



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 26, 2013

*Date:* September 19, 2013  
*Case No.:* **2012.0153 C**  
*Project Address:* **200 Paul Avenue**  
*Zoning:* PDR-2 (Core Production, Distribution, & Repair) District  
65-J Height and Bulk District  
*Block/Lot:* 5431A/001F & 001G  
*Lot Size:* 308,914 square feet (7.09 acres)  
*Project Sponsor:* 200 Paul LLC  
4 Embarcadero Center, Suite 3200  
San Francisco, CA 94111  
*Staff Contact:* Corey Teague – (415) 575-9081  
[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The applicant proposes to alter approximately 16,000 square feet of the northern portion of the existing building fronting Paul Avenue, to remove 11 parking spaces, and to construct a service yard that would include 18 diesel emergency backup generators and an approximately twenty-six foot high acoustic wall along the west side of the project area, requesting an exception to the parking requirements of Planning Code Section 151. The new service yard would be located in the center of the site, separated from Paul Avenue by the front two buildings which would continue to house the existing telecommunications and data center (Internet Service Exchange), and would be used as the location for emergency backup generators that would provide backup power for that use in an emergency. The site would contain no fewer than 200 parking spaces and no more than 239 parking spaces.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Paul Avenue midblock between Bayshore Boulevard and Third Street, and opposite Exeter and Gould Streets. The property is located within a PDR-2 (Core Production, Distribution & Repair) Zoning District and 65-J Height and Bulk District. The nearly rectangular shaped parcel is approximately 309,000 square feet (7.09 acres) and contains approximately 493,000 square feet of space in four buildings with heights between one and five stories. The buildings on the site were constructed in the 1950s and have been occupied as warehouses and an Internet Services Exchange (ISE) since 2000. The ISE is currently served by a surface parking lot on the west side of the property that provides 211 off-street parking spaces.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located on the north side of Paul Avenue midblock between Bayshore Boulevard and Third Street in the Bayview/ South Bayshore neighborhood. The project site slopes northerly from Paul Avenue with an approximately 60-foot difference between the elevation of the project site's Paul Avenue frontage and the rear property line. Most of the grade change occurs within 250 feet of the site's Paul Avenue frontage, as evidenced by the sloped driveway along the project's western driveway.

The surrounding neighborhood is characterized as mixed-use with a single-family residential neighborhood to the south, major transportation routes Highway 101 and Bayshore Boulevard to the west, the Third Street corridor to the east, and various older industrial properties to the north. The project site is comprised of two parcels that are part of a larger industrial block, bounded by Paul Avenue, Bayshore Boulevard, Phelps Street, Williams Avenue, and Third Street. This larger industrial block is surrounded by older residential neighborhoods, though several new residential development projects have either been built recently or are approved for construction. Additionally, a CalTrain rail right-of-way runs adjacent to the property on its eastern side.

## **ENVIRONMENTAL REVIEW**

On September 3, 2013, the Planning Department 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").

Due to the large size of the FMND, a copy was emailed to each Planning Commissioner, and hard copies are available for review at the Planning Department, 1650 Mission Street, Suite 400.

## **HEARING NOTIFICATION**

This project was scheduled and noticed for a public hearing on August 15, 2013. The project was subsequently continued to September 26, 2013.

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	July 26, 2013	July 24, 2013	22 days
Posted Notice	20 days	July 26, 2013	July 26, 2013	20 days
Mailed Notice	10 days	August 5, 2013	July 25, 2013	21 days

## **PUBLIC COMMENT**

The Project Sponsor worked with various residents of the surrounding neighborhoods, including the residents of 5800 3rd Street and residents living on Exeter and Gould Streets to the south. This work resulted in the execution of a Memorandum of Understanding between the Project Sponsor and the neighbors and a letter of support from the 5800 3rd Street Home Owners Association. Additionally, the Department received six other letters of support for the project.

## **ISSUES AND OTHER CONSIDERATIONS**

- The project is not able to provide the required number of parking spaces (239) under Section 151 of the Code. The Project Sponsor requests approval of the project as a Planned Unit Development to allow an exception to the parking requirements of Planning Code Section 151 to allow no fewer than 200 parking spaces, instead of the required 239 spaces. Due to the low intensity nature of the use from a car-trips perspective, 200 spaces are sufficient to accommodate parking demand at the site.
  
- The project will actually reduce the amount of building area on the property. The area of the project site affected by the project is relatively small – only about 21,000 square feet. The entire project site is over 7 acres in size. In addition, the project area and the location of the generators within the project site is more than 400 feet from the north property line and 470 feet from the south property line of the project site. Meanwhile, a large CalTrain right-of-way for rail tracks is to the immediate east of the project, and a large abandoned industrial site is to the immediate west of the project site.
  
- The project will not increase the amount of power available for consumption at the project site. Instead, the project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage.

## **REQUIRED COMMISSION ACTION**

The project constitutes the intensification of an Internet Services Exchange (ISE) use (as defined in Section 227(r) of the Code). At the time the ISE use was initially approved in 1999 and 2000, conditional use authorization for such use was not required. ISE use is a permitted conditional use under the PDR-2 zoning applicable to the site. Under Section 178(a) of the Planning Code, a “permitted conditional use” is one that includes a use that did not require a conditional use authorization at the time the use came into existence but which now requires conditional use authorization as a result of a subsequent amendment to the Planning Code imposing a new conditional use requirement on such use. Under Section 178, a permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application. The project constitutes an intensification of the existing ISE use at the project site. However, because the project is unable to provide the amount of parking spaces that would be required under section 151 of the Planning Code, the Project Sponsor requests conditional use authorization of the project in the form of a Planned Unit Development under Section 304 of the Planning Code, which allows for an exception to the parking requirements. In addition, Section 303(h) of the Planning Code requires findings specific to ISE uses in granting conditional use authorization. Therefore, the Planning Commission must grant Conditional Use Authorization for a Planned Unit Development under the site’s PDR-2 Zoning District controls pursuant to Planning Code Sections 227(r), 303, 303(h), and 304.

## **BASIS FOR RECOMMENDATION**

- The project has operated as an ISE since 2000. The project site has been used for light industrial uses for nearly one hundred years.
- The project site represents a critical piece of the City's infrastructure as a portal facility for internet and telecommunications that serves the entire Bay Area. The project's continued presence in the City is essential to fulfilling the City's goals of having critical infrastructure that businesses need to function available within the City.
- Approval of the project will allow the project sponsor to significantly enhance the 24/7 operability of the data and telecommunications equipment located within the project site, thus dramatically increasing the likelihood that such equipment remains operable during an emergency (such as following an earthquake) so that, in turn, emergency responders and citizens will be able to access the internet and use mobile and land-line phones in an emergency.
- The project underwent an exhaustive environmental analysis that included detailed analyses of air quality and noise issues. By implementing certain mitigation measures, the project will not result in an increase in particulate matter emissions at the project site. In addition, the installation of an acoustic wall (another required mitigation measure) will reduce noise levels at the project. The FMND finds that the project could not have a significant effect on the environment.
- The emergency stand-by generators will be installed pursuant to permits from the Bay Area Air Quality Management District (BAAQMD) and will be operated pursuant to the BAAQMD permits. Under those permits, the generators are allowed to be operated only during an emergency and for a limited number of hours each year for testing.
- The project is consistent with the PDR-2 zoning that was recently enacted as part of the 2006 re-zoning of portions of the Bayview/Hunters Point area.
- The project is consistent with the Planning Code, the Bayview Hunters Point Area Plan and the General Plan overall.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### **Attachments:**

Parcel Map  
Aerial Photographs  
Site Photo  
Zoning Map  
Draft Motion (Including MMRP)  
Letters of Support (Including MoU)  
Sponsor Submittal (Including Letter and Reduced Size Plans)

# Parcel Map

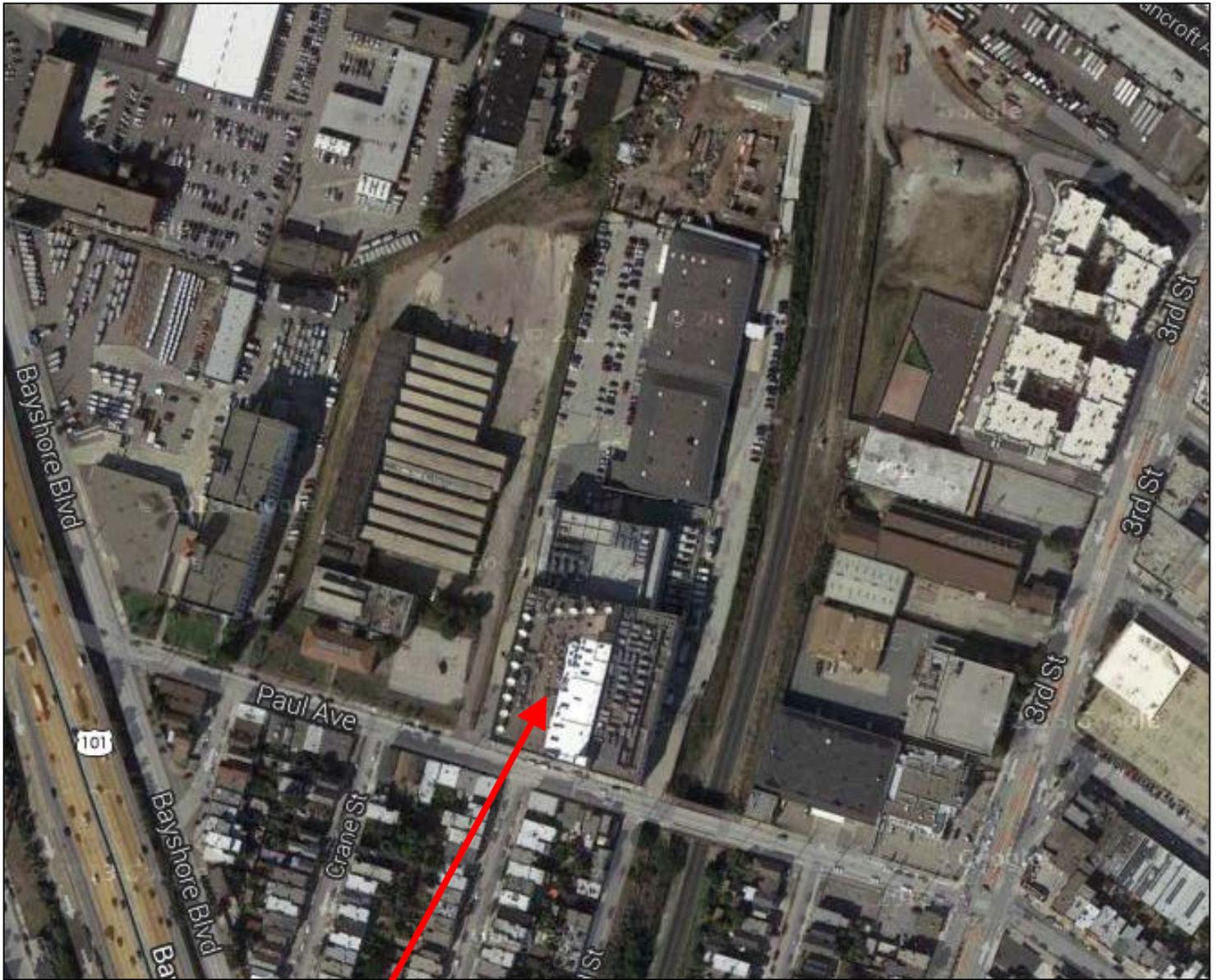


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0153C  
Internet Services Exchange  
200 Paul Avenue

# Aerial Photo

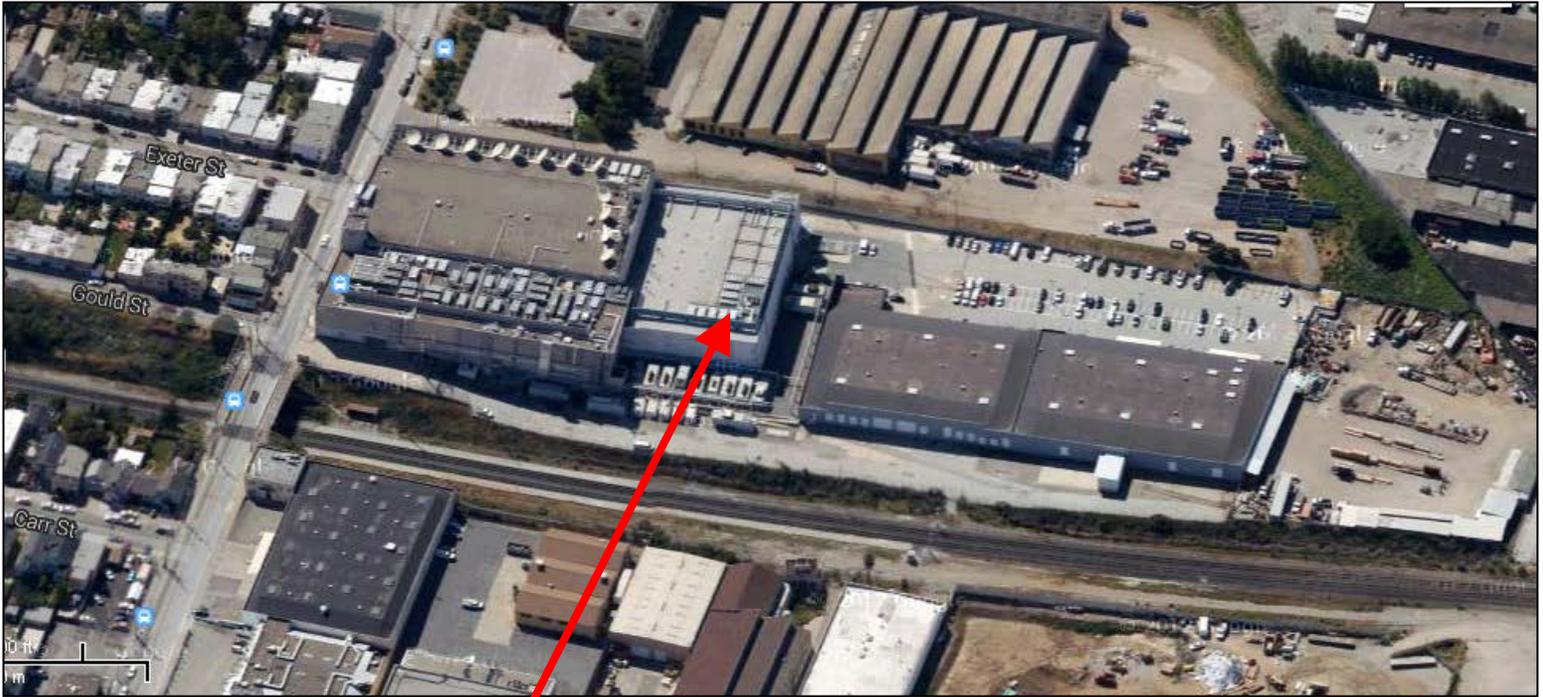


SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2012.0153C  
Internet Services Exchange  
200 Paul Avenue

# Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2012.0153C  
Internet Services Exchange  
200 Paul Avenue

# Site Photo



Conditional Use Hearing  
Case Number 2012.0153C  
Internet Services Exchange  
200 Paul Avenue

# Zoning Map



**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0153C  
Internet Services Exchange  
200 Paul Avenue



# 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 (TIDF – Sec. 411)

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 26, 2013

*Date:* September 19, 2013  
*Case No.:* **2012.00153 C**  
*Project Address:* **200 Paul Avenue**  
*Zoning:* PDR-2 (Core Production, Distribution, & Repair) District  
 65-J Height and Bulk District  
*Block/Lot:* 5431A/001F & 001G  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A PLANNED UNIT DEVELOPMENT PURSUANT TO PLANNING CODE SECTIONS 178(C), 227(R), 303, 303(H), AND 304 TO ALTER THE EXISTING INTERNET SERVICES EXCHANGE BY REDUCING THE NORTHERN PORTION OF THE EXISTING BUILDING FRONTING PAUL AVENUE BY APPROXIMATELY 16,000 SQUARE FEET, TO REMOVE UP TO 11 PARKING SPACES, AND TO CONSTRUCT A SERVICE YARD THAT WILL INCLUDE 18 ADDITIONAL DIESEL EMERGENCY BACKUP GENERATORS AND AN APPROXIMATELY TWENTY-SIX FOOT HIGH ACOUSTIC WALL ALONG THE WEST SIDE OF THE PROJECT AREA ON THE APPROXIMATELY SEVEN ACRE SITE, AND REQUESTING AN EXCEPTION TO THE PARKING REQUIREMENTS OF PLANNING CODE SECTION 151, WITHIN A PDR-2 (CORE PRODUCTION, DISTRIBUTION, AND REPAIR) ZONING DISTRICT AND 65-J HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On November 29, 2012, Gregg Miller, on behalf of 200 Paul, LLC (hereinafter “Project Sponsor”), filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 227(r), 303, 303(H), and 304, to alter approximately 16,000 square feet of the northern portion of the existing Internet Services Exchange (ISE) building fronting Paul Avenue, to remove up to 11 parking spaces, and to construct a service yard that would include 18 diesel emergency

backup generators and an approximately twenty-six foot high acoustic wall along the west side of the project area, requesting an exception to the parking requirements of Planning Code Section 151, within a PDR-2 (Core Production, Distribution & Repair) Zoning District and 65-J Height and Bulk District.

On July 16, 2013 Project Sponsor indicated its desire to process the application as a Planned Unit Development under Planning Code Section 304 to obtain additional approval to provide fewer than the required number of parking spaces at the site. The site would contain no fewer than 200 off-street parking spaces.

On September 26, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0153C.

On July 24, 2013, the Mitigated Negative Declaration (MND) for the Project was prepared and published for public review.

The Draft IS/MND was available for public comment until August 13, 2013.

On September 3, 2013, the Planning Department 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").

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

The Planning Commission Secretary is the custodian of records, located in the File for Case No. 2012.0153E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2012.0153C, 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 north side of Paul Avenue midblock between Bayshore Boulevard and Third Street, and opposite Exeter and Gould Streets. The property is located within a PDR-2 (Core Production, Distribution & Repair) Zoning District and 65-J Height and Bulk District. The nearly rectangular shaped parcel is approximately 309,000 square feet (7.09 acres) and contains approximately 493,000 square feet of space in four buildings with heights between one and five stories. The buildings on the site were constructed in the 1950s and have been occupied as warehouses and an Internet Services Exchange (ISE) since 2000. The ISE is currently served by a surface parking lot on the west side of the property that provides 211 off-street parking spaces.
3. **Surrounding Properties and Neighborhood.** The project site is located on the north side of Paul Avenue midblock between Bayshore Boulevard and Third Street in the Bayview/ South Bayshore neighborhood. The project site slopes northerly from Paul Avenue with an approximately 60-foot difference between the elevation of the project site's Paul Avenue frontage and the rear property line. Most of the grade change occurs within 250 feet of the site's Paul Avenue frontage, as evidenced by the sloped driveway along the project's western driveway.

The surrounding neighborhood is characterized as mixed-use with a single-family residential neighborhood to the south, major transportation routes Highway 101 and Bayshore Boulevard to the west, the Third Street corridor to the east, and various older industrial properties to the north. The project site is comprised of two parcels that are part of a larger industrial block, bounded by Paul Avenue, Bayshore Boulevard, Phelps Street, Williams Avenue, and Third Street. This larger industrial block is surrounded by older residential neighborhoods, though several new residential development projects have either been built recently or are approved for construction.

The development on the south side of Paul Avenue is an established residential neighborhood with predominantly two-story residences. This residential neighborhood is a mix of single- and multi-family residences generally built in the early 1900s in the Victorian style with some in-fill and replacement units built in the mid-1900s with a mix of architectural styles.

The north side of Paul Avenue is a mix of one- to five-story commercial/ industrial buildings. The concrete frame self-storage facility at 500 Paul Avenue, the U-Haul facility, to the west of the project site was constructed in 1952 in the Industrial-style architectural vernacular and embellished with Colonial Revival detailing on the roof. This property operated as the Planter Peanut processing facility until it was converted to the U-Haul truck rental and self-storage facility. Immediately abutting the west side of the project site is the three-building former industrial facility located at 400 Paul Avenue, constructed in 1930 as the Link Belt Manufacturing plant, a construction equipment manufacturer. The single-story office building at the front of the site, 320 Paul Avenue, is a potential historic resource constructed in the Spanish revival style,

while the other two- and three-story buildings were used for manufacturing and constructed in the early 20th century Industrial architectural style.

An approximately 125-foot-wide Caltrain right-of-way is located along the eastern edge of the project site, separating it from several two-story buildings that front onto Third Street. These buildings along the west side of Third Street, immediately east of the project site, include a 1950s church, a 1950s utilitarian telephone switching center, a 1960s fish sauce commercial facility, and a 1930s multi-tenant light industrial building complex. Along the northern edge of the project site is an outdoor storage yard currently used to store lumber and construction supplies. An old abandoned railroad spur and associated right-of-way, along with a small cluster of older post-War one- and two-story industrial buildings and a three-story, mid-Century office building are located to the northwest of the project site.

Approximately 200 feet to the north is a 1998 housing development on the north side of Egbert Avenue with the closest residence approximately 200 feet from the rear property line of the project site and approximately 600 feet from the project's location within the project site. This residential development contains 259 units in a mix of two- and three-story residences. Another residential development, part of a larger planned development, is located several hundred feet northeast of the project site's rear property line and across the Caltrain rail tracks. Upon completion, this mixed-use development at 5800 Third Street would include four buildings with 409 residential units, 21,000 ground-floor retail space, and a senior center. In 2010, the first phase that included two four- and five-story stucco buildings was completed and contains 137 residential units and a 21,000-square-foot ground-floor retail space.

Both the San Francisco Municipal Transportation Agency (SFMTA) Muni Metro T Third Street light rail vehicle line and Caltrain regional rail service lines are located to the east of the project site, 500 and 0 feet respectively. The Gilman/ Paul station at the intersection of Paul and Gilman Avenues is the closest station to the project site on the SFMTA's T Third light rail line. The Bayshore Caltrain Station is 1.0 mile to the southwest of the project site.

The residential neighborhood to the south of the project site, on the south side of Paul Avenue, is zoned RH-1 and is in the 40-X height and bulk district. The properties immediately to the east and west of the site are in the same PDR-2 zoning district and 65-J height and bulk district as the project site. To the north of the site, the narrow 20-foot wide former railroad spur is zoned M-1 and is in the 65-J height and bulk district. On the north side of the railroad spur and south of Egbert Avenue, most of the properties are zoned PDR-2, with the exception of the San Francisco Housing Authority office building at 1815 Egbert Avenue which is zoned P (Public). All of these properties are within the 65-J height and bulk district. The residential neighborhood on the north side of Egbert Avenue is zoned RH-1 and is in the 65-J height and bulk district. The new mixed-use project at 5800 Third Avenue, on the east side of the Caltrain tracks, is designated M-1 and is in the 40-X height and bulk district.

4. **Project Description.** The applicant proposes to alter approximately 16,000 square feet of the northern portion of the existing building fronting Paul Avenue, to remove up to 11 parking spaces, and to construct a service yard that would include 18 diesel emergency backup

generators and an approximately twenty-six foot high acoustic wall along the west side of the project area, requesting an exception to the parking requirements of Planning Code Section 151. The new service yard would be located in the center of the site, separated from Paul Avenue by the front two buildings which would continue to house the existing telecommunications and data center (Internet Service Exchange), and would be used as the location for emergency backup generators that would provide backup power for that use in an emergency. The site would contain no fewer than 200 parking spaces and no more than 239 parking spaces.

5. **Public Comment.** The Project Sponsor worked with various residents of the surrounding neighborhoods, including the residents of 5800 3<sup>rd</sup> Street and residents living on Exeter and Gould Streets to the south. This work resulted in the execution of a Memorandum of Understanding between the Project Sponsor and the neighbors and a letter of support from the 5800 3<sup>rd</sup> Street Home Owners Association. Additionally, the Department received six other letters of support for 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. **Land Use.** Planning Code Section 227(r) requires a Conditional Use Authorization for an Internet Services Exchange within the PDR-2 Zoning District. Additionally, Section 178(c) states that “a permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code. With regard to an Internet Services Exchange as defined in Section 209.6(c), any physical alteration which will enlarge or expand the building for the purpose of intensifying the use shall be deemed to be significant under this section, and any increase in the size of electrical service to the building which will require a permit from the Department of Building Inspection shall be deemed to be significant under this section.”

*The Project is a significant alteration to an existing Internet Services Exchange. Therefore, it is requesting a Conditional Use Authorization.*

- B. **Vehicle Parking.** Planning Code Section 151 requires one space for every 2,000 square feet of occupied floor area for an ISE. Therefore, the Project is required to provide 239 off-street parking spaces.

*The Project is seeking approval as a Planned Unit Development pursuant to Planning Code Section 304 and requests an exception to provide less than the required 239 parking spaces, but no fewer than 200 parking spaces, as detailed in Section 9 below.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The project site is located in an area of the City that has maintained a mix of industrial, commercial and residential uses for almost a century. The project site's industrial nature was re-affirmed in 2006 as part of the Bayview Hunters Point re-zoning when the site was zoned PDR-2, a district that allows and encourages light to moderate industrial uses such as the existing use. Planning Code Section 210.11, which describes PDR-2 uses, provides: The intent of this district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities.... As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law.*

*The site is currently improved with four buildings (Building A, Building B, Building D, and Building F), parking, seventeen currently operating emergency standby generators, generator pad areas for future emergency standby generators, and other minor improvements. Building F is a five story ISE building fronting on Paul Avenue and extending north to Building D. Building D is a three story ISE building. Building B is an industrial/warehouse building. Building B sits to the immediate north of Building D. Between the north wall of Building D and the south wall of Building B sit several generator pads that are part of Building D. Building B sits within Lots 1G and 1F, with about a third of Building B in Lot G and the remainder in Lot F. Building A sits to the immediate north of Building B and ends along the north property line of the project site. As designed, the Project would simply remove part of the existing one-story warehouse Building B and construct generator pads for up to twelve new emergency standby diesel generators, reconfigure parking and circulation at the site and construct an approximately twenty-six foot (26') high acoustic wall along the west side of the project area.*

*The Project is necessary and desirable for, and compatible with, the neighborhood. Buildings D and F are among a few, primary internet and telecom gateway buildings in the entire Bay Area. The improvements that comprise the Project will provide greater reliability for internet and telecom services throughout the Bay Area by providing existing and future tenants with the ability to install emergency standby generators to provide a back-up power source for critical server and telecom equipment in the event of power failure. Having an uninterruptible back-up source of power is a requirement for server and telecom equipment because such equipment must be able to function under any circumstance given the critical nature of the information and data that such equipment stores and transmits. Therefore, the Project is not only desirable for the neighborhood but also for the City as a whole and the Bay Area, because many individuals, businesses and government functions need reliable internet and telecom systems, particularly following a catastrophe. Finally, the light industrial nature of the Project is compatible with the prior and current light industrial zoning (PDR-2) that applies to the Project and the other light industrial uses that are prevalent in the neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project will not have a significant affect on the existing condition of the site. The property is currently improved with four industrial buildings, known as Building A, Building B, Building D, and Building F, parking, emergency standby generators and generator pad areas for future emergency standby generators, and other minor improvements. Building F is a five story ISE building fronting on Paul Avenue and extending north to Building D. Building D is a three story building that houses an Internet Services Exchange. Building B is an industrial/warehouse building. Building B sits to the immediate north of Building D. Between the north wall of Building D and the south wall of Building B sit several emergency standby generators and generator pad areas for future emergency standby generators. Building B sits within Lots 1G and 1F, with about a third of Building B in Lot G and the remainder in Lot F. Building A sits to the immediate north of Building B and ends along the north property line of the project site.*

*Building F fronts on Paul Avenue. Across Paul Avenue from Building F are residences. The Project would not be visible from the residences. The rest of the Project site is surrounded by industrial-type uses, including the CalTrain tracks to the east, and industrial sites to the north and west.*

*The Project will alter approximately 16,000 square feet of the existing Building B by removing the south third of the building. In the area that the removed portion of Building B formerly occupied, the applicant would construct twelve pads for emergency standby generators and parking spaces (most of which would replace parking spaces lost by the removal of the portion of Building B), as well as a driveway area that provides better circulation for the site. In addition, an approximately twenty-six foot (26') high acoustic wall would be constructed along the west side of the project area. No expansion of any building is proposed.*

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

*The Project will have no impact on traffic. The Project itself will be located more than one hundred feet from the nearest public road (Paul Avenue). Because the Project consists of the installation of pads for emergency standby power generators, it will not result in a material increase in the number of workers or occupants at the site in the same way as, for example, the addition of new building space. The site currently has ample parking that is proposed to be only minimally reduced. In addition, the Project will improve traffic flow and emergency vehicle access within the site.*

*All of these design features assure that the Project's effect on traffic flow in its vicinity will be minimal.*

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

*Construction Conditions of Approval will be followed during demolition and construction phases to minimize noise, vibration, dust, and odor emissions. Once the Project is built and the emergency standby generators are installed incrementally over many years, each generator will be*

*equipped with emissions and noise reducing technologies. The backup generator will only be used for testing and in emergencies like power outages.*

