: Jessie Stuart
 90 New Montgomery, Suite 750
 San Francisco, CA 94105
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 TO ALLOW NEW CONSTRUCTION OF A FIVE-STORY MIXED USE BUILDING WITH UP TO 91 DWELLING UNITS AND 600 SQUARE FEET OF RETAIL SPACE AND TO ALLOW EXCEPTIONS FROM (1) FRONT SETBACK PURSUANT TO PLANNING CODE SECTION 132, (2) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, (3) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, (4) STREET FRONTAGE PURSUANT TO PLANNING CODE SECTION 145.1, (5) OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTION 151.1, AND (6) TO THE MEASUREMENT OF HEIGHT PURSUANT TO PLANNING CODE SECTIONS 102.12 AND 260, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AT 645 TEXAS STREET, LOT 026 IN ASSESSOR'S BLOCK 4102, WITHIN THE MUR (MIXED USE RESIDENTIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 9, 2013 Jessie Stuart (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Large Project Authorization under Planning Code Section 329 to allow new construction of a five-story residential building with up to 91 dwelling units and 600 square feet of retail space and to allow exceptions from the following: (1) Front Setback pursuant to Planning Code Section 132, (2) Rear Yard pursuant to Planning Code Section 134, (3) Dwelling Unit

Exposure pursuant to Planning Code Section 140, (4) Street Frontage pursuant to Planning Code Section 145.1, (5) Off-Street Parking pursuant to Planning Code Section 151.1, and (6) to the measurement of height pursuant to Planning Code Sections 102.12 and 260 on the property at 645 Texas Street, east side between 22nd and Sierra Streets; Lot 026 in Assessor Block 4102 (hereinafter "Subject Property"). The project is located within a MUR (Mixed Use Residential) Zoning District a 40-X Height and Bulk District.

On August 14, 2014, 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. 2012.1218X.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA")). The Commission has reviewed the Final EIR, which has been available for this 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 July 23, 2014, 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, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2012.1218X at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2012.1218X, 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 at the southern end of the block bounded by Texas Street on the west, 22nd Street on the south and Mississippi Street on the east, the property being Lot 026 in Assessor's Block 4102. The property is located within the MUR (Mixed Use Residential) District with a 40-X Height and Bulk district. The present uses on the property include industrial, office and institutional uses within one- and two-story buildings. The property is located at the end of the block, on an irregularly shaped lot with frontages along Texas Street, 22nd Street and Mississippi Street. The lot is approximately 32,000 square feet in area.
3. **Surrounding Properties and Neighborhood.** The property is located at the eastern end of the Potrero Hill neighborhood, in close proximity to the 22nd Street Caltrain Station. Properties in the area are of a mixed character, including light industrial, residential and retail buildings. Properties to the north of the subject property include two- and three-story residential buildings and a light industrial building. Properties to the south are one-story light industrial buildings. Properties to east, opposite Mississippi Street, include two-story residential buildings, a light

industrial building and an artist live/work building. The property to the west is a mixed use, retail and multifamily building. The surrounding properties are located within the PDR-1-G (Production, Distribution and Repair: General), UMU (Urban mixed Use) and MUR (Mixed Use Residential) and RH-2 (Residential, House, Two Family) zoning districts.

4. **Project Description.** The Project Sponsor proposes to demolish the existing 22,700 square foot light industrial and insitutional use buildings and construct a five-story mixed use building with up to 91 dwelling units and 600 square feet of ground floor retail. In total, the building will be approximately 106,000 gross square feet in size. The project will also provide 65 off-street parking spaces located in the lowest level of the structure as well as 8,230 square feet of useable open space in a central courtyard and at private decks.
5. **Public Comment.** The Department received input from concerned neighbors about the proposed height, building mass, and design. The Department also received one letters in support of 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 MUR Zoning Districts.** Planning Code Sections 841.20 and 841.45 states that residential and retail uses are principally permitted use within the MUR Zoning District.

The Project is proposing to construct new residential and retail uses within the MUR Zoning District and complies with Planning Code Sections 841.20 and 841.45.

