



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Motion No. 19138

HEARING DATE: MAY 1, 2014

*Date:* May 1, 2014  
*Case No.:* **2012.0493X**  
*Project Address:* **1201-1225 TENNESSEE STREET**  
*Zoning:* UMU (Urban Mixed-Use) Zoning District  
 Life Science and Medical Special Use District  
 68-X Height and Bulk District  
*Block/Lot:* 4172/022  
*Project Sponsor:* Jesse Herzog, AGI Capital  
 100 Bush Street, 22<sup>nd</sup> Floor  
 San Francisco, CA 94104  
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**ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, 3) OFF-STREET LOADING PURSUANT TO PLANNING CODE SECTION 152.1, 4) HORIZONTAL MASS REDUCTION PURSUANT TO PLANNING CODE SECTION 270.1(D), AND ACCESSORY USE PROVISIONS FOR DWELLING UNITS PURSUANT TO PLANNING CODE SECTIONS 329(D)(10) AND 803.3(B)(1)(C), TO ALLOW CONSTRUCTION OF A NEW SIX-STORY RESIDENTIAL BUILDING (APPROXIMATELY 249,000 GSF) WITH 259 DWELLING UNITS (CONSISTING OF 99 STUDIOS, 49 1-BEDROOM UNITS, 105 2-BEDROOM UNITS, AND 6 3-BEDROOM UNITS) AND A GROUND FLOOR COMMERCIAL SPACE (APPROXIMATELY 2,260 GSF), LOCATED AT 1201-1225 TENNESSEE STREET, LOT 022 IN ASSESSOR’S BLOCK 4172, WITHIN THE UMU (URBAN MIXED-USE) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On April 11, 2013, Eric Tao and Jesse Herzog of AGI Capital, Inc. (hereinafter "Project Sponsor") filed Application No. 2012.0493X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new six-story residential building with

259 dwelling units and a ground floor corner commercial space at 1201-1225 Tennessee Street (Block 4172 Lot 022) in San Francisco, California.

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

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

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

On April 23, 2014, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On May 1, 2014, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2012.0493X.

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

**MOVED**, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2012.0493X, 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 proposed project is located on the southern portion of the block bounded by 3<sup>rd</sup>, 23<sup>rd</sup> and Tennessee Street on an irregularly-shaped lot (with a lot area of 64,638± sq ft) with approximately 410-ft 6-in of frontage along Tennessee Street, 200-ft of frontage along 23<sup>rd</sup> Street, and 264-ft 6-in of frontage along 3<sup>rd</sup> Street. Currently, the subject lot contains a two-story commercial/warehouse building and an automotive service station.
3. **Surrounding Properties and Neighborhood.** The project site is located in the UMU Zoning District along a mixed-use corridor within the Central Waterfront Area Plan. The immediate neighborhood includes two-to-three story tall, older residential properties to the north along Tennessee Street, and larger-scale, two-to-four story industrial properties to the east and south. The project site is located along 3<sup>rd</sup> Street, which is a transit corridor for the Muni T-Line. Along 3<sup>rd</sup> Street, the immediate context includes smaller-scale one- and two-story tall residential or mixed-use (ground floor commercial with residential above) properties on the west side of the street, and a four-story industrial property (American Industrial Center) on the east side of the street. The northern lot line of the project site abuts the Dogpatch Landmark District, which extends along Tennessee and 3<sup>rd</sup> Streets. To the south of the project site, the neighborhood context is primarily industrial in nature with warehouses, storage yards, and light industrial properties. Other zoning districts in the vicinity of the project site include: NCT-2 (Small-Scale Neighborhood Commercial); RH-3 (Residential, House, Three-Family); PDR-1-G (Production, Distribution and Repair-General); and M-2 (Heavy Industrial).

4. **Project Description.** The proposed project includes demolition of the existing two-story commercial/warehouse buildings and automotive service station (measuring approximately 65,336 square feet) on the subject lot, and new construction of a six-story, residential building (approximately 249,000 gross square feet) with 259 dwelling units, ground floor corner retail (approximately 2,260 square feet), 2 car-share parking spaces, 147 off-street parking spaces, and 259 Class 1 bicycle parking spaces. The project includes a dwelling unit mix consisting of six three-bedroom units, 105 two-bedroom units, 49 one-bedroom units, and 99 studio units. The proposed project includes common open space (approximately 23,220 square feet), private open space for seventeen dwelling units via private decks, and a publically-accessible mid-block alley (measuring approximately 9,700 sq ft) along the north lot line with 37-ft of frontage along 3<sup>rd</sup> Street and 65-ft of frontage along Tennessee Street.
5. **Public Comment.** As of April 21, 2014, the Department has received two public correspondences and two letters of support for the proposed project. One public correspondence expressed concern over the publication of the staff report. Another correspondence expressed concern over the proposed project. Copies of this correspondence have been included within the Commission packets.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

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

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

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 5:1 for properties within the UMU Zoning District and a 68-X Height and Bulk District.

*The subject lot is 64,638 sq ft, thus resulting in a maximum allowable floor area of 323,190 sq ft for non-residential uses. The proposed project would construct approximately 2,260 sq ft of non-residential space, and would comply with Planning Code Section 124.*

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 16,160 sq ft.