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

*The Project consists of the removal of a portion of a one story industrial building and the installation of pads for emergency standby generators. The Project also includes the relocation of existing parking spaces, as well as the installation of a driveway area that will improve circulation within the Project site and access for vehicles. In addition, an approximately twenty-six foot (26') high acoustic wall would be constructed along the west side of the project area. The location of the Project within the site is an area that is over one hundred feet from the nearest street (Paul Avenue). The Project site is over seven acres in size. The Project will affect only a small interior portion of the Project site that is closest to CalTrain tracks along the Project's east property line.*

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

*The proposed development complies with the goals of the Bay View Hunters Point Area Plan to retain and encourage existing light industrial uses. It also complies with the PDR-2 zoning applicable to the Project site, and complies with and promotes many of the Objectives and Policies of the General Plan as detailed below.*

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

*The project is not located within a Neighborhood Commercial District.*

- 8. **Planning Code Section 303(h)** establishes additional criteria for the Planning Commission to consider when reviewing applications for Conditional Use Approval of Internet Services Exchanges. On balance, the project does comply with said criteria in that:

- A. The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

*The area in which the proposed Project is located consists of a mix of large industrial sites and commercial and residential uses. The Project is part of an existing approximately 7.09 acre site that is entirely enclosed and that has been used for industrial-type uses since the early 1920s. The ISE use at the site has existed at this location for approximately 12 years. The Project will actually result in a loss of approximately 16,000 square feet of building space to make room for additional emergency backup generators that will only run during testing and emergencies.*

- B. The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

*The height and bulk of the existing structures at the Project site will be virtually unchanged by the Project and will continue to fit within the industrial nature of the area. In fact, the Project does not propose to expand any of the existing buildings. Instead, it proposes to reduce the size of one of the buildings by approximately 16,000 square feet. The new generator pads and equipment will be contained on the Project site along the east side and in the middle of the site away from the residential areas to the Project site's south.*

- C. Rooftop equipment on the building in which the use is located is screened appropriately;

*No changes are proposed for the rooftop. All existing rooftop equipment is screened. In addition, the Project sponsor has taken various measures to dampen the rooftop equipment's noise.*

- D. The back-up power system for the proposed use will comply with all applicable federal state, regional and local air pollution controls;

*Appropriate permits will be obtained from the BAAQMD for all new generators installed at the Project site and back-up power systems will be operated in compliance with those permits and regulations. The Project underwent rigorous environmental analysis with respect to air quality and will not result in any net increase in emissions at the site.*

- E. Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance;

*The back-up power systems will be designed to operate in compliance with San Francisco's laws regarding noise. The Project underwent rigorous analysis with respect to noise. An approximately twenty-six foot (26') high acoustic wall would be installed along the west side of the Project area as part of the Project.*

- F. The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

*The Project will not increase power consumption at the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. The Project sponsor already employs various efficiency measures with respect to the existing ISE uses at the Project site and anticipates continuing to implement new and improved efficiency measures as new tenants come to the Project.*

- G. The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

*The Project will not create a new ISE facility, increase the size of the existing ISE facility, or increase power consumption at the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. The Project currently has more than adequate power available through its existing connections to the power grid.*

- H. The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application;

*The Project will not increase power consumption at the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. Notwithstanding this fact, the Project Sponsor has submitted detail projections of future power consumption at the Project site in connection with the Planning Department's environmental analysis of the Project.*

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

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

Section 151 of the Code requires that the Project provide one space for every 2,000 square feet of occupied floor area. Once the Project is constructed, the improvements on the Property would contain approximately 477,309 gross square feet of space. Section 151 would require two hundred thirty-nine (239) parking spaces at the Property. The Project to provide no than 200 parking spaces.

*These modifications are justified because, as a whole, the Property is used predominantly as an ISE, and a portion of the property is used for general warehouse/storage purposes. As a result, most of the space at the property is dedicated to data center infrastructure or warehouse space. The Project Sponsor maintains a small staff at the property, as do some of the tenants. However, unlike other light industrial uses that require a large labor force to operate machinery and handle packing and shipping, the ISE use does not require a large labor force or result in the presence of a large number of people on-site. As a result, the uses at the property do not result in many vehicle trips or traffic, and the property's parking areas are generally under-used. Therefore, allowing the*

*Project Sponsor to provide no fewer than 200 parking spaces would have no effect on the availability of parking in the surrounding neighborhood or result in added congestion in the surrounding neighborhood. In addition, allowing the Project Sponsor to provide fewer spaces than required under the Planning Code would be consistent with the City's transit first policies.*

- B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

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

*See the discussion under Section 10 below.*

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

*As discussed above, Planning Code Section 151 would require 239 spaces for the Project. The Project Sponsor requests approval to provide no fewer than 200 parking spaces. As discussed above, because the ISE use at the property does not require a large labor force, there is not demand for the 239 spaces required by the Code. Therefore, even with no fewer than 200 spaces, the Project would provide off-street parking that is adequate for the use at the Property.*

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

*This Project is not requesting any exceptions to the height limits.*

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

## **BAYVIEW HUNTERS POINT AREA PLAN**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

STIMULATE BUSINESS, EMPLOYMENT, AND HOUSING GROWTH WITHIN THE EXISTING GENERAL LAND USE PATTERN BY RESOLVING CONFLICTS BETWEEN ADJACENT INDUSTRIAL AND RESIDENTIAL AREAS.

**Policy 1.4:**

Encourage development of the south basin area west of Third Street as a light industrial activity center.

*The Project site is located in the South Basin area west of Third Street. The Project would improve the ability of the Project Sponsor to provide necessary infrastructure to support the existing light industrial use at the site.*

**Policy 1.5:**

Encourage a wider variety of light industrial uses throughout the Bayview by maintaining the newly established Production, Distribution and Repair zoning, by more efficient use of industrial space, and by more attractive building design.

*The Project is consistent with the PDR-2 zoning applicable to the site and would sustain an existing light industrial use at the site.*

**OBJECTIVE 8:**

STRENGTHEN THE ROLE OF BAYVIEW'S INDUSTRIAL SECTOR IN THE ECONOMY OF THE DISTRICT, THE CITY, AND THE REGION.

**Policy 8.1:**

Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts.

*The Project will allow the Project Sponsor to retain existing tenants and obtain new tenants by providing a significant upgrade to the emergency standby power capabilities of the site. Today, servers and telecommunications equipment must operate twenty-four hours a day, seven days a week no matter what the circumstances. The possibility of such equipment being offline as a result of a power failure is not unacceptable to most tenants. The upgrades the Project proposes will allow the facility to remain competitive. The Project is consistent with and affirms the light industrial activities that have been present at the site for almost a century.*

**COMMERCE AND INDUSTRY ELEMENT**

**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 which has substantial undesirable consequences that cannot be mitigated.

*The Project will provide substantial net benefits to the City by dramatically increasing the site's ability to provide a standby, uninterruptable source of back-up power to the servers and telecom equipment located at the site in the event of a power failure. Buildings D and F are among a few, primary internet and telecom gateway buildings in the Bay Area. The improvements that comprise the Project will provide greater reliability for internet and telecom services throughout the Bay Area by providing existing and future tenants with the ability to install emergency standby generators to provide a back-up power source for critical server and telecom equipment in the event of power failure. Benefits include: (i) increased reliability in the event of a power interruption caused by, for example, an earthquake and (ii) the continued ability of the City to attract companies that rely on offsite servers and telecom equipment for their business.*

*The ability to keep servers and telecom equipment running during a power outage will reduce the damaging effects of an earthquake or other catastrophe. Maintaining operable telecom and internet functions will help to assure that first responders and other emergency personnel are able to communicate and that the City's people and businesses are able to recover quickly. The site's ability to offer emergency standby generators located within the City limits helps the City attract new businesses, and retain existing business, that require such redundancy and the convenience of being able to locate their equipment close to their business operations, allowing easy maintenance and service.*

#### **Policy 1.2**

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

*The Project is undergoing a rigorous environmental analysis and will result in no net new emissions from the site.*

#### **Policy 1.3**

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

*The Project site is zoned PDR-2 and is located in an area that has been home to industrial uses for almost a century. The Project is consistent with the PDR-2 zoning and will enhance the light industrial capabilities of the site.*

### **COMMUNITY SAFETY ELEMENT**

#### **OBJECTIVE 3:**

ESTABLISH STRATEGIES TO ADDRESS THE IMMEDIATE EFFECTS OF A DISASTER.

#### **Policy 3.7:**

Develop a system to convey personalized information during and immediately after a disaster.

*The Project is consistent with the overall goal of the Community Safety Element of the General Plan, which is to protect the City from catastrophes and put in place mechanisms to help the City's emergency personnel during a catastrophe, while also reducing the amount of time needed for the City's businesses and population to recover from a catastrophe. The ability to keep servers and telecommunications equipment running at all times,*

*including following a catastrophe, increases the ability of the City's population and businesses to recover quickly, while also assuring the operability of the City's first responders and other emergency services.*

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

*No neighborhood-serving retail uses exist on the site. The project will allow the Project Sponsor to satisfy the future demands of the tenants at the Project Site for emergency back-up power and provide redundant back-up emergency power to enhance reliability. These improvements will insure applicant's continued business success in the area which will continue to contribute to the preservation and enhancement of the neighborhood and its businesses.*

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

*No housing exists on the site. The neighborhood contains a mix of business and residential uses that will not be impacted by the continued use of the site as an Internet Services Exchange.*

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

*No housing is created or removed as part of this project.*

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

*The project will not impede Muni transit service in the area. The project site receives little traffic due to the nature of an ISE and the site contains sufficient parking onsite for employees and visitors and will therefore not overburden neighborhood streets or 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.

*The use has existed on the site for more than ten years and the Project will allow the Project Sponsor to satisfy the future demands of the tenants at the Project site for emergency back-up power and will provide redundant back-up emergency power to enhance reliability, therefore improving future opportunities for employment.*

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

*Improvements will be built to the latest earthquake safety standards and the project itself will allow the Project Sponsor to satisfy the future demands of the tenants at the Project Site for emergency back-up power and will provide redundant back-up emergency power to enhance reliability in the case of an area power loss.*

- G. That landmarks and historic buildings be preserved.

*No historic landmarks or buildings exist on the site.*

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

*The project will not increase the height of the existing structures and will therefore have no impact on sunlight or vistas in the area.*

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 Planned Unit Development 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 Conditional Use Application No. 2012.0153C** 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 MND 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 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 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 26, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 26, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to alter approximately 16,000 square feet of the northern portion of the existing Internet Services Exchange (ISE) building fronting Paul Avenue, to remove up to 11 parking spaces, and to construct a service yard that would include 18 diesel emergency backup generators and an approximately twenty-six foot high acoustic wall along the west side of the project area, requesting an exception to the parking requirements of Planning Code Section 151 to allow no fewer than 200 parking spaces, located at 200 Paul Avenue, Block 5431A, Lots 1F & 1G, pursuant to Planning Code Section(s) **178(c), 227(r), 303, 303(h) and 304** within the **PDR-2** District and a **65-J** Height and Bulk District; in general conformance with plans, dated **August 5, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0153C** and subject to conditions of approval reviewed and approved by the Commission on **September 26, 2013** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 26, 2013** under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## 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](http://www.sf-planning.org).*

2. **Expiration and Renewal.** Should a Building or Site Permit to construct or commence the project 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](http://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](http://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](http://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](http://www.sf-planning.org).*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

7. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide no fewer than 200 independently accessible off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## MONITORING

8. **Reporting.** As long as the use remains an Internet Services Exchange, the project sponsor shall submit to the Planning Department on an annual basis power use statements for the previous twelve-month period as provided by all suppliers of utilities and shall submit a written annual report to the Department of Environment and the Planning Department which shall state: (a) the annual energy consumption and fuel consumption of all tenants and occupants of the Internet Services Exchange; (b) the number of all diesel generators located at the site and the hours of usage, including usage for testing purposes; (c) evidence that diesel generators at the site are in compliance with all applicable local, regional, state and federal permits, regulations and laws; and (d) such other information as the Planning Commission may require.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

9. **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](http://www.sf-planning.org).*

10. **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](http://www.sf-planning.org).*

## OPERATION

11. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

12. **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](http://www.sf-planning.org).*





**EXHIBIT C – Mitigation Monitoring and Reporting Program**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>• If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p>Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>• Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>• Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>• Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> </ul>	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if required by the ERO.</p>	<p>ADRP required? Y/N</p> <p>Date: _____</p> <p>Date of scoping meeting for ADRP: _____</p> <p>Date Draft ADRP submitted to the ERO: _____</p> <p>Date ADRP approved by the ERO: _____</p> <p>Date ADRP implementation complete: _____</p>

**EXHIBIT C – Mitigation Monitoring and Reporting Program**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<ul style="list-style-type: none"> <li>• Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• Final Report. Description of proposed report format and distribution of results.</li> <li>• Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><b>Final Archeological Resources Report.</b> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant</p>	<p>Following completion of soil disturbing activities. Considered complete upon distribution of final FARR.</p> <p>Date Draft FARR submitted to ERO: _____</p> <p>Date FARR approved by ERO: _____</p> <p>Date of distribution of Final FARR: _____</p> <p>Date of submittal of Final FARR to information center: _____</p>
<p><i>Noise Mitigation Measure</i></p>				
<p><b>Mitigation Measure M-NO-1: Attenuation of Noise from Outdoor Equipment</b></p> <p>The project sponsor shall implement the noise attenuation measures in the 200 Paul Rooftop Equipment and Standby Generator Noise Analysis prepared May 14, 2013 by CSDA Design Group that include the following measures. A noise attenuation wall shall be constructed along the entire western edge of the existing and expanded generator service yard with a minimum 60-foot-long return along the northern edge of the service yard. The height of the noise attenuation wall shall extend a minimum of four feet above the highest exhaust stack or portion of the diesel generators in the service yard and shall have a minimum surface density of three pounds per square foot (3 psf) with no gaps or breaks. In order to</p>	<p>Project sponsor</p>	<p>Concurrent with DBI Plan Check Process</p>	<p>Project sponsor/ Department of Building Inspection (DBI)/ Planning department</p>	<p>Prior to final inspection of any additional generator</p>

**EXHIBIT C – Mitigation Monitoring and Reporting Program**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>reduce reflected noise towards the east side of the property, the interior face of the noise attenuation wall shall incorporate acoustically absorptive materials with a minimum Noise Reduction Coefficient (NRC)<sup>1</sup> rating of 0.65. All new generators installed on the 18 concrete pads shall be 4 decibel A-weighting (dBA) quieter than the existing generators which have a measured noise level of 79 dBA at 25 feet and 73 dBA at 50 feet. A detailed design of the noise attenuation wall shall be submitted for review and approval by the Planning Department prior to issuance of a building permit and shall be installed prior to the operation of any of the additional 18 backup generators.</p>				
<p><i>Air Quality Measures</i></p>				
<p><b>Mitigation Measure M-AQ-2: Construction Emissions Minimization</b>                      Construction Emissions Minimization Plan. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:                         <ol style="list-style-type: none"> <li>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</li> <li>b) All off-road equipment shall have:                                 <ol style="list-style-type: none"> <li>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</li> <li>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</li> </ol> </li> <li>c) Exceptions:                                 <ol style="list-style-type: none"> <li>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</li> <li>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically</li> </ol> </li> </ol> </li> </ol>	<p>Project Sponsor</p>	<p>Prior to issuance of a demolition, grading, or building permit</p>	<p>Project Sponsor to submit a construction emissions minimization plan for approved by the ERO and an Environmental Planning Air Quality Specialist. The project sponsor shall implement the approved plan.</p>	<p>Project sponsor, ERO, Environmental Planning Air Quality Specialist</p>

<sup>1</sup> Noise Reduction Coefficient is a measure of the acoustical absorption performance of a material, calculated by averaging its sound absorption coefficients at 250, 500, 1000, and 200 Hz, expressed to the nearest integral multiple of 0.05.