- B. **Front Setback.** Planning Code Section 132 allows obstructions, including bay windows, to extend into the front setback provided they do not exceed dimensional limitations. For bay windows, the maximum projection into a front setback is three feet and the maximum width of a bay window is 15 feet.

The project is proposing bay windows that do not conform to the dimensional limits for allowable obstructions within the front setback as the bay windows are in excess of 15 feet in width on all street frontages. The project is seeking an exception from the Front Setback requirement under Planning Code Section 329.

- C. **Rear Yard.** Planning Code Section 134 requires a rear yard to be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet and that it be located at the lowest level containing a dwelling unit.

The project is providing a rear yard, in the form of a courtyard, in the center of the lot, beginning at the second level of the proposal. This does not comply with the requirement that the rear yard be equal to at least 25% of the lot depth and that it be located at the lowest level (in this case, the ground floor) containing a dwelling unit. The project is seeking an exception from this requirement pursuant to Planning Section 329.

- D. **Useable Open Space.** Planning Code Section 135 requires a minimum of 80 square feet of useable open space for each dwelling unit.

The project is proposing approximately 8,230 square feet of useable open space on private decks and in an interior courtyard, exceeding the required 7,280 square feet of useable open space.

- E. **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 mixed use building on an approximately ¾ acre lot with a combined 528 linear feet of frontage on Texas, 22nd and Mississippi Streets. The project will provide the required 26 street trees in compliance with Section 138.1. The project will also comply with the Better Street Plan by submitting a compliant streetscape plan prior to building permit issuance.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires each dwelling unit to face directly on a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, a rear yard meeting the requirements of this Code or an outer court whose width is 25 feet or an open area no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

One unit does not face an area as required by Planning Code Section 140. An exception is being sought pursuant to Planning Code Section 140.

- G. **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 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 is proposing the off-street parking to be located at the rear of the property. The off-street parking entrance is approximately 15 feet in width. The ground floor features a retail use, the residential lobby and dwelling units which provide direct, individual pedestrian access to a public

sidewalk. The retail street-fronting space is set back two feet from the sidewalk, providing a comfortable buffer from the public realm, but still meeting the intent of this Code Section. The ground floor is fenestrated in excess of 60 percent of the street frontage.

The Project is proposing to provide a 10 foot floor-to-floor height at the non-residential space. This does not comply with the minimum floor-to-floor height of 14 feet for ground floor non-residential uses in the MUR zoning district. The project is seeking an exception under Planning Code Section 329 from this requirement.

- H. Off-Street Parking.** Planning Section 151.1 of the Planning Code allows as of right up to one off-street parking space for every four dwelling units within the MUR Zoning District. It also allows up to three off-street parking spaces for every four dwelling units with an exception and up to one off-street parking space for each dwelling unit if that dwelling unit has at least two bedrooms and 1,000 square feet of area, with an exception.

The project is proposing 91 dwelling units, of which 15 are at least two bedrooms and 1,000 square feet in size. Up to 23 off-street parking spaces are allowed, as of right and up to 72 off-street parking spaces are allowed with an exception from Planning Code Section 329. The project is proposing 65 off-street parking spaces, and is seeking an exception under Planning Code Section 329 from this requirement.

- I. Bicycle Parking Requirement.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit as well as one Class 2 bicycle parking space for each 20 dwelling units. Section 155.2 also requires at least two Class 2 bicycle parking spaces for the retail component.

The project is proposing up to 91 dwelling units and approximately 600 square feet of occupied floor area of retail space and requires at least 91 Class 1 bicycle parking spaces and five Class 2 bicycle spaces for the residential component and two Class 2 bicycle parking spaces for the retail component. The project is proposing 96 Class 1 bicycle parking spaces and 16 Class 2 bicycle parking spaces, in compliance with Planning Code Section 155.2.

- J. Car Sharing.** In newly constructed buildings containing residential uses, Planning Code Section 166 requires, if parking is provided, car-share parking spaces to be provided based on the number of dwelling units in the amount specified in Table 166.