*Currently, the Project is designed to have full lot coverage on the ground floor level and does not provide a rear yard at the lowest level containing a dwelling unit. The Project provides open space through a series of private balconies, a podium level courtyard and the mid-block alley. In total, the project provides 17 dwelling units with private useable open space and 242 dwelling units with common useable open space. The Project provides a total of 23,220 sq ft of open space (includes compliant and non-complaint open space). This amount of open space, which would have been*

*provided through the required rear yard, is thus exceeded. The Project is seeking a modification of the rear yard requirement as part of the Large Project Authorization (See Below).*

*The Project occupies a corner lot bounded by 23<sup>rd</sup>, Tennessee and 3<sup>rd</sup> Streets. The subject block does possess a pattern of mid-block open space, which is continued by the proposed project through the podium courtyard. By using a courtyard design, the Project maintains the street wall along 3<sup>rd</sup>, 23<sup>rd</sup>, and Tennessee Streets, and provides an urban intervention which more closely resembles a traditional mid-block open space pattern on the project site.*

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

*For the proposed 259 dwelling units, the Project is required to provide 9,612 sq ft of publically accessible open space for 178 dwelling units, 5,120 sq ft of common open space for 64 dwelling units, and 1,360 sq ft of private open space for the remaining 17 dwelling units.*

*In total, the Project exceeds the requirements for open space by constructing a total of 16,260 sq ft of code-complying useable open space. The Project would construct private balconies for seventeen dwelling units, which meet the dimensional requirements of the Planning Code. In addition, the Project would construct common open space via two podium courtyards on the second floor (measuring a total of 5,200 sq ft) to address the open space requirement for 64 dwelling units. As defined in Planning Code Section 102.4, these podium courtyards are considered outer courts, since one side of this courtyard faces onto a publically-accessible alley. Finally, the Project would construct a publically-accessible mid-block alley (measuring 9,700 sq ft) for the remaining 178 dwelling units. This alley varies in dimension from 37-ft along 3<sup>rd</sup> Street to 65-ft along Tennessee Street. Therefore, the project complies with Planning Code Section 135.*

- E. Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction, as well as a streetscape plan, which includes elements from the Better Streets Plan.

*The Project includes the new construction of a six-story residential building on a lot with approximately 410-ft of frontage along Tennessee Street, 200-ft of frontage along 23<sup>rd</sup> Street and approximately 264-ft of frontage along 3<sup>rd</sup> Street. Therefore, the Project is required to provide a total*

*of 21 street trees along Tennessee Street, 10 street trees along 23<sup>rd</sup> Street, and 13 street trees along 3<sup>rd</sup> Street.*

*Currently, the Project includes 16 street trees along Tennessee Street, six street trees along 23<sup>rd</sup> Street, and seven street trees along 3<sup>rd</sup> Street. For the fifteen street trees not provided along the street, the Project shall seek a waiver from the Zoning Administrator to pay an in-lieu fee for each street tree not provided along the street.*

*In addition, the Project includes streetscape elements, including high visibility crosswalks, extended bulb outs, parking lane planters, stormwater control measures, sidewalk planters and site furnishings. These features extend into the mid-block alley, which features a landscaped plaza and walkway.*

*Therefore, the proposed project complies with Planning Code Section 138.1.*

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

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

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

*The Project organizes the dwelling units to have exposure either on 3<sup>rd</sup>, 23<sup>rd</sup>, or Tennessee Streets, or within the podium courtyard or mid-block alley. Currently, eight dwelling units (three on the second floor, four on the third floor, and one on the fourth floor) do not face onto an open area, which meets the dimensional requirements of the Planning Code. Therefore, the Project is seeking a modification of the dwelling unit exposure requirements for eight dwelling units as part of the Large Project Authorization (See Below).*

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

or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

*The Project meets the requirements of Planning Code Section 145.1. At grade, the off-street parking is setback by more than 25-ft from the street. The Project has only one twelve-ft wide garage entrance to the off-street parking located along Tennessee Street. The Project features active uses on the ground floor with a corner retail store, corner residential lobby along 3<sup>rd</sup> Street, and walk-up dwelling units with direct, individual pedestrian access to a public sidewalk. The ground floor ceiling height of the corner retail store is 17-ft tall. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.*

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

*For the 259 dwelling units, the Project is allowed to have a maximum of 194 off-street parking spaces. Currently, the Project provides 147 off-street parking spaces via mechanical lifts. Of these 147 off-street parking spaces, six handicap parking spaces have been identified, as well as two car-share parking spaces. Therefore, the proposed project complies with Planning Code Section 151.1.*

- J. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires two off-street freight loading space for apartment use between 200,001 and 500,000 gsf.

*The Project includes approximately 249,000 square feet of apartment use, thus at least two off-street freight loading spaces are required. The Project is proposing one on-street loading space on 23<sup>rd</sup> Street and one on-street loading space on Tennessee Street. Therefore, the Project is seeking a modification of this requirement as part of the Large Project Authorization (See Below).*

- K. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units and one Class 2 bicycle parking spaces for every 20 dwelling units.

*The Project includes 259 dwelling units; therefore, the Project is required to provide 140 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces. The Project will provide 259 Class 1 bicycle parking spaces, which exceeds the requirement. Therefore, the proposed project complies with Planning Code Section 155.2.*

- L. **Car Share Requirements.** Planning Code Section 166 requires two car-share parking spaces, plus one for every 200 dwelling units over 200, for projects with 201 residential units or more.

*Since the Project includes 259 dwelling units, it is required to provide a minimum of two car-share parking spaces. The Project provides two car-share parking spaces. Therefore, the proposed project complies with Planning Code Section 166.*

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

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

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

*For the 259 dwelling units, the Project is required to provide at least 104 two-bedroom units or 78 three-bedroom units. The Project provides 99 studios, 49 one-bedroom units, 105 two-bedroom units, and 6 three-bedroom units. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.*

- O. **Conversion of Automotive Service Stations.** Planning Code Section 228 requires Conditional Use Authorization for conversions/change of use of automotive service station.