**EXHIBIT C – Mitigation Monitoring and Reporting Program**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 5.</p> <p><u>Table 5 – Off-Road Equipment Compliance Step-down Schedule</u></p> <table border="1"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>* Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														



## MEMORANDUM OF UNDERSTANDING

On August 16 and September 12, 2013, representatives of 200 Paul LLC (“Project Sponsor”) met with members of the neighborhood and with community representatives (collectively, the “Representatives”) to discuss the project (the “Project”) described in Case No. 2012.0153EC on file with the San Francisco Planning Department (the “Department”). This Memorandum of Understanding is intended to memorialize those discussions.

1. Existing Generators: Currently there are 18 diesel generators located at the project site and 17 additional generators to be installed. Of those, 6 have already been retrofitted to the standards described in FMND. Of the remaining generators, 6 are owned by the Project Sponsor and have not been retrofitted and 6 are under the ownership and control of tenants and have not been retrofitted.
  - a. Retrofitting of Additional Existing Generators Owned by the Project Sponsor. As a mitigation measure under the Final Mitigated Negative Declaration (“FMND”) for the Project, the Project Sponsor will be required to retro-fit four (4) of the existing generators with particulate filters, as more specifically set forth in the FMND. In addition to the four generators required to be retrofitted under the FMND, the Project Sponsor agrees to retro-fit the two (2) additional generators (identified as generators #12 and 20 on the plans that are included in the FMND) that it owns. Thus, the Project Sponsor would ultimately retro-fit up to six (6) generators in total. The retro-fitting would occur on a one-for-one basis before each new generator is permitted by the BAAQMD and placed in service. In other words, as each new generator is installed, one of the six existing generators would be retro-fitted; the four (4) generators required to be retrofitted under the FMND would be the first generators to be retrofitted as each new generator is installed.
  - b. Retrofitting of Existing Generators Not Owned by the Project Sponsor: The Project Sponsor agrees to use reasonable efforts to require any existing tenant of 200 Paul Avenue (the “Premises”) that is extending the term of its lease to retro-fit its generator as a condition of extending the lease term.
2. Construction Equipment: The FMND at “Mitigation Measure M-AQ-2: Construction Emissions Minimization” provides that all off road equipment used in the construction of the Project shall have engines (i) that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards and (ii) that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). (Mitigation Measure M-AQ-2, Sections A.1.b.i and ii). Project Sponsor agrees to cause its contractors to use off road equipment that complies with the foregoing mitigation measures during construction of the Project.
3. Landscaping – Generator Yard: The Project Sponsor agrees to install trees, a green wall or other vegetation along the east side of the generator area in an effort to screen the generators from the existing and proposed development at 5800 – 3<sup>rd</sup> Street. The Representatives acknowledge that the land along the east property line of the Premises is owned by the railroad. The Representatives also acknowledge that, due to fire/life-safety

regulations, the Project Sponsor must allow sufficient space for emergency vehicles along the east side of the proposed generator yard area. Therefore, those limiting factors would have to be considered when deciding the precise type of green-scape to be installed. The Project Sponsor would install the green-scape as part of the construction of the Project. The Project Sponsor will work with the Representatives to meet as many of the goals as practicable.

4. Landscaping – Paul Avenue: The Project Sponsor agrees to install street trees along the Paul Street frontage of the Premises at such space increments as are provided in the San Francisco better streets plan (adopted by the Mayor and the Board of Supervisors in December 2010). The Representatives acknowledge that the Project Sponsor's ability to install such street trees may be limited by applicable law, existing restrictions (e.g., easements or rights of way) or the existence of underground utilities. In the event the Project Sponsor is prohibited from installing street trees as described above, the Project Sponsor shall work with Representatives to reach an acceptable alternative. The Project Sponsor would install the street trees as part of the construction of the Project.
5. Landscaping – Exeter Street. The Project Sponsor agrees to make a donation of not less than eight thousand dollars (\$8,000) to Friends of the Urban Forest ("FUF") for the purpose of installing trees on Exeter Street and on such other streets as the Bayview Heights Triangle Neighborhood Association (the " BHTN Association") desires. The Project Sponsor and the BHTN Association shall work together to agree on the exact amount of the donation. The BHTN Association would be responsible for arranging with FUF for the installation of the trees following the donation.
6. Workforce. The Project Sponsor agrees to provide three tech grants, each in the amount of \$2,800 (total of \$8,400), to the following organizations: (1) BVHP Senior Multi-Purpose Center 1706 Yosemite Ave, San Francisco CA 94124; (2) Asian Pacific American Community Center, 2442 Bayshore Blvd., San Francisco CA 94124; and (3) Young Community Developers, 1715 Yosemite Avenue, San Francisco CA 94124. In addition, Project Sponsor agrees to attend informational presentations by Young Community Developers and Baycat (2415 Third Street, Suite #230, San Francisco CA 94124), so that the Project Sponsor can learn more about these organizations. The Project Sponsor would then help to promote these organizations to the Project Sponsor's tenants for potential employment opportunities and internships with the tenants. In addition, the Project Sponsor will provide a summer internship position for one of the youth involved in Young Community Developers through the Mayor's Youth Employment and Education Program.
7. Project Sponsor Contact. The following person will be available to respond to neighborhood concerns about the project and neighborhood-related issues:

Chris Lundstrom, Senior Real Estate Manager, West Region  
Digital Realty  
200 Paul Avenue, Suite 500, San Francisco, CA 94124  
Telephone: 415-508-2847  
Email: clundstrom@digitalrealty.com

In recognition of the Project Sponsor's willingness to undertake the foregoing obligations, the Representatives agree to refrain from opposing the Project. The Representatives agree that they will cease opposition to the Project and will obtain the commitments of the 5800 Third Street Owners Association, the BHTN Association and the other members of the neighborhood and community representatives who, as of September 12, 2013, have expressed concern with or opposition to the Project to cease opposing the Project. In addition, the 5800 Third Street Owners Association and the BHTN Association each agrees to provide a letter in support of the Project no later than September 17, 2013.

*[Signatures on Following Pages.]*

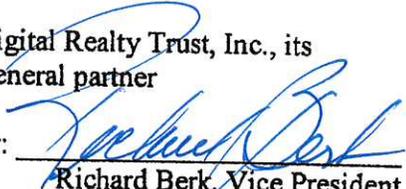
**PROJECT SPONSOR**

200 Paul, LLC, a Delaware limited liability company

By: 200 Paul Holding Company, LLC, its member

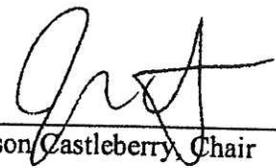
By: Digital Realty Trust, L.P., its member

By: Digital Realty Trust, Inc., its general partner

By:   
Richard Berk, Vice President  
Portfolio Management, West  
Region

**REPRESENTATIVES**

Bayview Heights Triangle Neighborhood Association

By:   
Jason Castleberry, Chair

5800 Third Street Owners Association

By: \_\_\_\_\_  
Kenneth A. Catterlin, Chief  
Financial Officer

By: \_\_\_\_\_  
Stan Jones, Secretary

Bayview Hunters Point Multipurpose Senior Services, Inc.

By: \_\_\_\_\_  
Cathy Davis, MSW  
Executive Director

**PROJECT SPONSOR**

200 Paul, LLC, a Delaware limited liability company

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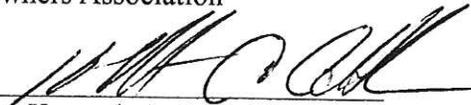
By: \_\_\_\_\_  
Richard Berk, Vice President  
Portfolio Management, West  
Region

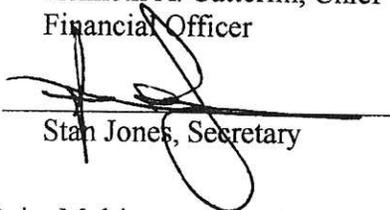
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Bayview Heights Triangle Neighborhood Association

By: \_\_\_\_\_  
Jason Castleberry, Chair

5800 Third Street Owners Association

By:   
Kenneth A. Catterlin, Chief  
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By:   
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Bayview Hunters Point Multipurpose Senior Services, Inc.

By: \_\_\_\_\_  
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By: Digital Realty Trust, Inc., its general partner

By: \_\_\_\_\_  
Richard Berk, Vice President  
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Region

**REPRESENTATIVES**

Bayview Heights Triangle Neighborhood Association

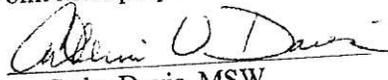
By: \_\_\_\_\_  
Jason Castleberry, Chair

5800 Third Street Owners Association

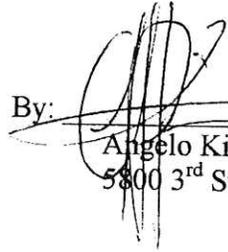
By: \_\_\_\_\_  
Kenneth A. Catterlin, Chief  
Financial Officer

By: \_\_\_\_\_  
Stan Jones, Secretary

Bayview Hunters Point Multipurpose Senior Services, Inc.

By:   
Cathy Davis, MSW  
Executive Director

By: \_\_\_\_\_  
Angelo King, Resident  
5800 3<sup>rd</sup> Street

By:  \_\_\_\_\_  
Angelo King, Resident  
5800 3<sup>rd</sup> Street

By: \_\_\_\_\_  
Anietie Ekanem, Resident  
5800 3<sup>rd</sup> Street

By: \_\_\_\_\_  
Angelo King, Resident  
5800 3<sup>rd</sup> Street

By *Anietie Ekanem*  
Anietie Ekanem, Resident  
5800 3<sup>rd</sup> Street

Kenneth A. Catterlin  
Chief Financial Officer  
5800 Third Street Owners Association  
5800 3rd Street #1414  
San Francisco, CA 94124  
415-822-2932  
[kenncatterlin@hotmail.com](mailto:kenncatterlin@hotmail.com)

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September 16, 2013

Corey A. Teague, AICP, LEED AP  
City Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 200 Paul Avenue

Mr. Teague,

The residents of 5800/5900 Third Street are generally in favor of continuing wise development of the South Basin area of Bayview Hunters Point, particularly as it moves the community in the directions laid out in the Bayview Hunters Point Area Plan and the various elements of the Citywide General Plan. Our concerns about the 200 Paul Avenue project, as it was originally understood, are that it fails on several fronts.

As we understood it, the project would allow for the expansion of an existing ISE use by providing 18 additional diesel backup generators for use by the ISE during power outages. Based on the information contained in the Final Mitigated Negative Declaration (FMND) adopted September 3, 2013 for the project when fully built out, the site will more than double (from 17 to 35) the number of diesel generators.

To better conform the proposed project to the needs of the community and still meet the project sponsor's objectives, we have worked together with the Project Sponsor and reached the understanding for additional mitigation measures and community investments to be made as outlined in the attached Memorandum of Understanding (MOU).

In the MOU, the Project Sponsor has made several commitments to the Bayview community that serve to further various goals of the General Plan. Including:

1. All existing generators currently under the project sponsor's control will be retrofitted and maintained at the same level required for any new generators.

The 18 new generators will be some of the cleanest available; however the existing generators are far from current standards. While required to only retrofit 4 existing generators, all existing

generators owned by the Project Sponsor will be retrofitted. This will contribute to the General Plan Environmental Element's goal of reducing pollution. This is particularly important given that the project site is an identified air pollution "hot spot" and the FMND indicates that a reduction of 85% in particulate pollution is reasonably possible from each existing generator with the retrofit. This is of particular import given that the Dr. George Davis Senior Center and 121 units of low-income senior housing units are currently under development on a parcel adjacent to the project site and for whom special protection is called for in the Air Quality Element of the General Plan.

2. **Construction Equipment:** The FMND at "Mitigation Measure M-AQ-2: Construction Emissions Minimization" provides that all off-road equipment used in the construction of the Project shall have engines (i) that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards and (ii) that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). (Mitigation Measure M-AQ-2, Sections A.1.b.i and ii). Project Sponsor agrees to cause its contractors to use off road equipment that complies with the foregoing mitigation measures during construction of the Project. As with item #1 above, this condition serves the goals of the General Plan.
3. **Landscaping – Generator Yard:** The Project Sponsor has agreed to install trees, a green wall, or other vegetation along the east side of the generator area in an effort to screen the generators from the existing and proposed development at 5800 3rd Street. As with item #1 above, this condition serves the goals of the General Plan. Constant noise transmission will increase as more generators are installed, which tends to be more of a nuisance than intermittent noise, such as occurs as Caltrain passes the site.
4. **Landscaping – Paul Avenue:** The Project Sponsor agrees to install street trees along the Paul Street frontage of the Premises at such space increments as are provided in the San Francisco better streets plan. The Representatives acknowledge that the Project Sponsor's ability to install such street trees may be limited by applicable law, existing restrictions (e.g., easements or rights of way) or the existence of underground utilities. In the event the Project Sponsor is prohibited from installing street trees as described above, the Project Sponsor shall work with Representatives to reach an acceptable alternative. The Project Sponsor would install the street trees as part of the construction of the Project. As with item #1 above, this condition serves the goals of the General Plan.

Both the Commerce and Industry Element of the General Plan and the Bayview Hunters Point Area Plan call for Social Equity – being a "... goal is to assure that all segments of the San Francisco labor force benefit from economic growth. This will require that particular attention be given to reducing the level of unemployment, particularly among the chronically unemployed and those excluded from full participation by race, language or lack of formal occupational training." The unemployment level within Bayview Hunters Point, and the South Basin area that the project site is located in, are among the highest in San Francisco. By providing ongoing training and support in conjunction through various Bayview organizations,

such as the Dr. George Davis Senior Center, the community will benefit from the unique location that the ISE project occupies even though significant hiring is not expected.

We appreciate your attention to the MOU so that the conditions of approval will help to make the proposed project more compatible with the surrounding neighborhood as well as successful for the project sponsor.