The project is proposing up to 91 dwelling units and is required to provide at least one car sharing space. The project is proposing two car sharing spaces and is in compliance with Planning Code Section 166.

- K. Minimum Dwelling Unit Mix.** Planning Section 207.6 requires new residential projects proposing at least five dwelling units to provide either 40 percent of the total number of proposed dwelling units as two bedroom units or 30 percent of the total number of proposed dwelling units as three bedrooms units.

The project is proposing up to 91 dwelling units of which 56 will be two bedroom units or larger. This is equivalent to 61.5 percent of all dwelling units being two bedroom units.

- 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 Industrial, Home and Business Service land use category to the Residential Uses and the Retail Sales and Services land use categories and has conducted the required notification in conjunction with the notification for the Large Project Authorization.

- M. **Inclusionary Affordable Housing Program in MUR.** 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 projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a '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. The Project Sponsor submitted such Affidavit on July 15, 2014. The EE application was submitted on March 15, 2013. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 12%. 11 units (five one-bedroom, and six two-bedroom) of the 91 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.

- N. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the MUR (Mixed Use Residential) Zoning District that results in at least one net new residential and/or any replacement of gross square feet or change of use.

The project is proposing up to 91 dwelling units within a five-story mixed use building of approximately 106,000 gross square feet in size. The project is also replacing the existing PDR uses.

The project is subject to Planning Code Section 423 and all associated impact fees must be paid prior to the issuance of the building permit application.

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 context given the predominance of two- and three-story structures in the surrounding area. The facades feature multiple building recesses that function to visually break the mass into distinct modules. The scale of the bay windows helps to emphasize the distinct modules, as well. The building height gradually follows the slope of lot, stepping down in height toward the southern end of the lot.

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

The use of recessed mass breaks helps reduce the apparent size of the building and forms the primary façade design. The bay windows help to accentuate these breaks. The use of a varied material palette helps distinguish the architectural elements; this palette includes fiber-cement panels, wood rain-screen siding and scored cement plaster.

- 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 lower floors are designed to respond to and interact with the street. Where residential units are located on the ground floor, stoops and / or landscaped planters provide an adequate buffer between the private and public realms. The retail space is conveniently located adjacent to the building lobby, enlivening the entrance to the project. The central courtyard functions as the rear yard and provides an area for passive recreation. Parking and loading access are concentrated in one location, thereby limiting the disturbance of automobiles to the pedestrian experience.

- 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 useable open space, both common and private, in the central courtyard and at private decks. All proposed open spaces are easily accessed from dwelling units.

- 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 provision of a mid-block alley is not applicable because there are no linear street frontages in excess of 200 feet in length.

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

Required street trees, in accordance with Planning Code Section 138.1, as well as required Class 2 bicycle parking will be provided within the public right of way immediately in front on the building. In addition the project sponsor will provided landscaped planters along the 22nd and Mississippi Street façades.

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

Automobile access is provided exclusively through the sole garage entrance at the eastern side of the subject property on Mississippi Street. Although not required by the Planning Code, the project is providing a pedestrian pathway through the project, with an entrance from the western side of the development on 22nd Street to the eastern side of the development on Mississippi Street.

- 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. **Large Project Authorization Exceptions.** As a component of the review process under Planning Code Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

- A. Where not specified elsewhere in Planning Code Section 329, 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 exceptions from the front setback requirement (Section 132), rear yard requirement (Section 134), the dwelling unit exposure requirement (Section 140), the street frontage requirement (Section 145.1), the off-street parking requirement (Section 151.1) and to measurement of height (Sections 102.12 and 260).

- 1) *Planning Code Section 132 establishes the front setback of each property and allows certain obstructions, including bay windows, to extend into the setback. Bay windows that do not extend further than three feet and that are not wider than 15 feet are permitted obstructions into the front setback. The Project is proposing multiple bay windows that either extend*

further than three feet into the front setback or that are wider than 15 feet. Those bay windows provide mass breaks and articulate and provide emphasis to the façade. Larger bay windows also accentuate the corners which is a typical urban design standard.