*Per Planning Code Section 228(c)(1), the Project is exempt from the Conditional Use Authorization requirement, since the project site is located along a Primary Transit Street designated in the General Plan.*

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

*The Project is required to provide a single horizontal mass break along 3<sup>rd</sup> and Tennessee Streets, which is not less than 30-ft wide by 60-ft deep, and extends from the third-story up to the sky. This mass break must result in discrete building sections along the street frontage of not greater than 200-ft.*

*The Project provides two horizontal mass breaks: one along 3<sup>rd</sup> Street, which measures approximately 32-ft by 34-ft and begins at the second-floor and extends up; and another along Tennessee Street, which also measures 32-ft by 34-ft and begins at the second floor and extends up. In addition, the project includes a mid-block alley, which provides open space between the existing neighborhood and*



*the project site. These horizontal mass breaks provide for street facades with building segments measuring 138-ft along 3<sup>rd</sup> Street, 200-ft along 23<sup>rd</sup> Street, and 241-ft along Tennessee Street. Since the horizontal mass break does not meet the dimensions required by Planning Code Section 270.1, the Project is seeking a modification of this requirement as part of the Large Project Authorization.*

- Q. Mid-Block Alley.** Planning Code Section 270.2 outlines the requirements for mid-block alleys on large lots within the Eastern Neighborhoods Mixed Use Districts. This requirement applies to all new construction on parcels that have one or more street frontages of over 200 linear feet on a block face longer than 400-ft between intersections. On lots with frontage greater than 300-ft, the project shall provide a publicly-accessible mid-block alley for the entire depth of the property, generally located toward the middle of the subject block face, perpendicular to the subject frontage and connecting to any existing streets and alleys.

*The Project provides a mid-block alley along the northern lot line that measures 37-ft along 3<sup>rd</sup> Street and 65-ft along Tennessee Street. This mid-block alley meets the design and performance standards of Planning Code Section 270.2(e), since it is: located as close to the middle portion of the subject block face as possible; is perpendicular to the subject frontage; provides pedestrian access and no vehicular access; has a minimum width of 20-ft from building face to building face; provides a minimum clear walking width of 10-ft free of any obstructions; is at least 60% open to the sky; and, features appropriate paving, furniture, and amenities. Therefore, the Project complies with Planning Code Section 270.2.*

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

*Based upon a detail shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.*

- S. Inclusionary Affordable Housing Program/Rental Housing Incentive.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Since the subject property is located within the UMU Zoning District, the Project is subject to the inclusionary affordable housing requirements identified in Planning Code Section 419. The subject property has been designated as Tier B, thus a minimum of 16 percent of the total units constructed shall be considered affordable. However, per Planning Code Section 419.5(b), a Project Sponsor may elect the "rental incentive" alternative for qualified rental housing projects, which would reduce the affordable housing option by 3%, and provide for a \$1.00 fee waiver per gross square foot from the Eastern Neighborhoods Impact Fee.

*The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. Based upon the Affidavit dated February 21, 2014, the Project Sponsor has elected the On-Site Affordable Housing Alternative and Rental Incentive Alternative. The Rental Incentive Alternative provides for an agreement between the City and County of San Francisco and the Project Sponsor, so that the affordable housing units shall be rental properties for a period of not less than 30 years. Therefore, for 259 total dwelling units, the Project shall provide 34 affordable rental dwelling units.*

*If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-Site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

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

*The proposed project includes approximately 249,000 gross square feet of new development consisting of approximately 215,300 sq ft of residential use and 2,260 sq ft of retail use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.*

- 7. Large Project Authorization in Eastern Neighborhoods Mixed Use District.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. Overall building mass and scale.**

*The Project's mass and scale are appropriate for a large corner lot and the surrounding context, which includes larger, light industrial buildings that create a strong street wall of multiple stories. In particular, the proposed project is consistent with the mass and scale of nearby industrial properties, including those larger-scale four-story industrial properties located within the adjacent Dogpatch Landmark District. The Project divides the massing into three distinct elements, which addresses each of the three bordering streets: 3<sup>rd</sup> Street, 23<sup>rd</sup> Street and Tennessee Street. Thus, the project is appropriate and consistent with the mass and scale of the surrounding neighborhood.*

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

*The proposed project's architectural treatments, facade design and building materials include colored cement plaster, horizontal wood siding, corrugated metal siding and metal screens. The Project provides for three unique buildings on each street frontage, which possess distinctive, yet compatible, designs that are oriented by the exterior color and overall massing. Along 3<sup>rd</sup> Street, the building is oval in form and possesses metal siding and screens, which assists in reinforcing the ground floor scale*

*and balcony elements of the residential units above. Along 23<sup>rd</sup> Street, the building is rectangular in form and blocky in massing with a greater emphasis on cement plaster exterior and corrugated metal siding. Along Tennessee Street, the building is also rectangular in form, but features a more defined ground floor with a greater emphasis on individual bays. Overall, the Project offers a high quality architectural treatment, which provides for unique and expressive architectural design that is consistent and compatible with the surrounding neighborhood.*

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

*Along the lower floors, the Project provides for walk-up two-bedroom dwelling units with individual pedestrian access. These dwelling units provide for activity along the street. On 3<sup>rd</sup> and 23<sup>rd</sup> Street, the Project is seeking a modification to the accessory use provisions for a total of eight dwelling units under the Large Project Authorization. These dwelling units would feature facades appropriate for either residential, retail or home office uses, as would be principally permitted within the UMU Zoning District. The lower floors are further enhanced by the publically-accessible mid-block alley and the corner retail space located at 23<sup>rd</sup> and 3<sup>rd</sup> Streets.*