We recognize that there are always tensions between the needs of business activities and the neighbors that surround them and that it is impossible for everyone to get everything that they'd like. The MOU the Project sponsor has entered into with the community is a significant demonstration of how they want to be a good neighbor to the community, and provides a basis for an ongoing supportive relationship.

In consideration of the entirety of the project and the commitments made in the MOU, we wish to voice our support for the 200 Paul Avenue project and ask that you approve it.

Sincerely,

A handwritten signature in black ink, appearing to read 'KACatterlin', written in a cursive style.

Kenneth A. Catterlin

Chief Financial Officer

5800 Third Street Owners Association



Bayview  
Hunters Point  
Multipurpose  
Senior Services, Inc.

1706 Yosemite Avenue, San Francisco, CA 94124  
Phone: (415) 822-1444 Email: [bhpmss1@aol.com](mailto:bhpmss1@aol.com)

September 13, 2013

Corey A. Teague, AICP, LEED AP  
City Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE 200 Paul Avenue

Dear Mr. Teague,

Bayview Hunters Point Multipurpose Senior Services will be building housing and a new senior center at 1751 Carroll, which is located behind the condos at 5800 Third Street. As our seniors will be living close to the site at 200 Paul Avenue, we were included in the discussions about the generator emissions.

I am satisfied that Digital Realty has met the emissions standards that are set for the generators and in fact they have agreed to even lower emissions. In addition Digital Realty's willingness to provide landscaping, job training and work with community based non-profits shows their willingness to be good neighbors.

Based on this information, I support the 200 Paul Avenue project and ask that the Planning Commission approve it. Thank you for your consideration.

Sincerely,

Cathy Davis, MSW  
Executive Director, BHPMSS



# United Brotherhood of Carpenters and Joiners of America

LOCAL UNION NO. 22

August 22, 2013

John Rahaim  
Director of Planning  
City and County of San Francisco  
1650 Mission Avenue, Suite 400  
San Francisco, CA 94103

**Re: Case Number 2012-0153EC  
Digital Realty Trust – Generator Yard Master Plan**

Dear Mr. Rahaim,

On behalf of San Francisco Carpenters Local Union 22, please accept this letter of support for Digital Realty Trust's proposed Generator Yard Project (Case # 2012-0153EC) currently under review with the City of San Francisco Planning Department. Our carpenter contractors and members have done significant work with Digital Realty Trust and Skyline Construction and have found both to be professional in their project delivery and subsequent equipment operation and maintenance.

We support Digital Realty Trust's proposed project for site modifications at 200 Paul Avenue in San Francisco to accommodate the installation of new generators in the future and we are confident that Digital Realty Trust, Skyline Construction and one of the carpenter subcontractor firms will deliver a project that is professional in its implementation as well as considerate of the neighbors and neighborhood.

Please feel free to contact me at the number below should you have any questions regarding the above.

Respectfully,

Manuel Flores, Jr.  
Field Representative

sko/opeiu-3-af1-cio (38)

2085 3RD STREET • SAN FRANCISCO, CA 94107  
TELEPHONE: (415) 355-1322 • FAX: (415) 355-1422





THE INTERCONNECTION &  
DATA CENTER COMPANY

August 28, 2013

President Rodney Fong and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Commissioners:

We write to express support for Digital Realty's proposed equipment yard expansion project at its 200 Paul Avenue complex in San Francisco.

Telx serves as a colocation and interconnection provider within 200 Paul Avenue, where it provides access to many of the leading domestic and international carriers, as well as physical connection points to the world's telecommunications networks and backbones.

We have reviewed the plans with my colleagues at Digital and understand the need for the proposed upgrade. Emergency generators provide a critical internet and telecommunications lifeline in the event of a power outage during any emergency situations, such as an earthquake. We embrace Digital's effort to protect tenants like us from unplanned service interruptions to avoid disruptions to residences and businesses within the City of San Francisco, as well as a significant part of the Bay Area.

Commissioners, the 200 Paul facility is central to our operations. The redundancy it provides is invaluable and allows us to conduct our business knowing that we will remain functional in all situations.

In order to allow this important San Francisco asset to enhance its capabilities, I formally request that you approve the 200 Paul Avenue project as proposed at your Planning Commission meeting on September 26.

Respectfully,

Clayton Mynard  
SVP, General Counsel; Corporate Secretary



**SAN FRANCISCO ELECTRICAL  
CONTRACTORS ASSOCIATION, INC.**

555 Gough Street  
San Francisco, CA 94102

August 8, 2013

Mr. John Rahaim  
Director of Planning  
City and County of San Francisco  
1650 Mission Avenue, Suite 400  
San Francisco, CA 94103

RE: Case Number 2012-0153EC  
200 Paul Avenue – Generator Yard Master Plan

Dear Mr. Rahaim:

On behalf of the San Francisco Electrical Contractors Association, please accept this letter as our support of the above-referenced project, currently under review. Our electrical contractor members have done extensive work with Digital Realty Trust. They are well respected as a company that approaches their projects with care and concern – both for the installation and the continued site maintenance and operations.

We have reviewed the project scope, as well as the information in the Preliminary Mitigated Negative Declaration. We believe the modification to 200 Paul Avenue, making room for the installation of new diesel generators, has been well planned and will be expertly implemented by Skyline Construction as the General Contractor, using one of our electrical contractor members as the electrical subcontractor.

I can be reached at (415) 309-3033 if you have any questions or wish to discuss the SFECA's support of this project further.

Sincerely,

A handwritten signature in blue ink that reads 'Cathy'.

Cathy Coffman  
Assistant Manager

cc:08/08/13

---

# San Francisco Building and

1188 FRANKLIN STREET • SUITE 203  
SAN FRANCISCO, CA 94109  
EMAIL: mike@sfbctc.org



# Construction Trades Council

TEL. (415) 345-9333

www.sfbuildingtradesCouncil.org

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Vice Presidents

13 September 2013

President Rodney Fong  
Vice President Cindy Wu  
Commissioner Michael Antonini  
Commissioner Gwyneth Borden  
Commissioner Rich Hillis  
Commissioner Kathrin Moore  
Commissioner Hisashi Sugaya  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, California 94103-2414

Dear President Fong, Vice President Wu, and Commissioners:

At a meeting 10 September 2013 of the Board of Business Representatives of our thirty-two affiliated unions, the San Francisco Building and Construction Trades Council agreed to support Digital Realty Trust's proposal to secure its facility at 200 Paul Avenue by preparation for and eventual installation of up to twelve diesel backup generators.

While in recent years we have improved the reliability of power transmission to San Francisco through construction of the Jefferson-Martin transmission line and the laying of the Transbay cable, it remains vulnerable to interruption by earthquakes and other events. Just as at hospitals, temporary diesel generation provides the most secure source of replacement power in the event of such an interruption. 200 Paul is a highly important communications nexus for San Francisco. It needs the guarantee of electric power that temporary diesel generation provides.

Digital Realty Trust has been a good neighbor to the Bayview for years now. It has promised a high degree of filtration for diesel generation at 200 Paul so that the particulate emissions often associated with diesel are not an issue. We are familiar with the contractor Digital Realty Trust has chosen for the work, Skyline Construction, and consider it very responsible.

We ask that you approve the project.

Respectfully yours,

Michael Thériault  
Secretary-Treasurer



skylineconst.com

731 Sansome Ave., 4th floor  
San Francisco CA 94111  
p 415.908.1020  
f 415.908.1030

License 727637

August 8, 2013

**San Francisco Planning Department**  
City and County of San Francisco  
1650 Mission Ave., Ste #400  
San Francisco, CA 94103-2479

**Attention: John Rahaim**  
**Planning Director**

**Re: Digital Realty Trust**  
**200 Paul Ave. Generator Yard Master Plan**  
**Case No. 2012-0153EC**

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I am writing this letter in support of Digital Realty Trust's planned project at 200 Paul Ave. in San Francisco. As you are aware, under this project Digital Realty Trust plans to modify their existing Building "B" and complete site alterations in order to make accommodation for the installation of up to (12) additional generators in future.

Having worked with Digital Realty Trust for some time and completed multiple projects for them at 200 Paul Ave., we find them to be: very detailed in their project approaches and delivery; concerned about the community and the impact any of their projects could have on same; focused on Health & Safety associated with any of their work efforts and/or permanent installations; and very diligent in the implementation and enforcement of policies and procedures covering not only their work efforts, but also with the maintenance and operation of equipment after projects have been completed and put into operation.

Given the above, Skyline Construction Inc. is in **full support** of this project not only as a firm performing work for Digital Realty Trust, but also as a San Francisco based contractor with expertise in the design and construction of Mission Critical implementations.

In addition, we believe that the jobs that this project will create will be of benefit to the San Francisco contractor and subcontractor market.

Should there be any questions with the above, please contact me at Ph. 415-908-2513, Cell, 415-740-4022 or e-mail [rscott@skylineconst.com](mailto:rscott@skylineconst.com).

Yours truly,  
**SKYLINE CONSTRUCTION, INC.**

A handwritten signature in blue ink, appearing to read "Randy Scott", is written over the typed name.

Randy Scott  
President



September 11, 2013

President Rodney Fong and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Commissioners:

T-Mobile supports Digital Realty's proposed equipment yard expansion project at its 200 Paul Avenue complex in San Francisco (Case No. 2012.01553E).

The 200 Paul Avenue facility is central to T-Mobile's cell site switching operations. The proposed project provides telecommunication users the surety of service to conduct everyday business knowing that their mobile devices will remain functional. Specifically, the facility expansion, combined with its additional emergency generators, provide a critical internet and telecommunications lifeline in the event of a power outage.

Please approve the expansion of this facility and its critical technology infrastructure to help protect crucial infrastructure from unwanted service interruption.

Respectfully,

A handwritten signature in black ink, appearing to read 'Rod De La Rosa', written in a cursive style.

Rod De La Rosa  
Sr. Manager External Affairs  
T-Mobile West Region

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J. Gregg Miller, Jr.  
D (415) 772-5736  
gmiller@coblentzlaw.com

September 16, 2013

The San Francisco Planning Commission  
c/o The San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, California 94103

Re: 200 Paul Avenue – Case No 2012.0153EC

Dear President Fong and Honorable Commissioners:

We submit this letter on behalf of the project sponsor, 200 Paul LLC ("Project Sponsor"), and ask that, at the September 26, 2013 hearing before the Planning Commission (the "Commission"), you (i) adopt the Final Mitigated Negative Declaration for the Project (as defined below), (ii) adopt findings related to the Final Mitigated Negative Declaration, and (iii) approve the Conditional Use (Planned Unit Development) for the Project.

If approved, the Project would allow the Project Sponsor to construct critical infrastructure upgrades to an essential, existing Internet Services Exchange facility located at 200 Paul Avenue in the City's Bayview/Hunter's Point neighborhood. Construction of the upgrades would dramatically enhance the facility's 24/7 operability in the event of a power failure, such as a power failure resulting from an earthquake. Assuring the uninterrupted operability of the data and telecommunications equipment located at the facility will save lives in an emergency and allow for internet and telephone-based communications to occur despite a power failure. In addition, the infrastructure upgrades will help to assure the long-term competitiveness of this light industrial use in the City, consistent with the City's commitment to retain light industrial uses.

#### **I. Project Summary.**

The property is located at 200 Paul Street in the Bayview/Hunter's Point neighborhood, mid-block between Highway 101 and Third Street (the "Property"). The Project Sponsor proposes to alter its existing Internet Services Exchange ("ISE") facility at 200 Paul Avenue by (a) removing a portion of Building B in order to create room to add generator pads and parking spaces, (b) adding twelve generator pads on which emergency, standby backup generators would be installed over time, (c) modifying the layout and location of the existing parking spaces for service and other vehicles, and (d) improving vehicle circulation and increasing the service/maintenance area at 200 Paul Avenue by creating a thruway between the new parking spaces and the reduced Building B (the "Project"). The Project is relatively small, affecting an approximately 21,000 sq. ft. portion of the 7.09 acre property. The construction of the proposed

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Project is critical to the Project Sponsor's operations at the Property. The ISE uses that exist at the Property cannot suffer any shut-down or other service interruption in the event of a power failure. The Project Sponsor's tenants must have a reliable source of back-up power in such event. In some cases, certain tenant's operations are so critical that they require more than one back-up generator. In the event one of the back-up generators fails, the tenant needs to be sure that there is a second generator available. The modifications to the parking and circulation are important for improving the circulation of traffic within the Property, enhancing worker safety and emergency vehicle access within the Property.

## II. Approvals Requested.

### a. CEQA Review

The Project has undergone lengthy and exhaustive environmental review under CEQA, resulting in a 124-page Mitigated Negative Declaration. The environmental review included the preparation of a separate Air Quality Technical Report, a Noise Analysis report and a Historic Resources Evaluation Report. We request that the Commission adopt the Final Mitigated Negative Declaration for the Project and adopt findings related to the Final Mitigated Negative Declaration.

### b. Planning Code Approvals

The Project constitutes the intensification of an (ISE) use (as defined in Section 227(r) of the Code) and thus requires conditional use authorization. At the time the ISE use at 200 Paul was initially approved in 1999 and 2000, conditional use authorization for such use was not required. Today, an ISE use is a permitted conditional use under the PDR-2 zoning applicable to the site. The Planning Code requires conditional use authorization for any intensification of a permitted conditional use.<sup>1</sup> However, because the Project is unable to provide the amount of parking spaces that would be required under Section 151 of the Planning Code, the Project Sponsor has requested conditional use authorization of the Project in the form of a Planned Unit Development under Section 304 of the Planning Code, which allows for the relaxation of parking requirements. In addition, Section 303(h) of the Planning Code requires findings specific to ISE uses in granting conditional use authorization. Therefore, we request that the Commission grant Planned Unit Development authorization for the Project under the site's PDR-2 Zoning District controls pursuant to Planning Code Sections 227(r), 303 (including 303(h)) and 304.

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<sup>1</sup> Under Section 178(a) of the Planning Code, a "permitted conditional use" is one that includes a use that did not require a conditional use authorization at the time the use came into existence but which now requires conditional use authorization as a result of a subsequent amendment to the Planning Code imposing a new conditional use requirement on such use. Under Section 178, a permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application.

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**III. Reasons to Approve the Project.**

- a. The Project is Consistent with the Applicable PDR-2 Zoning.

The Property was re-zoned PDR-2 in 2008. Section 210.11 of the Code describes PDR-2 as follows:

The intent of this district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities... Light industrial uses in these districts may be conducted entirely within an enclosed structure, partly within enclosed structures, or some functions may occur entirely in open areas. These uses may require trucking activity multiple times per day, including trucks with up to 18 wheels or more, and occurring at any time of the day or night. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law.

The Project constitutes an intensification of an existing light industrial use. Therefore, the Project is entirely consistent with the PDR-2 zoning that the Commission recently approved for the Property.

- b. The Project is Consistent with the City's Goal of Preserving Light Industrial Uses and Jobs in the City.