- 2) *Planning Code Section 134 requires the project to provide a rear yard equivalent to 25 percent of lot depth at the rear of the yard and at the lowest story containing a dwelling unit. Given the depth of the subject lot (200 feet), the project is required to provide a rear yard of 50 feet. This is equivalent to an area of 10,000 square feet. The project is proposing an interior courtyard of approximately 8,125 square feet, which provides privacy and security for residents. To ameliorate the lack of a code complying rear yard, the project is providing approximately 8,230 square feet of useable open space in the interior courtyard and at private decks at the upper floors of the project.*
- 3) *Planning Code Section 140 requires each dwelling unit to face directly on a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, a rear yard meeting the requirements of this Code or an outer court whose width is 25 feet or an open area no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The project is proposing one unit that does not meet this requirement. This unit is located in the southern end of the interior courtyard. All other units face onto a Code complying area.*
- 4) *Planning Code Section 145.1 requires the project provide areas with non-residential uses a minimum floor-to-floor height of 14 feet. The project is providing the ground floor retail space with a floor-to-floor height of 10 feet. Given the size and location of the proposed retail space, the exception is reasonable.*
- 5) *Planning Code Section 151.1 establishes maximum quantities of off-street parking that are allowed, both as of right and through exception under Planning Code Section 329, within the MUR Zoning District. Given the number of units and unit types, the project is allowed up to 23 off-street parking spaces as of right and up to 72 off-street parking spaces with an exception from Planning Code Section 329. The project is proposing 65 off-street parking spaces. Given that only one MUNI line, the 48 Quintara, has stops within 4 blocks of the site, it is reasonable to assume that into the near future private automobiles will be a needed means of transportation for residents of the site.*

In addition, the following findings are made pursuant to Planning Code Sections 329 and 151.1:

Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

By locating the sole vehicle entrance on Mississippi Street, which is the widest street of the three that encircle the subject property, any adverse impacts from vehicle movements upon pedestrian and bicycle network improvements are proposed for 22nd Street are avoided. Any transit stops and/or routes are also not adversely impacted given that the site is located multiple blocks from the nearest transit.

Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

The excess accessory parking will be located in the same basement level garage and will utilize the same garage entrance as the accessory parking provided as of right and therefore will not affect the overall urban design.

All above-grade parking is architecturally screened and lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code;

All accessory parking is located in the basement level of the subject property and is either lined with active uses or is not visible from the public right of way given the topography of the site.

Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements

The quality and visibility of planned streetscape enhancements will not be diminished from the excess accessory parking because it is located in the basement level of the subject property, will utilize the same garage door as the as of right accessory parking and the streetscape enhancements account for the sole entrance into the basement level garage.

For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

The project does provide a small fraction (approximately four percent) of the accessory parking in excess of 0.5 spaces per unit through space efficient means; however the bulk of the parking in excess of 0.5 spaces is not stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means. The project is seeking an exception from this requirement.

The subject property is an excavated lot with a difference in grade of approximately 25 feet from the northern point to the southern point of the lot. The proposed excess accessory parking can be generally accommodated within this excavated space, located at the basement level and outside of view from the street level. Given the size of the lot in combination with the grade differential it is reasonable that accessory parking be located in the basement as proposed.

- 6) *According to Planning Code Section 304(d)(6), minor deviations from the provisions for measurement of height, as defined in Planning Code Section 260 and 261, may be permitted. Under Planning Code Section 102.12(c), the height of a building is defined as the vertical distance by which a building or structure rises above a certain point of measurement. This point shall be taken at the centerline of the building or, where the building steps laterally in relation to a street that is the basis for height measurement. Under Planning Code Section 102.25, a street is defined as a right-of-way, 30-ft or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.*

The project is proposing to break the building into eight different segments, none wider than 65 feet and none deeper than 100 feet. The height for each segment is measured at the northern most point of that segment, where the height is equal to 40 feet and the height of each segment will not exceed 44 feet 11 inches at the midpoint. Given the unique siting, topography and shape of the subject lot, a minor deviation to the measurement of height, as proposed, is reasonable.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.1:

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

The proposed project exceeds the minimum dwelling unit mix requirement by providing more than the required 40 percent of its units as two-bedroom units or larger. The project is proposing 61.5 percent of its units as two-bedroom units or larger.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4:

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project proposes a mix of unit types, including one-, two- and three-bedroom apartments, which may suit the needs of a variety of households including singles, families and the elderly.