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

*The Project provides the required open space for the 259 dwelling units through private balconies, common open space within a second floor (podium level) courtyard, and the publically-accessible mid-block alley along the north lot line. In total, the Project provides 23,220 sq ft of open space, which far exceeds the required amount for the dwelling units.*

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

*The Project provides a mid-block alley along the north lot line, which ranges in width from 37-ft along 3<sup>rd</sup> Street to 65-ft in width along Tennessee Street. The provided mid-block far exceeds the required 20-ft width, as specified in Planning Code Section 270.2. Further, the mid-block alley provides for landscaping, site furnishing and amenities appropriate for a publically-accessible open space.*

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

*In compliance with Planning Code Section 138.1, the Project provides 29 street trees along the street frontages on 3<sup>rd</sup>, 23<sup>rd</sup> and Tennessee Streets, and would pay an in-lieu fee for the 15 required street trees not provided due to proximity towards underground utilities, etc. In addition, the Project includes streetscape elements, including high visibility crosswalks, extended bulb outs, parking lane planters, stormwater control measures, sidewalk planters and site furnishings. These features extend*

*into the mid-block alley, which features a landscaped plaza and walkway. The Department finds that these improvements would improve the public realm.*

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

*Since the subject lot has three street frontages, the Project provides ample circulation in and around the project site, including through the provided publically-accessible mid-block alley. The primary focal point for the residents would occur on 3<sup>rd</sup> Street through the residential lobby, which is adjacent to the mid-block alley. Automobile access is limited to the one entry/exit (measuring 12-ft wide) on the Tennessee Street façade.*

H. Bulk limits;

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

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

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

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

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

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

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

*The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the project site is 64,638 sq ft in size, and would be required to provide a rear yard measuring 16,160 sq ft. The Project provides 23,220 sq ft of open space through private balconies, a second floor courtyard and a mid-block alley, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard.*

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

*The Project does not impede access to light and air for the adjacent properties. Rather, the Project improves access to light and air, since it provides a publically-accessible mid-block alley along the north lot line, adjacent to the surrounding residential development. The Project continues the pattern of mid-block open space on the subject block through the second floor courtyard and mid-block alley.*

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

*The Project is not seeking a modification to the open space requirements; however, the Project is seeking a modification to the exposure requirements for eight of the 259 dwelling units. Overall, the majority of the Project meets the intent of exposure requirements defined in Planning Code Section 140.*

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

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 329, the Planning Commission may waive these requirements per the procedures of Section 329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys.

*The Project provides two on-street loading parking spaces on 23<sup>rd</sup> Street and Tennessee Street. Given the existing and proposed character of the related street frontages, the Project can accommodate the two loading parking spaces on the street. Further, by providing for on-street loading, the Project has reduced the overall size and scale of the garage opening, and has limited automobile access to one opening on Tennessee Street.*

- C. Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

Per Planning Code Section 270.1(d), the Planning Commission may modify or waive this requirement through the process set forth in Section 329. When considering any such application, the Commission shall consider the following criteria:

(1) no more than 50% of the required mass is reduced unless special circumstances are evident;

*The Project does not reduce more than 50% of the required mass. The Project exceeds some of the horizontal mass reduction requirements, since the mass reduction occurs at the second floor. Typically, the horizontal mass reduction is only required to occur at the third floor or above a height of 25-ft. Per Planning Code Section 270.1, the Project would have been required to provide 154,800 cubic feet of*

*volumetric reduction. Given the overall design and site layout, the Project only provides 131,300 cubic feet of volumetric reduction, which is approximately 85% of the required volumetric reduction.*

(2) the depth of any mass reduction breaks provided is not less than 15 feet from the front facade, unless special circumstances are evident;

*The Project provides a mass break of 32-ft by 34-ft along 3<sup>rd</sup> Street, and also on Tennessee Street. Therefore, the Project exceeds the 15-ft minimum requirement.*

(3) the proposed building envelope can be demonstrated to achieve a distinctly superior effect of reducing the apparent horizontal dimension of the building; and

*The Project achieves a distinctly superior effect of reducing the apparent horizontal dimension of the buildings, since the proposed horizontal mass break occurs from second floor through the entire height of the Project. In addition, the proposed mid-block alley assists in providing for mass reduction. Further, the Project provides for modulation and relief of mass by providing for three distinct buildings along 3<sup>rd</sup>, 23<sup>rd</sup> and Tennessee Streets. Architectural elements separating the street-level and articulation of the façade contribute to reducing the horizontal appearance of the buildings. Further, the mix of materials and colors on the street facades contribute to the perceived reduction.*

(4) the proposed building achieves unique and superior architectural design.

*The Project achieves unique and superior architectural design with the proposed horizontal mass break, due to the project's overall design and composition, and mid-block alley. The Project provides a unique expression within a mixed-use context, and appropriately introduces a design that has responded to community concerns and Planning Code requirements.*

D. Modification of the accessory use provisions of Section 803.3(b)(1)(c) for dwelling units. Dwelling units modified under this Subsection shall continue to be considered dwelling units for the purposes of this Code and shall be subject to all such applicable controls and fees. Additionally, any building which receives a modification pursuant to this Subsection shall (i) have appropriately designed street frontages to accommodate both residential and modified accessory uses and (ii) obtain comment on the proposed modification from other relevant agencies prior to the Planning Commission hearing, including the Fire Department and Department of Building Inspection. Modifications are subject to the following:

(i) A modification may only be granted for the ground floor portion of dwelling units that front on a street with a width equal to or greater than 40 feet.