One of the major public policy goals of the City's recent re-zoning of the Eastern Neighborhoods and the implementation of the Bayview Hunters Point Area Plan was to preserve large areas of the City for light industrial uses, such as those described in the PDR-2 zoning. The Property is used exclusively for light industrial uses. Approval of the Project would be consistent with and would affirm the City's policies that support the continuation of light industrial uses in areas zoned for such uses, such as the Property and the blue-collar jobs associated with such uses.

- c. Approval of the Project Will Save Lives.

The Project will enhance the redundancy capabilities of the ISE use at the site. By increasing the number of emergency stand-by back-up generators, the Project will assure that critical data and telecommunications infrastructure continues to function during power outages, including those resulting from natural disasters. The continuous operability of such

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infrastructure will help to assure that first responders and citizens will be able to use phones and access the internet for disaster-related information.<sup>2</sup>

- d. The Project will not cause an Increase in Particulate Emissions.

A by-product of running back-up generators is particulate emissions from the generator's exhaust. Approving the Project would allow the Project Sponsor to eventually install twelve (12) new diesel generators. However, the Project Sponsor has agreed to retrofit certain existing generators and to install particulate filters on all the new generators such that the installation of all the generators will not result in an increase in particulate emissions at the Project. In other words, the Project will have a "net zero" impact in particulate emissions.

- e. The Generators will run only for Testing, Maintenance and during Outages; the Frequency and Duration of Outages has declined.

The Bay Area Air Quality Management District's ("BAAQMD") permits for the installation and operation of the generators prohibit operation of the generators for any reason other than testing, maintenance and during power outages. The generators are not allowed to be run to add power to the facility – only to replace the power lost while an outage is in effect. In addition, although the BAAQMD permits typically allow up to fifty (50) hours per year of run time for

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<sup>2</sup> The importance of continuous data and telecommunications operability during a disaster cannot be overstated. AlertSF, 72Hours, the Red Cross and FEMA all rely on texts, smart phone applications and internet access as methods of informing and assisting persons affected by a disaster. The following are summaries of each program:

AlertSF sends alerts regarding emergencies disrupting vehicular/pedestrian traffic, watches and warnings for tsunamis, flooding, and Citywide post-disaster information to your registered wireless devices and email accounts. The AlertSF press release from the 2006 introduction of the service states that "text messaging has proven to be a reliable means of communication, especially when other systems are down."

www.72Hours.Org offers the following advice: "Learn how to use text messaging. It uses a different part of the cell phone network and it might be possible to send and receive text messages when voice channels for mobile phones and land lines are jammed. Register your email addresses and wireless devices (mobile phones, pagers and PDAs) at AlertSF.org. When possible, the City will send text alerts about potential hazards..."

The American Red Cross offers a smartphone application that will provide information on when and where shelters have been opened to provide assistance. The applications shelter data reflects all Red Cross managed disaster shelters across the United States. Information is updated at least daily, and more often during disasters, including location, capacity, current number of shelter residents, and the date and time of the last update for each activated shelter.

The FEMA (Federal Emergency Management Agency) website has the following tips for right after an earthquake: "Go to a designated public shelter if your home had been damaged and is no longer safe. Text SHELTER + your ZIP code to 43362 (4FEMA) to find the nearest shelter in your area (example: shelter 12345)." FEMA also has a smart phone app to help locate disaster assistance and offers text message service similar to AlertSF.

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testing and maintenance, the Project Sponsor has agreed to limit the testing and run time on the twelve (12) new generators to thirty-five (35) hours per year. Also, please note that the Project Sponsor and PG&E have worked hard over the past eighteen months to enhance the reliability of the power grid that supplies the Property. As a result of such enhancements, the frequency of power outages affecting the Property has declined dramatically. In 2010, there was a total of 44.8 hours of outage-related run time with outages occurring in six out of twelve months. In 2011, there was a total of 64.5 hours of outage-related run time with outages occurring in four out of twelve months. In 2012, there was a total of only 4.3 hours of outage-related run time occurring only in one out of twelve months.

- f. The Project Sponsor has been a Good Neighbor.

With the exception of two noise complaints, the Project Sponsor is not aware of any formal complaints with respect to the Property in the thirteen years it has operated as a data center. Although the noise that was the source of the complaints did not exceed permissible levels, the Project Sponsor installed sound dampening equipment to reduce the noise to inaudible levels.

In addition, the Project Sponsor has conducted significant outreach to the neighboring community in connection with the Project. The Project Sponsor and its representatives met with members of the community and community groups on February 12, 2013, June 3, 2013, June 24, 2013, and July 24, 2013. In addition, the Project Sponsor has provided detailed responses to follow-up questions from community members. The Project Sponsor has received several letters of support for the Project.

**IV. The Project Complies with the Conditional Use Criteria Under Sections 303 and 304.**

Compliance with Section 303 Criteria:

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

The Project site is located in an area of the City that has had a mix of industrial, commercial and residential uses for almost a century. The Project site's industrial nature was re-affirmed in 2006 as part of the Bayview Hunters Point re-zoning when the site was zoned PDR-2, a use that allows and encourages light to moderate industrial uses such as the existing

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use.<sup>3</sup> The site is currently improved with four buildings, known as Building A, Building B, Building D, and Building F, parking, seventeen currently operating emergency standby generators, generator pad areas for future emergency standby generators, and other minor improvements. Building F is a five story Internet Services Exchange (as defined in Section 209.6(c) of the San Francisco Planning Code) ("ISE") building fronting on Paul Avenue and extending north to Building D. Building D is a three story ISE building. Building B is an industrial/warehouse building. Building B sits to the immediate north of Building D. Between the north wall of Building D and the south wall of Building B sit several generator pads that are part of Building D. Building B sits within Lots 1G and 1F, with about a third of Building B in Lot G and the remainder in Lot F. Building A sits to the immediate north of Building B and ends along the north property line of the Project site. As designed, the Project would simply remove part of the existing one-story warehouse Building B and construct generator pads for up to twelve new emergency standby diesel generators, reconfigure parking and circulation at the site and construct an approximately twenty-six foot (26') high acoustic wall along the west side of the Project area.

The Project is **necessary and desirable for, and compatible with**, the neighborhood. Buildings D and F are among a few, primary internet and telecom gateway buildings in the entire Bay Area. The improvements that comprise the Project will provide greater reliability for internet and telecom services throughout the Bay Area by providing existing and future tenants with the ability to install emergency standby generators to provide a back-up power source for critical server and telecom equipment in the event of power failure. Having an uninterruptible back-up source of power is a requirement for server and telecom equipment because such equipment must be able to function under any circumstance given the critical nature of the information and data that such equipment stores and transmits. Therefore, the Project is not only desirable for the neighborhood but also for the City as a whole and the Bay Area, because many individuals, businesses and government functions need reliable internet and telecom systems, particularly following a catastrophe. Finally, the light industrial nature of the Project is compatible with the prior and current light industrial zoning (PDR-2) that applies to the Project and the other light industrial uses that are prevalent in the neighborhood.

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<sup>3</sup> Section 210.11 of the Code, which describes PDR-2 uses, provides: The intent of this district is to encourage the introduction, intensification, and protection of a wide range of light and contemporary industrial activities. As part of their daily operations, PDR activities in these areas may emit noises, vibrations, odors, and other emissions, as permitted by law.

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- b. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working in the area, in that:
  - (i) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project will not have a dramatic impact on the existing condition of the site. The Property is currently improved with four industrial buildings, known as Building A, Building B, Building D, and Building F, parking, emergency standby generators and generator pad areas for future emergency standby generators, and other minor improvements. Building F is a five story ISE building fronting on Paul Avenue and extending north to Building D. Building D is a three story building that houses an Internet Services Exchange. Building B is an industrial/warehouse building. Building B sits to the immediate north of Building D. Between the north wall of Building D and the south wall of Building B sit several emergency standby generators and generator pad areas for future emergency standby generators. Building B sits within Lots 1G and 1F, with about a third of Building B in Lot G and the remainder in Lot F. Building A sits to the immediate north of Building B and ends along the north property line of the Project site.

Building F fronts on Paul Avenue. Across Paul Avenue from Building F are residences. The Project would not be visible from the residences. The rest of the Project site is surrounded by industrial-type uses, including the CalTrain tracks to the east, and industrial sites to the north and west.

The Project will simply alter approximately 16,146 square feet of the existing Building B by removing the south third of the building. In the area that the removed portion of Building B formerly occupied, applicant would construct twelve pads for emergency standby generators and parking spaces (most of which would replace parking spaces lost by the removal of the portion of Building B), as well as a driveway area that provides better circulation for the site. In addition, an approximately twenty-six foot (26') high acoustic wall would be constructed along the west side of the Project area. No expansion of any building is proposed.

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

The Project will not have any impact on traffic. The Project itself will be located more than four hundred feet from the nearest public road (Paul Avenue). Because the Project consists of the installation of pads for emergency standby power generators; it will not result in a material increase in the number of workers or occupants at the site in the same way as, for

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example, a new residential or office project at the site would. The site currently has ample parking and the Project will not reduce the amount of existing parking. In addition, the Project will improve traffic flow and emergency vehicle access within the site.

All of these design features assure that the Project's impact on traffic flow in its vicinity will be minimal.

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

Construction Conditions of Approval will be followed during demolition and construction phases to minimize noise, vibration, dust, and odor emissions. Once the Project is built and the emergency standby generators are installed incrementally over many years, each generator will be equipped with emissions and noise reducing technologies. The backup generator will only be used for testing and in emergencies like power outages.

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

The Project consists of the removal of a portion of a one story industrial building and the installation of pads for emergency standby generators. The Project also includes the relocation of existing parking spaces, as well as the installation of a driveway area that will improve circulation within the Project site and access for vehicles. In addition, an approximately twenty-six foot (26') high acoustic wall would be constructed along the west side of the Project area. The location of the Project within the site is an area that is over one hundred feet from the nearest road (Paul Avenue). The Project site is over seven acres in size. The Project will affect only a small interior portion of the Project site that is closest to CalTrain tracks along the Project's east property line.

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

The Project will be built to the City's latest Seismic, Accessibility, Fire and Building Codes. The proposed development complies with the goals of the Bay View Hunters Point Area Plan to retain and encourage existing light industrial uses. It also complies with the PDR-2 zoning applicable to the Project site, and complies with and promotes many of the Objectives and Policies of the General Plan as detailed below.

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

The Project is not located within a Neighborhood Commercial District.

Compliance with Section 303(h) Criteria -- Planning Code Section 303(h) establishes additional criteria for the Planning Commission to consider when reviewing applications for Conditional Use Approval of Internet Services Exchanges. On balance, the Project does comply with said criteria in that:

- a. The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

The area in which the proposed Project is located consists of a mix of large industrial sites and commercial and residential uses. The Project is part of an existing approximately 7.09 acre site that is entirely enclosed and that has been used for industrial-type uses since the early 1920s. The Internet Services Exchange Use at the site (ISE) has existed at this location for approximately twelve (12) years. The Project will allow applicant to satisfy the current and future demands of the ISE tenants at the Project site for emergency standby power to enhance reliability. The Project will provide the opportunity for existing and future tenants of the site to increase the reliability of their server and telecommunications equipment located at the site by having an uninterruptable back-up power source (a generator) that would provide power in the event of a power outage caused by, for example, an earthquake. Emergency standby generators are now a requirement in the ISE industry because ISE users cannot tolerate an interruption in operability. Emergency standby generators provide a reliable source of power in the event the normal source of power is interrupted. The proposed improvements will insure applicant's ability to provide a reliable source of emergency back-up power, which will in turn allow applicant to retain current tenants and to obtain new tenants, thus ensuring the continued business success of the applicant in the neighborhood.

- b. The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

The height and bulk of the existing structures at the Project site will be virtually unchanged by the Project and will continue to fit within the industrial nature of the area. In fact, the Project does not propose to expand any of the existing buildings. Instead, it proposes to reduce the size of one of the buildings by approximately 16,000 sq. ft. The new generator pads and equipment will be contained on the Project site along the east side and in the middle of the site away from the residential areas to the Project site's south.

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- c. Rooftop equipment on the building in which the use is located is screened appropriately;

No changes are proposed for the rooftop. All existing rooftop equipment is screened. In addition, the Project Sponsor has taken various measures to dampen the rooftop equipment's noise.

- d. The back-up power system for the proposed use will comply with all applicable federal state, regional and local air pollution controls;

Appropriate permits will be obtained from the BAAQMD for all new generators installed at the Project site and back-up power systems will be operated in compliance with those permits and regulations. The Project has undergone rigorous environmental analysis with respect to air quality and will not result in any net increase in particulate emissions at the site.

- e. Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance;

The back-up power systems will be designed to operate in compliance with San Francisco's laws regarding noise. The Project has undergone rigorous analysis with respect to noise. An approximately twenty-six foot (26') high acoustic wall would be installed along the west side of the Project area as part of the Project.

- f. The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

The Project will not make additional power available to the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. The Project Sponsor already employs various efficiency measures with respect to the existing ISE uses at the Project site and anticipates continuing to implement new and improved efficiency measures as new tenants come to the Project.

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- g. The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

The Project will not make additional power available to the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. The Project currently has more than adequate power available through its existing connections to the power grid.

- h. The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application;

The Project will not make additional power available to the Project site. Instead, the Project will provide redundant, emergency back-up power during times when the regular power supply is interrupted, such as an earthquake-induced power outage. Notwithstanding this fact, the Project Sponsor has submitted detailed projections of future power consumption at the Project site in connection with the Planning Department's environmental analysis of the Project.

**V. The Project Complies with the Planned Unit Development Criteria of Section 304.**

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

The Project Sponsor requests the following modification from the requirements of the Planning Code:

Section 151 of the Code requires that the Property provide one space for every 2,000 square feet of occupied floor area. Once the Project is constructed, the improvements on the Property would contain approximately 477,309 gross square feet of space. Section 151 would require two hundred thirty-nine (239) parking spaces at the Property. As currently designed, the Project would include approximately two hundred eleven (211) parking spaces, resulting in a shortfall of twenty-eight (28) spaces. The Project Sponsor desires the flexibility to provide as few as 200 parking spaces at the Property.

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These modifications are justified because, as a whole, the Property is used predominantly as an internet services exchange ("ISE"). A portion of the Property is used for general warehouse/storage purposes. As a result, most of the space at the Property is dedicated to data center infrastructure or warehouse space. The Project Sponsor maintains a small staff at the Property, as do some of the tenants. However, unlike other light industrial uses that require a large labor force to operate machinery and handle packing and shipping, the ISE use does not require a large labor force or result in the presence of a large number of people on-site. As a result, the uses at the Property do not result in many vehicle trips or traffic, and the Property's parking areas are generally under-utilized. Therefore, allowing the Project Sponsor to provide as few as 200 parking spaces would not have any impact on the availability of parking in the surrounding neighborhood or result in added congestion in the surrounding neighborhood. In addition, allowing the Project Sponsor to provide fewer spaces than required under the Code would be consistent with the City's transit first policies.

a. Criteria and Limitations.

Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

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

See discussion under Section VI below.

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

As discussed above, Section 151 of the Planning Code would require 239 spaces at the Property. The Project Sponsor has requested approval to provide as few as 200 parking spaces. As discussed above, because the ISE use at the Property does not require a large labor force, there is not demand for the 239 spaces required by the Code. Therefore, even with as few as 200 spaces, the Project would provide off-street parking that is adequate for the use at the Property.

- (iii) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code.

The Project is not requesting any exceptions to the height limits.

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**VI. The Project is Consistent with the Policies and Objectives of the General Plan.**

On balance, the Project is consistent with the following Objectives and Policies of the General Plan:

**BAYVIEW HUNTERS POINT AREA PLAN**

***POLICY 1.4 -- Encourage development of the South Basin area west of Third Street as a light industrial activity center.***

The Project site is located in the South Basin area west of Third Street. The Project would improve the ability of the Project Sponsor to provide necessary infrastructure to support the existing light industrial use at the site.

***POLICY 1.5 -- Encourage a wider variety of light industrial uses throughout the Bayview by maintaining the newly established Production, Distribution and Repair zoning, by more efficient use of industrial space, and by more attractive building design.***

The Project is consistent with the PDR-2 zoning applicable to the site and would sustain an existing light industrial use at the site. The Project will make the site more efficient by improving traffic flow within the site.

**OBJECTIVE 8 --STRENGTHEN THE ROLE OF BAYVIEW'S INDUSTRIAL SECTOR IN THE ECONOMY OF THE DISTRICT, THE CITY, AND THE REGION.**

***POLICY 8.1 -- Maintain industrial zones for production, distribution, and repair activities in the Northern Gateway, South Basin, Oakinba, and India Basin Industrial Park subdistricts.***

The Project will allow the Project Sponsor to retain existing tenants and obtain new tenants by providing a significant upgrade to the emergency standby power capabilities of the site. Today, servers and telecommunications equipment must operate twenty-four hours a day, seven days a week no matter what the circumstances. The possibility of such equipment being offline as a result of a power failure is simply unacceptable. The upgrades the Project proposes will allow the facility to remain competitive. The Project is consistent with and affirms the light industrial activities that have been present at the site for almost a century.

**COMMERCE AND INDUSTRY ELEMENT**

***POLICY 1.1 -- Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.***

The Project will provide substantial net benefits to the City by dramatically increasing the site's ability to provide a standby, uninterruptable source of back-up power to the servers and telecom equipment located at the site in the event of a power failure. Buildings D and F are among a few, primary internet and telecom gateway buildings in the Bay Area. The improvements that comprise the Project will provide greater reliability for internet and telecom services throughout the Bay Area by providing existing and future tenants with the ability to install emergency standby generators to provide a back-up power source for critical server and telecom equipment in the event of power failure. Benefits include: (i) increased reliability in the event of a power interruption caused by, for example, an earthquake and (ii) the continued ability of the City to attract companies that rely on offsite servers and telecom equipment for their business. The ability to keep servers and telecom equipment running during a power outage will reduce the damaging effects of an earthquake or other catastrophe. Maintaining operable telecom and internet functions will help to assure that first responders and other emergency personnel are able to communicate and that the City's people and businesses are able to recover quickly. The site's ability to offer emergency standby generators located within the City limits helps the City attract new businesses, and retain existing business, that require such redundancy and the convenience of being able to locate their equipment close to their business operations, allowing easy maintenance and service.

***POLICY 1.2 -- Assure that all commercial and industrial uses meet minimum, reasonable performance standards.***

The Project is undergoing a rigorous environmental analysis and will result in no net new emissions from the site.

***POLICY 1.3 -- Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.***

The Project site is zoned PDR-2 and is located in an area that has been home to industrial uses for almost a century. The Project is consistent with the PDR-2 zoning and will enhance the light industrial capabilities of the site.

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### **COMMUNITY SAFETY ELEMENT**

The Project is consistent with the overall goal of the Community Safety Element of the General Plan, which is to protect the City from catastrophes and put in place mechanisms to help the City's emergency personnel during a catastrophe, while also reducing the amount of time needed for the City's businesses and population to recover from a catastrophe. The ability to keep servers and telecommunications equipment running at all times, including following a catastrophe, increases the ability of the City's population and businesses to recover quickly, while also assuring the operability of the City's first responders and other emergency services.

#### **VII. The Project is Consistent with Section 101.1(b)'s Policies.**

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.

No neighborhood-serving retail uses exist on the site. The Project will allow applicant to satisfy the future demands of the tenants at the Project Site for emergency back-up power and provide redundant back-up emergency power to enhance reliability. These improvements will insure applicant's continued business success in the area which will continue to contribute to the preservation and enhancement of the neighborhood and its businesses.

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

No housing exists on the site. The neighborhood contains a mix of business and residential uses which will continue to be unimpacted by the use of the site as an Internet Service Exchange.

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

No housing is created or removed as part of this Project.

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

The Project will not impede Muni transit service in the area. The Project site receives little traffic due to the nature of an ISE and the site contains sufficient parking onsite for employees and visitors and will therefore not overburden neighborhood streets or 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.

The use has existed on the site for over twelve (12) years and the Project will allow applicant to satisfy the future demands of the tenants at the Project site for emergency back-up power and provide redundant back-up emergency power to enhance reliability therefore improving future opportunities for employment.

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

Improvements will be built to the latest earthquake safety standards and the Project itself will allow applicant to satisfy the future demands of the tenants at the Project Site for emergency back-up power and provide redundant back-up emergency power to enhance reliability in the case of an area power loss.

- g. That landmarks and historic buildings be preserved.

No historic landmarks or buildings exist on the site.

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

The Project will have no impact on sunlight or vistas in the area.

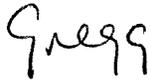
The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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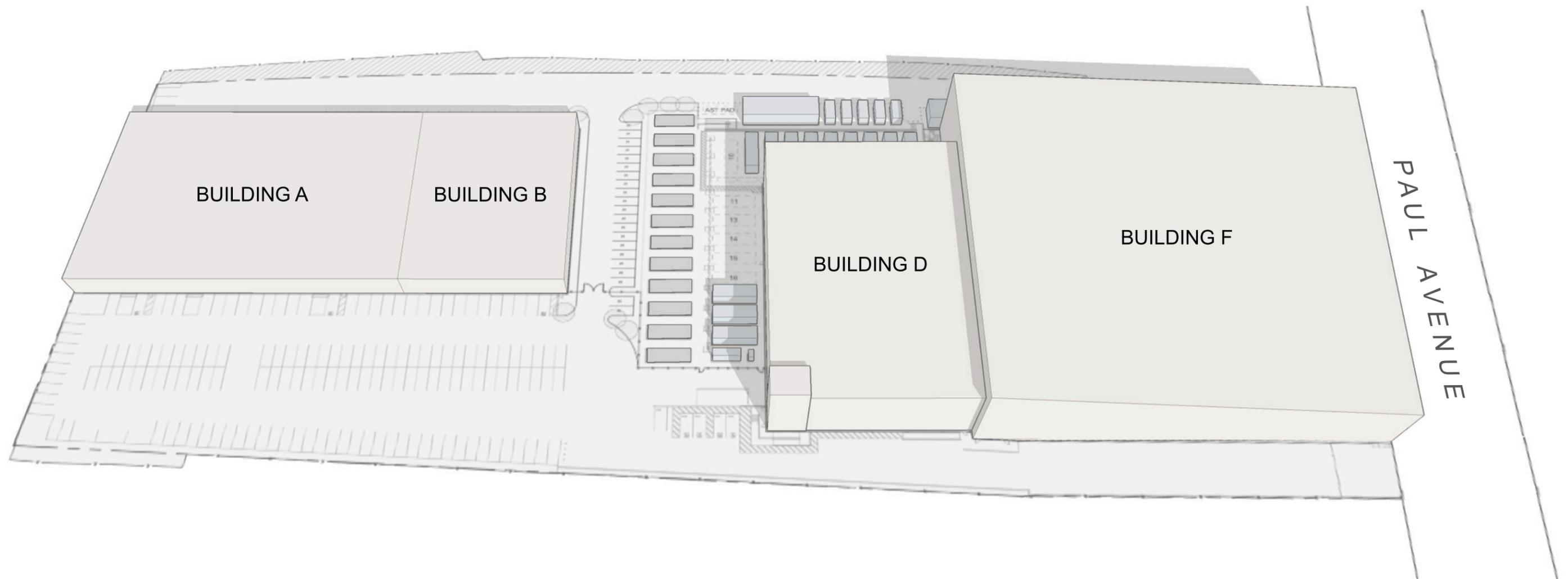
**VIII. Conclusion.**

For the reasons set forth above, we respectfully request that the Commission adopt the Final Mitigated Negative Declaration and grant Conditional Use Authorization for the Project.

Sincerely,



J. Gregg Miller, Jr.



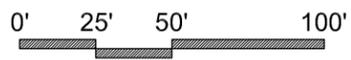
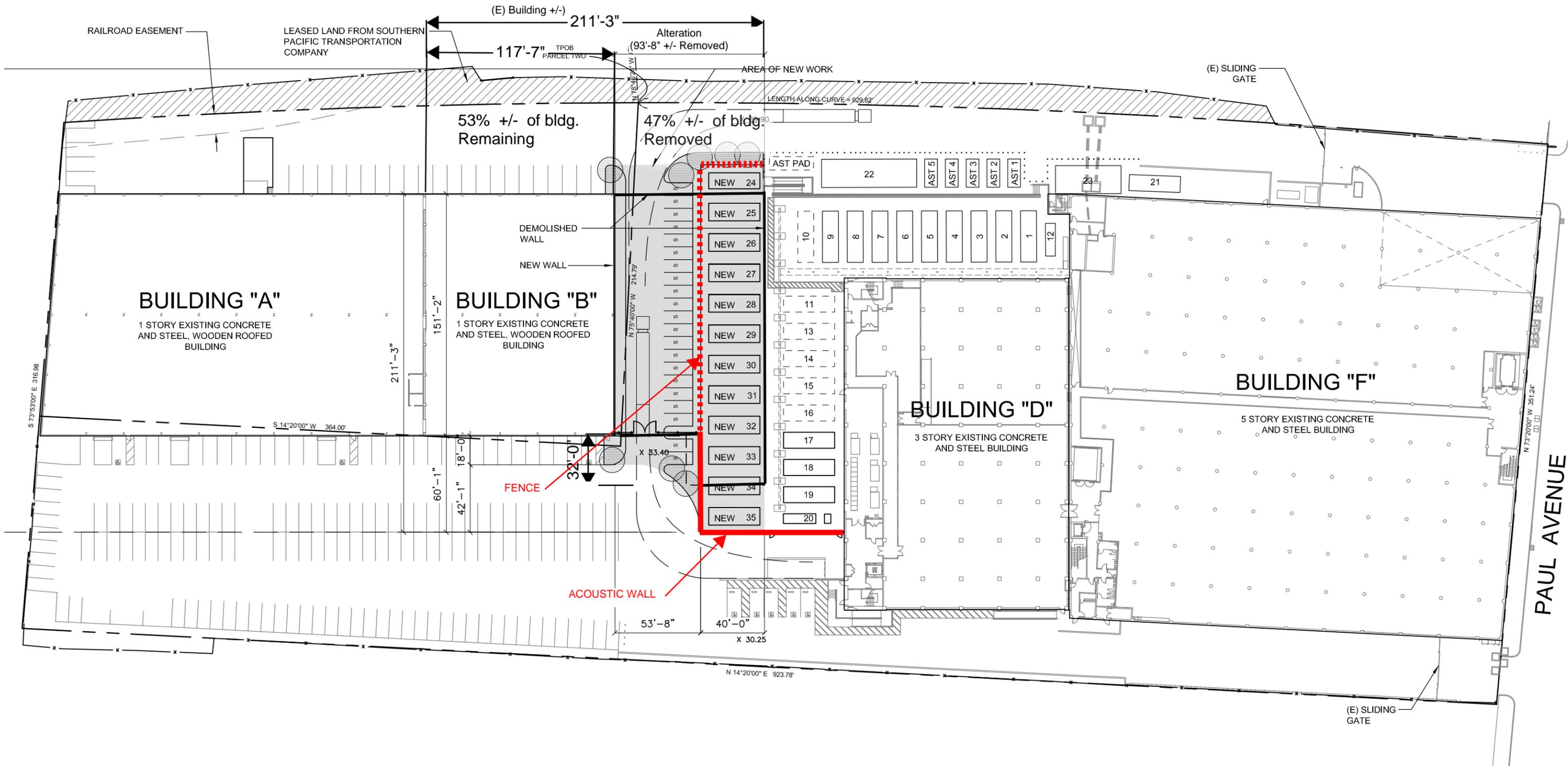
Site Information

Zoning District:	PDR-2
Height District:	65-J
Bulk Limit:	40 Feet
Floor Area Ratio:	5.0 To 1

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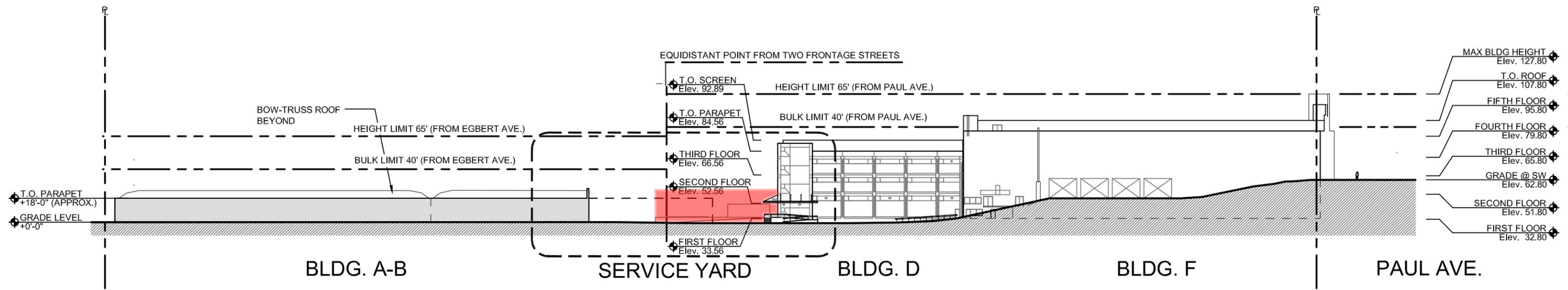