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 Project is proposing a retail space at the corner of 22nd and Mississippi Streets. The proposed retail space will provide desirable goods and/or services to the residents of the project as well as to the immediate neighborhood which is consistent with the MUR zoning district.

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 all street frontages, 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 96 bicycle parking spaces in a secure and convenient location on the subject property.

SHOWPLACE SQUARE/POTRERO AREA PLAN

Objectives and Policies

OBJECTIVE 1.2:

IN AREAS OF SHOWPLACE/POTRERO WHERE HOUSING AND MIXED USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1:

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

The Project is of a height and scale that is compatible with the predominately two- and three-story surroundings and that responds to the topography of the site, as it gradually steps down following grade.

OBJECTIVE 2.1:

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

Policy 2.1.1:

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

The current use of the site is for light industrial purposes and the Project is proposing to satisfy the affordable housing requirement by providing affordable units on-site. Of the required 11 affordable units, five will be one-bedroom units and six will be two-bedroom units.

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.

Of the 91 dwelling units proposed, 56 (61.5%) will be two- and three-bedroom units.

OBJECTIVE 5.2:

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE

Policy 5.2.1:

Require new residential and mixed-use residential development to provide on-site private open space designed to meet the needs of residents.

Policy 5.2.3:

Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.

The project is proposing approximately 8,230 square feet of useable open space on private decks and in an interior courtyard.

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 will enhance the existing neighborhood-serving retail uses by introducing a large number of potential patrons to 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 proposed building is designed in a manner that complements the current mixed character of the area, with an eye toward establishing a framework from which subsequent residential development may draw inspiration.

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

The proposed development will add 91 new dwelling units, of which 11 will be affordable, on-site dwelling units under Planning Code Section 415.

- 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 located toward the southeastern end of the subject property.

- 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 proposed project will not displace industrial and service sector establishments with commercial office development as the proposed project is primarily residential.

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

The proposed 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.

No historic resource or landmark properties are on the project site.

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

No parks or open spaces will have their access to sunlight adversely affected as a result of the proposed project.

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (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.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2012.1218X** under Planning Code Section 329 to allow the new construction of a five-story mixed use building with up to 91 dwelling units, 600 square feet of retail space and exceptions from the rear yard, dwelling unit exposure, street frontages, off-street parking and the measurement of height requirements within the MUR (Mixed Use Residential) 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 August 5, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on August 14, 2014.

Jonas P. Ionin
Commission Secretary

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

NAYES: None

ABSENT: Commissioner Hillis

ADOPTED: August 14, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow to allow the new construction of a five-story mixed use building with up to 91 dwelling units, 600 square feet of retail space and exceptions from the rear yard, dwelling unit exposure, street frontages requirements, off-street parking and to the measurement of height located at 645 Texas Street, Lot 026 in Assessor's Block 4102 pursuant to Planning Code Section 329 within the MUR (Urban Mixed Use Residential) District and a 40-X Height and Bulk District; in general conformance with plans, dated **August 5, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.1218X** and subject to conditions of approval reviewed and approved by the Commission on **August 14, 2014** under Motion No. **19218**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **August 14, 2014** under Motion No. **19218**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19218** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Large Project Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2004.0160E) 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

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

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

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

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

9. **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).

- h. 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>

10. **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

PARKING AND TRAFFIC

11. **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

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

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

13. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 98 bicycle parking spaces (91 Class 1 spaces and five Class 2 spaces for the

residential portion of the Project and two Class 1 or 2 spaces for the commercial portion of the Project).

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

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than sixty five (65) off-street parking spaces.