*The Project seeks modification for the eight, two-bedroom dwelling units on the ground floor of 3<sup>rd</sup> and 23<sup>rd</sup> Streets.*

(ii) The accessory use may only include those uses permitted as of right at the subject property. However, uses permitted in any unit obtaining an accessory use modification may be further limited by the Planning Commission.

*The Project will only include accessory uses that are principally-permitted uses in the UMU Zoning District, as defined in Planning Code Section 843. The anticipated accessory uses will either be retail or home office.*

(iii) The Planning Commission may grant exceptions to the size of the accessory use, type and number of employees, and signage restrictions of the applicable accessory use controls.

*The Project is seeking modification to the accessory use provisions for dwelling units to allow for greater flexibility in the size of an accessory use on the ground floor level only, to provide for a limited number of employees, and to allow for public access.*

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

*In addition to the modification of the requirements for rear yard, off-street loading, horizontal mass reduction and accessory use provisions for dwelling units, the proposed project is seeking modifications of the requirements for exposure (Planning Code Section 140).*

*Under Planning Code Section 140, all dwelling units must face onto an open area, which is at least 25'-wide. The Project organizes the dwelling units to have exposure either on 3<sup>rd</sup>, 23<sup>rd</sup>, or Tennessee Streets, or within the podium courtyard or mid-block alley. Currently, eight dwelling units (three on the second floor, four on the third floor, and one on the fourth floor) do not face onto an open area, which meet the dimensional requirements of the Planning Code. These dwelling units still face onto an open area and are also afforded sufficient access to light and air. Given the overall design and composition of the Project, the Department is in support of this modification, due to the Project's high quality of design and amount of open space/open areas.*

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

## **HOUSING**

### **Objectives and Policies**

#### **OBJECTIVE 1**

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

#### **Policy 1.1**

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

*The Project is a higher density mixed-use development in an underutilized, transitioning industrial and residential area. The Project site is an ideal infill site that is largely vacant. The project site was rezoned to UMU as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. To the south, the zoning is primarily PDR. The project includes thirty-four on-site affordable housing rental units, which complies with the UMU District's goal to provide a higher level of affordability.*

**OBJECTIVE 4**

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

**Policy 4.4**

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

*The Project meets the affordable housing requirements for the UMU Zoning District, and provides thirty-four on-site affordable rental units.*

**OBJECTIVE 11**

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

**Policy 11.1**

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

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

**Policy 11.4**

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

**Policy 11.6**

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

**Policy 11.8**



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

*The architecture of this Project responds to the site's location as a transition between industrial zones and the contemporary and traditional architecture of residential zones. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a material palette, which draws from the surrounding industrial context. The exterior is designed with modern materials including cement plaster, horizontal wood siding, and corrugated metal siding.*

## **RECREATION AND OPEN SPACE ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 4:**

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

#### **Policy 4.5:**

Require private usable outdoor open space in new residential development.

#### **Policy 4.6:**

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

*The Project will create private and common open space areas in a new residential mixed-use development through private balconies, second floor courtyard and mid-block alley. The project will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

#### **Policy 24.2:**

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

#### **Policy 24.3:**

Install pedestrian-serving street furniture where appropriate.

#### **Policy 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along 3<sup>rd</sup>, 23<sup>rd</sup> and Tennessee Street. Further, the Project will provide new site furnishings and amenities within the publically-accessible mid-block alley. Frontages are designed with active spaces oriented at the pedestrian level.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The Project includes 259 bicycle parking spaces in secure, convenient locations.*

**OBJECTIVE 34:**

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

**Policy 34.1:**

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

**Policy 34.3:**

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

**Policy 34.5:**

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

*The Project has a parking to dwelling unit ratio of .56 space per unit, which is below the permitted ratio of .75 per unit. The parking spaces are accessed by one ingress/egress point measuring 12-ft wide from Tennessee Street. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.7:**

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

**OBJECTIVE 2:**

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

**Policy 2.6:**

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

*The Project is located within the Dogpatch neighborhood, which is characterized by the mix of residential and industrial uses. As such, the Project provides expressive street façades, which respond to form, scale and material palette of the existing neighborhood, while also providing a new contemporary architectural vocabulary.*

**OBJECTIVE 4:**

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

**Policy 4.5:**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13:**

Improve pedestrian areas by providing human scale and interest.

*Although the project site has three street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Ample frontages, common and private open spaces, and ground floor active uses directly accessing the street will be provided. Along the project site, the pedestrian experience will be greatly improved. The site is largely vacant.*

## **CENTRAL WATERFRONT AREA PLAN**

### **Objectives and Policies**

#### **Land Use**

**OBJECTIVE 1.1**

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

**Policy 1.1.6**

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of Central Waterfront, while allowing larger retail in the new Urban Mixed Use districts only when part of a mixed-use development.

**Policy 1.1.9**

Permit and encourage greater retail uses on the ground floor on parcels that front 3rd Street to take advantage of transit service and encourage more mixed uses, while protecting against the wholesale displacement of PDR uses.

**OBJECTIVE 1.2**

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

**Policy 1.2.3**

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

**Housing**

**OBJECTIVE 2.3**

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

**Policy 2.3.3**

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

**Policy 2.3.6**

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

**Urban Form**

**OBJECTIVE 3.1**

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

**Policy 3.1.6**

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

**OBJECTIVE 3.2**

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

**Policy 3.2.1**

Require high quality design of street-facing building exteriors.

**Policy 3.2.5**

Building form should celebrate corner locations.