ACOUSTIC WALL  
 (new information in red)  
 March 7, 2013  
 DGA Architects

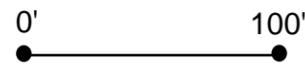
200 PAUL SERVICE YARD EXPANSION

Scale: 1" = 60'  
 Rev. September 11, 2012 | Page 2

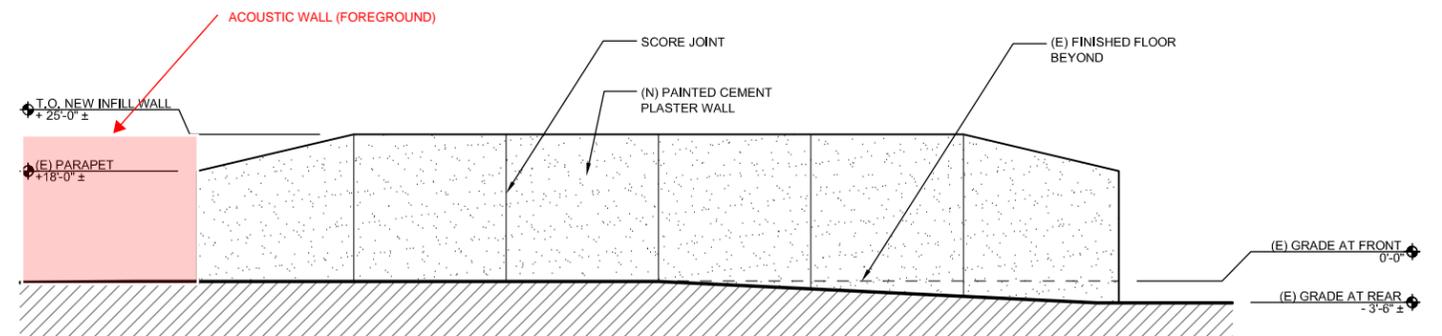
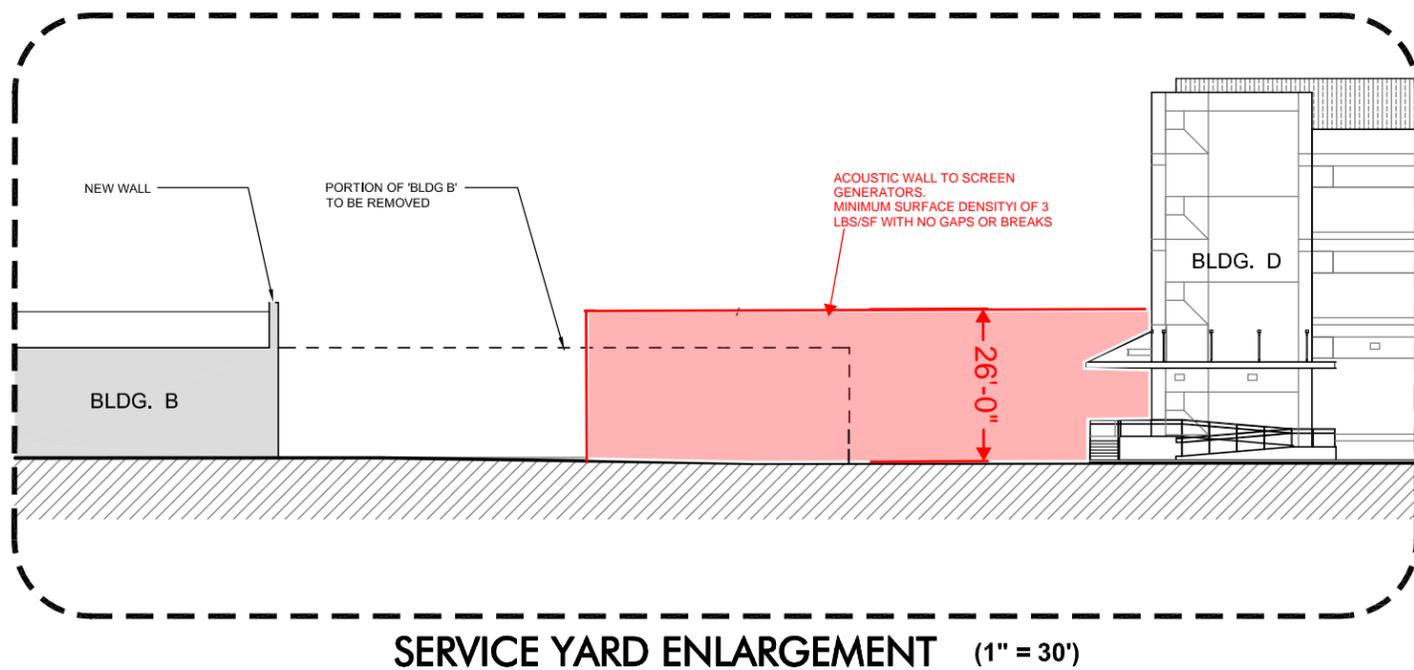


**SECTION THROUGH MAIN DRIVEWAY**

**Note:** Grade line north of Building 'D' is intended as an approximation of the existing condition and is to be verified.



Section Enlarged 7 30 2013



**ACOUSTIC WALL**  
(new information in red)  
March 7, 2013  
DGA Architects





A



B



C



D



E



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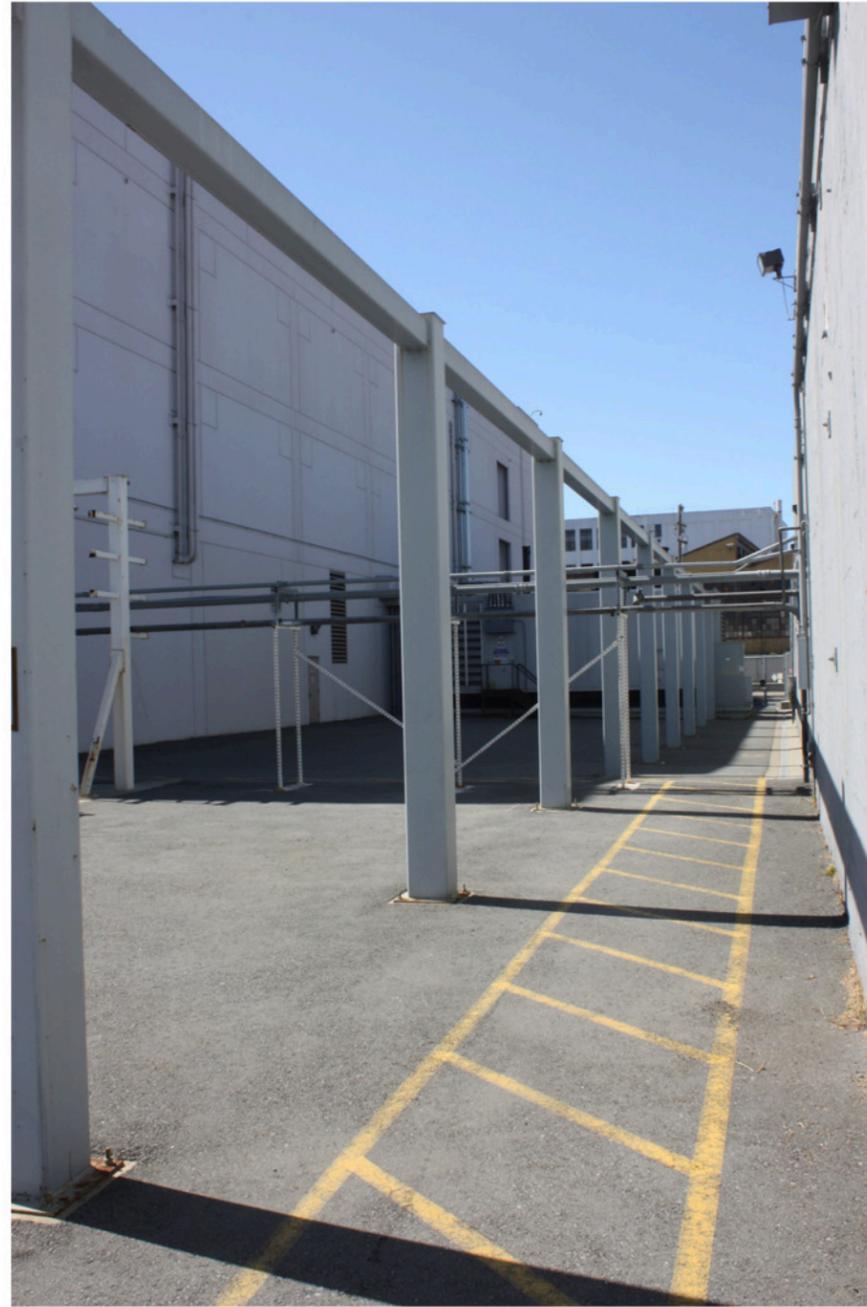
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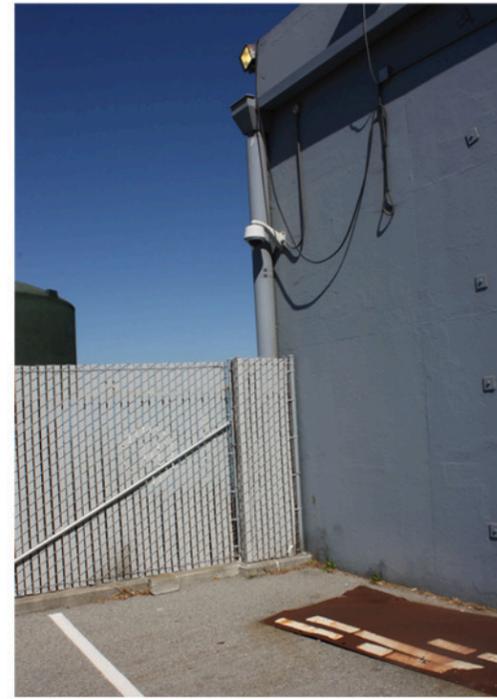
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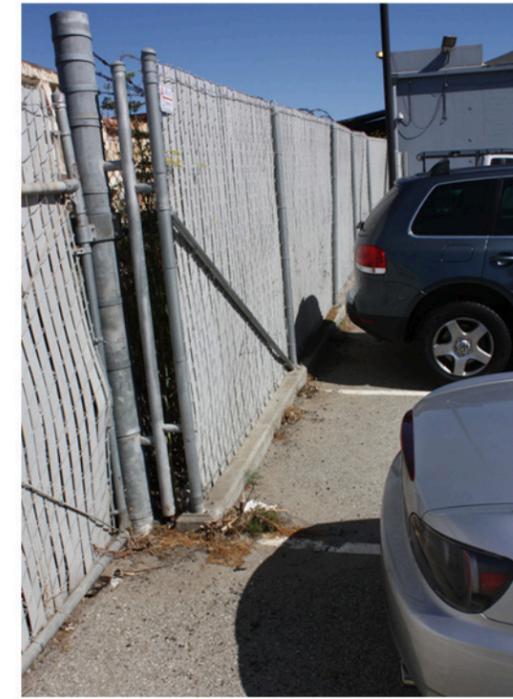
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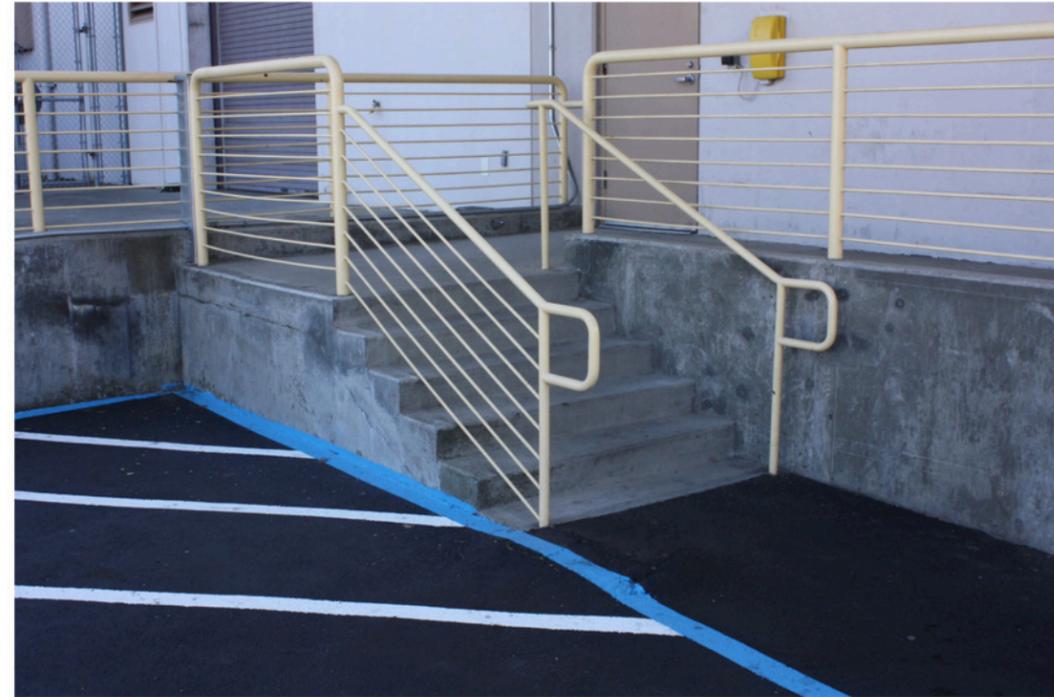
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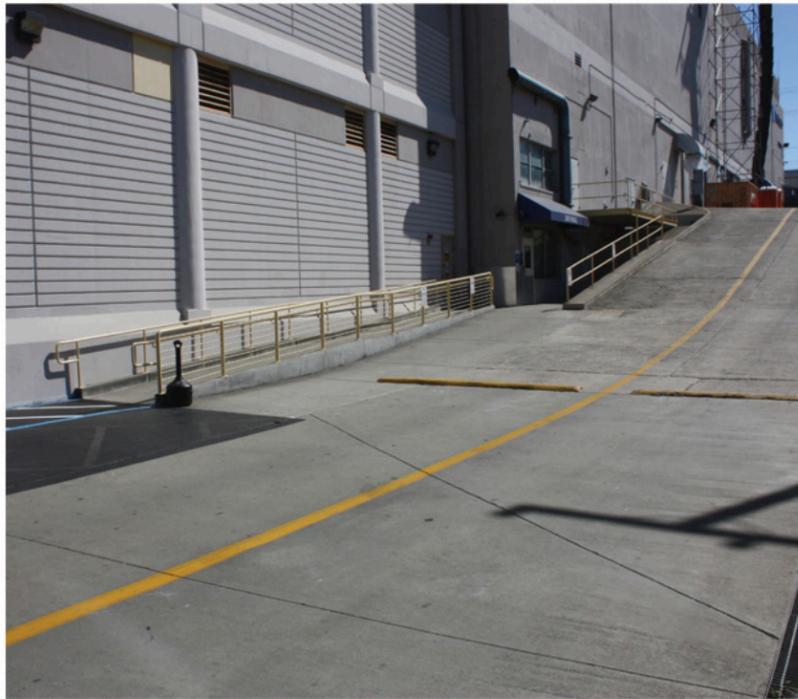
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AA



BB



CC