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

PROVISIONS

15. **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

16. **Affordable Units.**

- A. **Eastern Neighborhoods Affordable Housing Requirements for MUR.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 91 units; therefore, 11 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 11 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 ("MOH").

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 at 415-701-5500, www.sf-moh.org.

- B. **Unit Mix.** The Project contains 35 one-bedroom, 53 two-bedroom and three three-bedroom units; therefore, the required affordable unit mix is five one-bedroom and six two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

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 at 415-701-5500, www.sf-moh.org.

- C. **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 at 415-701-5500, www.sf-moh.org.

- D. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) 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 at 415-701-5500, www.sf-moh.org.
- E. **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 at 415-701-5500, www.sf-moh.org.
- F. **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 MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's 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 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 sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived

- from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco.” The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- 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 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.
 - 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
 - h. 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 or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. 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.

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

20. **Report to Planning Commission on Final 5th Floor and Roof Plans.** Prior to issuance of first Construction Document, Project Sponsor will provide Planning Department Staff with the final 5th Floor and Roof Plans for transmission to the Planning Commission. The final 5th Floor and Roof Plans will indicate the absence of a roof deck used for common open space. Project Sponsor will also provide a memorandum regarding alternate uses investigated for the 5th Floor including the inclusion of a 5th floor vegetated / green / living roof. Alternate uses implemented will be indicated on the final 5th Floor and Roof Plans.

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

OPERATION

21. **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>

22. **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>

23. **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

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
MITIGATION MEASURES FROM THE EASTERN NEIGHBORHOODS AREA PLAN EIR				
<p>PMM-1 –Archeological Resources (PEIR Mitigation Measure J-2) 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, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p>	<p>Project sponsor/ Planning Department</p>	<p>Prior to any soil- disturbing activities on the project site.</p>	<p>Distribute Planning Department Archeological Resource “Alert” sheet to prime contractor, sub- contractors and utilities firms;</p> <p>Project sponsor, archeologist and Environmental Review Officer (ERO). Submit signed affidavit of distribution to ERO.</p>	<p>Date Signed affidavit submitted to the ERO:</p> <p>_____</p>
<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>Head Foreman and/or project sponsor</p>	<p>Accidental discovery.</p>	<p>Suspend any soils disturbing activity; and Notify ERO of accidental discovery.</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 an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. 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</p>	<p>Project Sponsor/ Archeological consultant</p>	<p>In case of accidental discovery.</p>	<p>If ERO determines an archeological resource may be present, services of a qualified archeological consultant to be retained.</p>	

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
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.			Identify and evaluate archeological resources; make recommendation to the ERO.	
Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) 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.	Project Sponsor	After determination by the ERO of appropriate action to be implemented following evaluation of accidental discovery.	ERO	
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	Following completion of any* archeological field program. (*Required.)	Submittal of Draft/ Final FARR to ERO.	
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 Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning	Project Sponsor		Distribution of Final FARR.	

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Department shall receive one bound copy, one unbound copy and one unlocked, searchable PDF copy on CD 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.				
PMM-2 – Construction Noise from pile driving (Mitigation Measure F-1 of the Eastern Neighborhoods FEIR). The project sponsor shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors shall use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. The project sponsor shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.	Project sponsor/ project contractor	During construction.	Project sponsor/ contractor shall provide monthly reports to the Planning Department throughout all construction pile driving activities.	Considered complete upon receipt of final monitoring report at completion of construction.
PMM-3 – Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods FEIR). The project sponsor shall develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection (DBI) to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:	Project sponsor	Prior to and during construction.	Project sponsor, contractor(s), shall provide Department of Building Inspection and the Planning Department with monthly reports during construction period.	Considered complete upon receipt of final monitoring report at completion of construction.

Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 				
<p>PMM-4 – Hazardous Building Materials. The project sponsor shall ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project sponsor/ contractor	Prior to demolition of structures	Project Sponsor/contractor shall submit a monitoring report to the Department of Public Health and Planning.	Considered complete upon receipt of final monitoring report.