*The Project is a largely residential, but does include a moderate size corner retail component along 3<sup>rd</sup> Street. The Project provides the mix of uses encouraged by the Area Plan for this location. In addition, the Project is located within the prescribed height and bulk guidelines, and includes the appropriate dwelling unit mix, since approximately 42.5% or 110 units are two- or three-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which is sensitive to the prevailing scale and neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including cement plaster, horizontal wood siding, and corrugated metal. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees.*

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

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

*On the project site, the existing uses include warehouse, business service, light industrial use and a few retail uses. Although the Project would remove these uses, the Project does provide for a new neighborhood-serving corner retail establishment, as well as flexible occupancy for the ground floor dwelling units along 3<sup>rd</sup> and 23<sup>rd</sup> Streets. The Project improves the urban form of the neighborhood by removing an existing parking lot and service station. The Project would add new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.*

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

*No housing exists on the project site. The project will provide up to 259 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project is expressive in design, and relates to the scale and form of the surrounding neighborhood by providing relationships to the smaller-scale housing stock as well as the larger-scale industrial properties, such as the*

*American Industrial Center. For these reasons, the proposed project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program, therefore increasing the stock of affordable housing units in the City.*

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

*The project site is well-served by public transportation. The Project is located immediately adjacent to the MUNI T-Line Station. In addition, the Project is located within walking distance to the 22<sup>nd</sup> Street Caltrain Station. Future residents would be afforded close proximity to bus or rail transit. The Project also provides sufficient off-street parking at a ratio of .56 per dwelling unit, and sufficient bicycle parking for residents and their guests.*

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

*The Project is consistent with the Central Waterfront Area Plan, which provides for a balance between industrial and residential development. The Project would enhance opportunities for resident employment and ownership in industrial and service sectors by providing for new housing and retail spaces, which will increase the diversity of the City's housing supply (a top priority in the City) and provide new potential neighborhood-serving uses.*

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

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

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site. The Project would not impact the adjacent Dogpatch Landmark District.*

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

*The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property*

*under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. In fact, the Project will provide additional public open space via the mid-block alley.*

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

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

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2012.0493X** under Planning Code Section 329 to allow the new construction of a six-story residential building with 259 dwelling units and ground floor corner retail, and a modification to the requirements for: 1) rear yard (Planning Code Section 134); 2) dwelling unit exposure (Planning Code Section 140); 3) off-street loading (Planning Code Section 152.1); 4) horizontal mass reduction (Planning Code Section 270.1(d)); and, 5) accessory use provisions for dwelling units (Planning Code Sections 329(d)(10) and 803.3(b)(1)(c)), within the UMU (Urban Mixed-Use) Zoning District, and a 68-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 14, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 1, 2014.

Jonas P. Ionin  
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: May 1, 2014



## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Large Project Authorization to allow for the new construction of a six-story residential building with 259 dwelling units and ground floor commercial space, and a modification to the requirements for rear yard, dwelling unit exposure, off-street loading, horizontal mass reduction and accessory use provisions for dwelling units, located at 1201-1225 Tennessee Street, Lot 022 in Assessor's Block 4172 pursuant to Planning Code Section 329 within the UMU (Urban Mixed-Use) Zoning District, and a 68-X Height and Bulk District; in general conformance with plans, dated February 14, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0493X and subject to conditions of approval reviewed and approved by the Commission on May 1, 2014 under Motion No. **19138**. 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 May 1, 2014 under Motion No. **19138**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19138** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Large Project Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

**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.sfpplanning.org](http://www.sfpplanning.org)*

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

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

**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.sfpplanning.org](http://www.sfpplanning.org)*

**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.sfpplanning.org](http://www.sfpplanning.org)*

**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.sfpplanning.org](http://www.sfpplanning.org)*

**Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2012.0493E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

## **DESIGN – COMPLIANCE AT PLAN STAGE**

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Publicly-Accessible Open Space.** Pursuant to Planning Code Section 135(h), the Project shall provide publically-accessible mid-block alley, as required by Planning Code Section 270.2. This open space shall follow the standards, maintenance and signage requirements specified in Planning Code Section 135(h).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **PARKING AND TRAFFIC**

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

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

**Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 147 off-street parking spaces for the 259 dwelling units (or .56 off-street parking spaces for each dwelling unit) contained therein.

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

**Car Share.** Pursuant to Planning Code Section 166, no fewer than two (2) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

**Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than **259** Class 1 bicycle parking spaces and **14** Class 2 bicycle parking spaces.

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

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

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

## **PROVISIONS**

**First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **MONITORING**

**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)*

**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

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

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

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

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

**Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and 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).*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

**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)*

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

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

## **INCLUSIONARY HOUSING**

**Eastern Neighborhoods Affordable Housing Requirements for UMU.** Pursuant to Planning Code Section 419.3, Project Sponsor shall meet the requirements set forth in Planning Code Section 419.3 in addition to the requirements set forth in the Affordable Housing Program, per Planning Code Section 415. Prior to issuance of first construction document, the Project Sponsor shall select one of the options described in Section 419.3 or the alternatives described in Planning Code Section 419.5 to fulfill the affordable housing requirements and notify the Department of their choice. Any fee required by Section 419.1 et seq. shall be paid to the Development Fee Collection Unit at DBI prior to issuance of the first construction document an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

### **Affordable Units**

1. **Number of Required Units.** The Project Sponsor has entered into an agreement with the City to provide rental housing for 30 years under Section 419.5(b) of the Planning Code. The Project Sponsor and the City have entered into such an agreement; therefore the applicable requirements are a 13% inclusionary housing requirement and there is a \$1 reduction of the Eastern Neighborhood Public Benefit Fee. If the Agreement is terminated or the units otherwise sold prior to the expiration of the 30 year period, the inclusionary requirement will return to 16% and the project sponsor and its successor must pay the \$1 per square foot Eastern Neighborhoods Public Benefit Fee. Both requirements would be subject to interest and/or penalties as allowed by law. The Project contains 259 units; therefore the Project Sponsor will fulfill this requirement by providing the 34 affordable units on site. If the number of market rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development.
2. **Unit Mix.** The Project contains 99 studios, 49 one-bedroom, 105 two-bedroom units and 6 three-bedroom units; therefore, the required BMR unit mix is 13 studio units, 6 one-bedroom units, 14 two-bedroom and 1 three-bedroom units. If the market-rate unit-mix changes, the BMR unit mix will be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development.
3. **Unit Location.** The BMR units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of first construction permit.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than thirteen percent (13%) of the each phase's total number of dwelling units as on-site BMR units.

5. **Duration.** Under Planning Code Section 415.8, all affordable units, must remain affordable to qualifying households for the life of the project.
  
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available.
  - a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
  - b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
  - c. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size



- derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco.” The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- d. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
  - e. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  - f. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
  - g. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415 to the Planning Department stating that any affordable units designated as on-site units shall be rental units for a minimum of 30 years pursuant to requirements in Planning Code Section 419.5(b).
  - h. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor’s failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
  - i. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee and penalties, if applicable.

**Motion No. 19138  
May 1, 2014**

**CASE NO. 2012.0493X  
1201-1225 Tennessee Street**

# **EXHIBIT B**

# EXHIBIT C

## MITIGATION MONITORING AND REPORTING PROGRAM (INCLUDES IMPROVEMENT MEASURES)

<b>ATTACHMENT D: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>					
<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Mitigation Action</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Schedule</i>
<b>MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>Cultural Resources</b>					
<p><b>Project Mitigation Measure M-CR-1 (Mitigation Measure J-2 of the Eastern Neighborhoods FEIR).</b> Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. Prior to the issuance of construction permits, the project sponsor shall retain the services of an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects on a significant archeological resource as defined in CEQA Guidelines Section 150664.5(a)(c) to less than significant.</p> <p><i>Consultation with Descendant Communities.</i> On discovery of an archeological site associated with descendant Native Americans or the Overseas Chinese, an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representatives of</p>	<p>Project sponsor;                      Planning Department archeologist or qualified archeological consultant;                      Environmental Review Officer (ERO)</p>	<p>Prior to issuance of any permit for soil-disturbing activities</p>	<p>Project sponsor;                      archeologist;                      ERO</p>	<p>Considered complete upon Department archeologist's and/or ERO's approval of FARR or other documentation</p>	<p>Project sponsor;                      Planning Department archeologist or qualified archeological consultant; ERO</p>

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<p>the descendant group.</p> <p><i>Archaeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>(a) The proposed project shall be re-designed so as to avoid any adverse effect to the significant archeological resource; or</p> <p>(b) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archaeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <p>(a) The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing.</p> <p>(b) The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-</p>					

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<p>disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context.</p> <p>(c) The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.</p> <p>(d) The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.</p> <p>(e) The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</p> <p>(f) 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><i>Archaeological Data Recovery Program.</i> 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</p>					

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<p>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>(a) Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</li> <li>(b) Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</li> <li>(c) Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</li> <li>(d) Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>(e) Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>(f) Final Report. Description of proposed report format and distribution of results.</li> <li>(g) 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><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall</p>					

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<p>make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archaeological 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. <i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation,</p>					

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and final disposition of the human remains and associated or unassociated funerary objects.					
<b>Noise</b>					
<b>Project Mitigation Measure M-NO-1 — Construction Noise (Mitigation Measure F-1 from the Eastern Neighborhoods FEIR).</b> For subsequent development projects within proximity to noise-sensitive uses that would include pile-driving, individual project sponsors shall ensure that piles be pre-drilled wherever feasible to reduce construction-related noise and vibration. No impact pile drivers shall be used unless absolutely necessary. Contractors would be required to use pile-driving equipment with state-of-the-art noise shielding and muffling devices. To reduce noise and vibration impacts, sonic or vibratory sheetpile drivers, rather than impact drivers, shall be used wherever sheetpiles are needed. Individual project sponsors shall also require that contractors schedule pile-driving activity for times of the day that would minimize disturbance to neighbors.	Project sponsor and contractor	During subsurface construction	Project contractor to predrill holes for pile driving, use noise shielding and muffling devices during pile driving, and schedule pile driving activity consistent with the Noise Ordinance	Department of Public Works to monitor project contractor compliance	Considered complete after construction activities have ended



<b>ATTACHMENT D: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>					
<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Mitigation Action</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Schedule</i>
<p><b>Project Mitigation Measure M-NO-2 — Construction Noise (Mitigation Measure F-2 from the Eastern Neighborhoods FEIR).</b> Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> <li>■ Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses</li> <li>■ Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site</li> <li>■ Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses</li> <li>■ Monitor the effectiveness of noise attenuation measures by taking noise measurements</li> <li>■ Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed</li> </ul>	Project sponsor; project contractor(s)	Prior to issuance of a building permit	Design measures incorporated into project design	Planning Department; Department of Building Inspection	Considered complete upon approval of final construction drawing set
<p><b>Project Mitigation Measure M-NO-3 — Siting of Noise-Sensitive Uses (Mitigation Measure F-4 from the Eastern Neighborhoods FEIR).</b> To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, prior to issuance of grading permits, the project sponsor shall demonstrate to the lead agency that the proposed project complies with Title 24 standards.</p>	Project sponsor; project contractor(s)	Prior to issuance of a building permit	Design measures to be incorporated into project design	Planning Department; Department of Building Inspection	Considered complete upon approval of final construction drawing set

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<p><b>Project Mitigation Measure M-NO-4 — Open Space in Noisy Environments (Mitigation Measure F-6 from the Eastern Neighborhoods FEIR).</b> Prior to issuance of building permits, the project sponsor shall demonstrate to the lead agency that that open space required under the Planning Code for such uses will be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.</p>	<p>Project sponsor; project contractor(s)</p>	<p>Prior to issuance of a building permit</p>	<p>Design measures to be incorporated into project design</p>	<p>Planning Department; Department of Building Inspection</p>	<p>Considered complete upon approval of final construction drawing set</p>

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<i>Adopted Mitigation Measures</i>	<i>Responsibility for Implementation</i>	<i>Mitigation Schedule</i>	<i>Mitigation Action</i>	<i>Monitoring/Reporting Responsibility</i>	<i>Monitoring Schedule</i>
<i>.Air Quality</i>					
<p><b>Project Mitigation Measure M-AQ-1 – Construction Emissions Minimization (Mitigation Measure G-1 of the Eastern Neighborhoods FEIR).</b> The project sponsor shall maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period. The project sponsor shall also implement a basic dust control program that shall include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> <li>■ Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour.</li> <li>■ Reclaimed water should be used whenever possible.</li> <li>■ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>■ Pave, apply water (reclaimed if possible) three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</li> <li>■ Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.</li> <li>■ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.</li> <li>■ Install windbreaks, or plant tree/vegetative wind breaks at windward side(s) of construction areas.</li> <li>■ Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> </ul>	Project sponsor; project contractor(s)	Prior to issuance of a permit specified in <i>San Francisco Municipal Code</i> Section 106A.3.2.6	Submittal of construction documents	Project sponsor/contractor(s) and the ERO	Considered complete upon findings by ERO that plan is complete

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<b>Hazards/Hazardous Materials</b>					
Project Mitigation Measure M-HZ-1 — Hazardous Building Materials (Mitigation Measure K-1 of the Eastern Neighborhoods FEIR). The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.	Project Sponsor	Prior to issuance of building permits	Approval of demolition schedule and any required remediation	ERO	Considered complete upon approval of demolition plans

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<b>IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR</b>					
<b>Transportation/Traffic</b>					
<b>Improvement Measure I-TR-1: Queue Abatement.</b> As an improvement measure to minimize the vehicle queues at the proposed project driveway into the public right-of-way, the proposed project would be subject to the Planning Department's vehicle queue abatement Conditions of Approval.	Project Sponsor	Prior to issuance of construction permits	Submittal of queue abatement plan	SFMTA; ERO	Considered completed upon approval of queue abatement provisions
<b>Improvement Measure I-TR-2: Street Sweeping Requirements.</b> The proposed streetscape plan includes tree wells that extend into the parking lane. As an improvement measure to ensure the parking spaces between tree wells are regularly cleaned, an agreement shall be made with the building management to take on responsibility for the regular cleaning of any pockets created by the tree wells which cannot be cleaned by DPW street cleaning equipment.	Project Sponsor	Prior to issuance of construction permits	Submittal of agreement to clean parking spaces between tree wells	ERO	Considered completed upon approval of agreement
<b>Improvement Measure I-TR-3: Bicycle Parking Requirements.</b> The project sponsor shall coordinate with SFMTA on the following changes to the proposed project: incorporate Class 2 bicycle parking spaces into the proposed streetscape plan in a publicly-accessible and highly visible location; develop signage that directs users to the Class 2 bicycle parking spaces in the parking garage and the bicycle maintenance station in the northwest corner of the site. Signage shall be included in all bicycle parking areas with information about the bicycle maintenance station.	Project Sponsor	Plan check	Submittal of project plans	SFMTA	Considered complete upon approval of project plans
<b>Improvement Measure I-TR-4: On-Site Loading Spaces.</b> The project sponsor is currently applying for a Planning Code exemption through the SFMTA to allow loading to occur at the designated off-site. If the exception is not approved, the Project Sponsor shall revise the site plan to include one on-site loading space.	Project Sponsor	Plan check	Application for Planning Code exemption; revision of site plan if required	SFMTA	Considered complete upon final approval of project site plans

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<p><b>Improvement Measure I-TR-5: Construction Management.</b></p> <p>Traffic Control Plan for Construction – As an improvement measure to reduce potential conflicts between construction activities and pedestrians, transit and autos at the project site, the contractor shall add certain measures to the required traffic control plan for Project construction. In addition to the requirements for a construction traffic control/management plan, the project shall include the following measures.</p> <p>Non-peak Construction Traffic Hours – In addition, to minimize the construction-related disruption of the general traffic flow on adjacent streets during the AM and PM peak periods, truck movements and deliveries should be limited during peak hours (generally 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., or other times, as determined by SFMTA and its Transportation Advisory Staff Committee [TASC]).</p> <p>Carpool and Transit Access for Construction Workers – To minimize parking demand and vehicle trips associated with construction workers, the construction contractor shall include methods to encourage carpooling and transit access to the project site by construction workers in the Construction Management Plan.</p> <p>Project Construction Updates for Adjacent Businesses and Residents – To minimize construction impacts on access for nearby institutions and businesses, the project Sponsor shall provide nearby residences and adjacent businesses with regularly-updated information regarding Project construction, including a Project construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures, and lane closures.</p>	Project Sponsor	Plan check	Submittal of construction management plan	SFMTA; ERO	Considered complete upon approval of construction management plan